



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **30TH DAY OF JULY, 2003** AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:39 a.m.  
Commissioner Francesconi arrived at 9:48 a.m.

At 10:16 a.m., Council recessed.  
At 10:30 a.m., Council reconvened.

Commissioner Leonard arrived at 10:34 a.m.  
Commissioner Francesconi arrived at 10:35 a.m.

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

On a Y-5 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>852</b>	Request of Jacob Smith Jr. to address Council regarding recent arrest (Communication)	<b>PLACED ON FILE</b>
<b>853</b>	Request of Le Roy Arnett to address Council regarding Portland Memorial Coliseum (Communication)	<b>PLACED ON FILE</b>
<b>854</b>	Request of Terry Emmert to address Council regarding Portland Memorial Coliseum (Communication)	<b>PLACED ON FILE</b>
<b>855</b>	Request of deLance Duncan to address Council regarding Portland Memorial Coliseum (Communication)	<b>PLACED ON FILE</b>
<b>856</b>	Request of Carol Bolton to address Council regarding Portland Memorial Coliseum (Communication)	<b>PLACED ON FILE</b>

<b>TIME CERTAINS</b>		
<p><b>S-857</b>    <b>TIME CERTAIN: 9:30 AM</b> – Adopt policies and code language that limits the use of leaf blowers (Previous Agenda 64; Ordinance introduced by Mayor Katz; amend Code Title 18)</p> <p><b>Motion to accept the substitute:</b> Moved by Commissioner Leonard and seconded by Commissioner Francesconi.</p> <p><b>Motion to accept amendment to add March 1 instead of January 1:</b>  Moved by Commissioner Leonard and gaveled down by Mayor Katz after no objections.</p>		<p><b>SUBSTITUTE  PASSED TO  SECOND READING  AS AMENDED  AUGUST 6, 2003  AT 9:30 AM</b></p>
<p><b>858</b>    <b>TIME CERTAIN: 10:30 AM</b> – West Side Willamette River Combined Sewer Overflow Project Status Report (Presentation introduced by Commissioner Saltzman)</p> <p><b>Motion to accept the report:</b> Moved by Commissioner Saltzman and seconded by Commissioner Francesconi.</p> <p>(Y-5)</p>		<p><b>PLACED ON FILE</b></p>
<p><b>859</b>    <b>TIME CERTAIN: 11:00AM</b> – Create a local improvement district to construct street improvements in the Lents III / SE 104<sup>th</sup> &amp; Ramona Local Improvement District (Hearing introduced by Commissioner Francesconi; Ordinance; C-9999)</p> <p><b>Motion to amend the ordinance to incorporates the remonstrance:</b> Moved by Commissioner Francesconi and seconded by Commissioner Leonard and gaveled down by Mayor Katz after no objections.</p>		<p><b>PASSED TO  SECOND READING  AS AMENDED  AUGUST 6, 2003  AT 9:30 AM</b></p>
<p><b>860</b>    <b>TIME CERTAIN: 11:30 AM</b> – Establish the Portland Traffic Safety Coordination Council, direct City staff to prepare a community and school traffic safety strategy, and direct City staff to develop a sustainable, results-driven financial plan to improve traffic safety (Resolution introduced by Commissioner Francesconi)</p> <p>(Y-5)</p>		<p><b>36159</b></p>
<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>Mayor Vera Katz</b>		
<p><b>861</b>    Re-appoint Richard Jensen to the Adjustment Committee for an interim term to expire January 30, 2004 (Report)</p> <p>(Y-5)</p>		<p><b>CONFIRMED</b></p>
<p><b>*862</b>    Appoint temporary co-City Attorney (Ordinance)</p> <p>(Y-5)</p>		<p><b>177721</b></p>

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<p><b>*863</b> Execute master Intergovernmental Agreement for \$1,027,950 between Bureau of Planning and Portland Development Commission (Ordinance) (Y-5)</p>	<p align="center"><b>177722</b></p>
<p><b>*864</b> Authorize an Intergovernmental Agreement with the Housing Authority of Portland for the City's Workforce Training &amp; Hiring Program and Equal Employment Opportunity Program (Ordinance) (Y-5)</p>	<p align="center"><b>177723</b></p>
<p align="center"><b>Commissioner Jim Francesconi</b></p>	
<p><b>*865</b> Amend contract with Schlumberger Transaction Systems STI E-City Solutions for smart card program business case analysis services, increase the amount by \$110,000 (Ordinance; amend Contract No. 34037) (Y-5)</p>	<p align="center"><b>177724</b></p>
<p><b>*866</b> Authorize an Interagency Agreement for Portland Office of Transportation with the Portland Development Commission for professional and technical services for Transportation improvements for FY 2003-2004 (Ordinance) (Y-5)</p>	<p align="center"><b>177725</b></p>
<p align="center"><b>Commissioner Dan Saltzman</b></p>	
<p><b>*867</b> Increase wire transfer amount for conveyance of two properties in the Johnson Creek floodplain to the Bureau of Environmental Services (Ordinance; amend Ordinance No. 177550) (Y-5)</p>	<p align="center"><b>177726</b></p>
<p><b>868</b> Authorize a contract and provide for payment for the construction of water mains in the Tomahawk Island Drive Mains Package (Second Reading Agenda 841) (Y-5)</p>	<p align="center"><b>177727</b></p>
<p><b>869</b> Amend contract with Landslide Technology, Inc. to authorize Phase II and increase amount by \$177,158 for the Bull Run Conduit Corridor Landslide Assessment and Monitoring Project (Second Reading Agenda 842; amend Contract No. 34369) (Y-5)</p>	<p align="center"><b>177728</b></p>
<p align="center"><b>Commissioner Erik Sten</b></p>	
<p><b>*870</b> Authorize sale of outdated extrication tool attachments to East Umatilla County Rural Fire District in Weston, Oregon (Ordinance) (Y-5)</p>	<p align="center"><b>177729</b></p>
<p><b>*871</b> Grant an easement to TriMet for a bus shelter at SE 122nd and Madison (Ordinance) (Y-5)</p>	<p align="center"><b>177730</b></p>

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<p><b>*872</b> Authorize Intergovernmental Agreement between Portland Development Commission and Portland Fire &amp; Rescue (Ordinance) (Y-5)</p>	<p align="center"><b>177731</b></p>
<p><b>*873</b> Authorize agreement with The Support Group Neighbors for \$50,000 to provide logistical support to four N/NE commercial areas (Ordinance) (Y-5)</p>	<p align="center"><b>177732</b></p>
<p><b>*874</b> Authorize agreement with Transition Projects Inc. for \$1,824,329 for shelter and services for homeless men and women and provide for payment (Ordinance) (Y-5)</p>	<p align="center"><b>177733</b></p>
<p><b>*875</b> Authorize agreement with Outside In for \$23,835 for the Needle Exchange program and provide for payment (Ordinance) (Y-5)</p>	<p align="center"><b>177734</b></p>
<p><b>*876</b> Authorize agreement with Outside In for \$115,423 for the Employment Resource Center and provide for payment (Ordinance) (Y-5)</p>	<p align="center"><b>177735</b></p>
<p><b>*877</b> Authorize agreement with Northwest Pilot Project for \$427,458 for housing assistance for seniors and provide for payment (Ordinance) (Y-5)</p>	<p align="center"><b>177736</b></p>
<p><b>*878</b> Authorize agreement with Community Development Network for \$21,933 to support citizen participation activities and other community development activities and provide for payment (Ordinance) (Y-5)</p>	<p align="center"><b>177737</b></p>
<p><b>*879</b> Authorize agreement with worksystems inc. for \$187,818 for the Comprehensive Youth Employment Program and provide for payment (Ordinance) (Y-5)</p>	<p align="center"><b>177738</b></p>
<p align="center"><b>REGULAR AGENDA</b></p> <p align="center"><b>Mayor Vera Katz</b></p> <p><b>*880</b> Readopt and implement the Marquam Hill Plan Volume 1: City Council Revised Marquam Hill Plan (Ordinance)</p> <p><b>Motion to suspend the rules not to have public testimony on the plan and reject the letter submitted by Lawrence Beck:</b> Moved by Commissioner Saltzman and seconded by Commissioner Francesconi. (Y-5)</p>	
<p align="center"><b>Commissioner Jim Francesconi</b></p>	

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<p><b>*881</b> Authorize a partnership agreement with Interstate Firehouse Cultural Center to provide a multi-cultural program and community-based center for the performing and visual arts at the Interstate Firehouse Cultural Center on N. Interstate Avenue (Ordinance)</p> <p>(Y-5)</p>	<p><b>177740</b></p>
<p style="text-align: center;"><b>Commissioner Randy Leonard</b></p> <p><b>882</b> Add requirements for standardized driver safety training, signage, and the installation of closed circuit television cameras in taxicabs, authorizing additional responsibilities of the Private For Hire Transportation Board of Review and authorizing an increase in permit fees (Ordinance; amend Code Chapter 16.40)</p> <p><b>Motion to accept the four technical amendments:</b> Moved by Commissioner Leonard and seconded by Commissioner Francesconi and gavelled down by Mayor Katz after no objections.</p> <p><b>Motion to remove the emergency clause:</b> Moved by Commissioner Leonard and seconded by Commissioner Sten.</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING AS AMENDED AUGUST 6, 2003 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Commissioner Dan Saltzman</b></p> <p><b>*883</b> Accept a performance-based grant from ECOS Consulting to market the Energy Trust of Oregon's Multifamily Residential Energy Efficiency Program and assist property owners with energy conservation projects (Ordinance)</p> <p>(Y-5)</p>	<p><b>177742</b></p>
<p style="text-align: center;"><b>Commissioner Erik Sten</b></p> <p><b>*884</b> Authorize agreement with Housing Authority of Portland to provide funding for the rehabilitation of Project Open Door in the amount of \$102,000 and provide for payment (Ordinance)</p> <p>(Y-5)</p>	<p><b>177741</b></p>

At 1:09 p.m., Council recessed.

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**WEDNESDAY, 2:00 PM, JULY 30, 2003**

**DUE TO LACK OF AN AGENDA  
THERE WILL BE NO MEETING**

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July 31, 2003

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 31ST DAY OF JULY, 2003 AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:08 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linda Meng, Chief Deputy City Attorney; and Officer Curtis Chinn, Sergeant at Arms.

		<b>Disposition:</b>
<b>885</b>	<b>TIME CERTAIN: 2:00 PM</b> - Adopt North Macadam Urban Renewal Area Housing Development Strategy (Resolution introduced by Commissioner Sten)  <b>Motion to adopt a policy that if and when more money is brought in through tax increment than what's projected, the housing not in the first phase will be prioritized to go in and not all dollars have to be dedicated to housing:</b> Moved by Commissioner Saltzman and seconded by Commissioner Francesconi. (Y-5)	<b>36160</b> AS AMENDED
<b>S-886</b>	Accept South Waterfront Central District Project Development Agreement and direct implementation (Previous Agenda 802; Resolution introduced by Mayor Katz)  <b>Motion to accept the substitute:</b> Moved and gaveled down by Mayor Katz after no objections.	<b>SUBSTITUTE CONTINUED TO AUGUST 14, 2003 AT 3:00 PM TIME CERTAIN</b>
<b>* 887</b>	Authorize execution of Intergovernmental Agreement between the Portland Development Commission and the City Bureau of Environmental Services to implement the South Waterfront Central District Project Development Agreement (Ordinance introduced by Mayor Katz)  <b>Motion to add an emergency clause:</b> Moved and gaveled down by Mayor Katz after no objections. (Y-5)	<b>177743</b> AS AMENDED
<b>*888</b>	Authorize execution of Intergovernmental Agreement between the Portland Development Commission and the City Office of Management and Finance to implement the South Waterfront Central District Project Development Agreement (Ordinance introduced by Mayor Katz)  <b>Motion to add an emergency clause:</b> Moved and gaveled down by Mayor Katz after no objections. (Y-5)	<b>177744</b> AS AMENDED

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<p><b>*889</b> Authorize execution of Intergovernmental Agreement between the Portland Development Commission and the City Office of Transportation to implement the South Waterfront Central District Project Development Agreement (Ordinance introduced by Mayor Katz)</p> <p><b>Motion to add an emergency clause:</b> Moved and gaveled down by Mayor Katz after no objections.</p> <p>(Y-5)</p>	<p><b>177745</b> AS AMENDED</p>
<p><b>*890</b> Authorize execution of Intergovernmental Agreement between the Portland Development Commission and the City Bureau of Parks and Recreation to implement the South Waterfront Central District Project Development Agreement (Ordinance introduced by Mayor Katz)</p> <p><b>Motion to add an emergency clause:</b> Moved and gaveled down by Mayor Katz after no objections.</p> <p><b>Motion to accept amendment to change section 1-a to authorize an agreement “substantially” in the form attached to “generally”:</b> Gaveled down by Mayor Katz after no objections.</p> <p>(Y-5)</p>	<p><b>177746</b> AS AMENDED</p>

At 3:14 p.m., Council adjourned.

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.



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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.**

**JULY 30, 2003            9:30 AM**

[ Roll call ]

**Katz:** Mayor is here. Let's take item 852.

**Katz:** Have a seat. Identify yourself, and you have three minutes.

**Item 852**

**Jacob Smith Jr:** My name is jacob smith. I got here from chicago about a little less than a year ago, and I don't know y'all rules or laws, but I was up by -- I got off the bus and I had two beers in a bag, tied up in a safeway bag, I stopped to get me a hot dog at the hot dog stand. Security guard approached me and he was -- asked me to show my i.d., so I showed him my i.d., and I went downstairs in his office, or whatever, and he told me I wasn't supposed to have no beer, whether it was open or closed in pioneer square. So I said, ok. I removed the beer from the square. So he give me a talk, I was barred for 30 days. I said, look, I didn't understand, I couldn't have that in there. I said we have in chicago, a daily plaza, I can walk through there with a whole case as long as it ain't open. I went back in the square, and he called the police. Police came, they gave me a ticket and I threw the ticket in the trash can and they locked me up. I don't understand why. I'm saying, I could have been like a tourist or whatever too, I didn't know I wasn't supposed to have beer, whether it was open or closed. I knew it was dead wrong to have an open container of beer anywhere, but I didn't know I couldn't have two beers in a bag that was tied up inside of pioneer square. I had just got in there, I was getting a hot dog. It could have been just like me going up to safeway, because I normally do, because I work there, and getting beer and come back down that way and cross on the street and get on a number 4 bus to go home, where I live on killingsworth. I didn't understand. I basically understood that was total harassment. Then the security guard, we had a couple words one time before, I guess because he don't understand that I guess he don't like me talking to people up there in the pioneer square. It's not that I be harassing them or nothing, I just trying to seek information about Portland, about a job, about this, about that, or whatever. It's a few people up there right now that was trying to help me out. One lady says she know some people that maybe can help me get a job painting, and another lady wanted me to do some brush work and things around the house, but I can't go up there right now because i'm barred. I even went back up there sunday, I was standing on the sidewalk, waiting to catch the max down, and they came out and he told me he was going to call the police, and I waited for the police, so I got another ticket for trespassing. I don't think that was nothing but pure harassment. I said, look, man, I spent my six years in the military. I did three years in the u.s. Army and three years in the reserve. I'm saying, I don't bother nobody, i'm a loaner, I travel by myself and I had no intention on drinking the beer in the square. I was going to drink it, but not in there. So I couldn't figure that one out.

**Katz:** Thank you. 853.

**Item 853**

**Katz:** It's that mike.

**Le Roy Arnett:** How's that?

**Katz:** That's fine.

**Le Roy Arnett:** The manila folder --

**Katz:** Identify yourself for the record.

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**Le Roy Arnett:** I'm staff sergeant leroy arnett, retired. And a disabled veteran of desert storm, taxpayer, and voter. I am a lifetime voter of the american legion, veterans of foreign wars and disabled american veterans. I would like to thank you for the opportunity to speak today. The folder which you have in front of you is a part of this record. A report. It contains important history regarding the coliseum and ideas for the future. The veterans memorial coliseum has been successful over 35 years as a sports arena, and recent years there has been a campaign to destroy the seating bowl. The building of the rose garden, Oregon arena corporation managing the veterans memorial coliseum, maintenance has been neglected, and with a history of broken promises, with a reuse and -- with a reuse study, the american -- the veterans memorial coliseum is being managed by those who seemingly do not have the best interest of veterans as it was intended by the voters, taxpayers, veterans, and the gold star mothers. This may be hard to sell, but it does not take a rocket scientist to understand that we have a serious conflict of interest with the Oregon arena corporation and the trail blazers. It is like having the fox guarding the hen house. I have said it before and I feel it necessary to say again, our veterans memorial coliseum is in desperate need of new management that shares veterans' interests. It seems that I am the only one beating this drum. Although many others agree wholeheartedly. Portland and the state of Oregon governments have a very bad reputation with the veterans and the public for being friendly -- unfriendly to veterans with unkept promises. If the rose bowl is destroyed, it will be just more evidence of their disinterest for veterans' interests. Oregon has some 380,000 veterans and more are coming home every day, and some in flag-covered coffins. Remember, they have spouses, sons, daughters, friends, and neighbors. Our veterans memorial coliseum must be -- have new management. Where is the Oregon high school wrestling championships, u.s. Ice skating championships, rose parade, the Oregon national guards having memorial and all the other programs that would use the memorial coliseum go? Well, wouldn't they go to the rose garden or just go. We need new management without conflict of interest. Thank you.

**Item 854**

**Katz:** Thank you. 854. 855.

**Item 855**

**deLance Duncan:** Good morning. My name is delance duncan, and I am a retired wrestling coach, teacher, school counselor, etc., of many years. I've been associated with the state high school wrestling tournament at the coliseum for the last six years, where it's been conducted. We have about 900 contestants, young men and some women. They're in about an 800-match setting. And they -- kids come from all over, whether it be ukiah, grants pass, you name it, we have them here. It's one of the few times that young people come to the city of Portland for something that they're involved in. It's the only time that some of them will ever be here, probably. It's a great setting, the coliseum has been a nice place to have -- hold it, and it's a great tournament. I hate to see it go. It's been here in the Portland area since 1976. And it came to david douglas high school, where I hosted it for nine years. It's brought in a lot of money in this area. Not big in comparison with some, but the point I want to make there is, even the massive great grand coulee dam is made up of a lot of small grains of sand that weren't for all of -- if it weren't for all of them, it wouldn't be. The other thing i'd like to point out is, it was made as a memorial to the veterans. I was too young for world war ii. My military came later. I lost friends, indian and white, in that war. Chief joseph is buried there. He and his warriors, yellow wolf, nez perce, but they honor that. I still go there. It's my home. Now, he was exiled from the wallowas. He was driven away from his home. The white man didn't want him back. He was not allowed to go home. He's buried -- now there are people ha would -- who would like to have him back. Some maybe out of compassion for joseph. But the primary reason having his grave site there with his father and his mother would be a great tourist attraction, great tourist attraction. Bring a lot of money in. Well, his band is there. He'll never be

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moved. They have a real reverence for their traditions, which they maintain even today. I intend those in -- now, this coliseum being a memorial, I hope it's treated the same way that the nez perce treat the joseph grave, this they tell honor their dead. Thank you.

**Katz:** Thank you. 856.

**Item 856**

**Carol Bolton:** I'm carol bolton, president of skating club of Oregon. I'd first like to thank you all for taking part in our presentation as respects to the memorial coliseum renovation. I'm here today because I feel that the future of the memorial coliseum is at stake, and I really need your help. I've been a lifelong resident of the city of Portland and the metropolitan area, having been born here, and the city of Portland in my opinion has always been the most beautiful city in the world. I've traveled immensely, and have a great passion for this city. That's why I remain here. I feel that, however, we are lacking in our ability to obtain and retain competitive figure skaters to this city. Unfortunately, as you well know, we have lost the only large arena that would attract the novice, junior, and senior skaters to our city by losing clackamas town center as a competitive site. I'm not referring to the national level competitive skaters, but i'm talking about the amateur skaters who are coming up through the ranks and that attend the local competitions that all cities and skating clubs host throughout the year. For the skating club of Oregon, our home ice at this time is lloyd center ice arena. Using that arena, we cannot attract novice, junior, and senior competitive skaters. The ice is too small. They are not willing to come here for these events. If we had the availability of the memorial coliseum for a training facility, and also for competitive events, we would be able to track more skaters, their coaches, and skaters that would possibly move here if we could turn this facility into a training facility that would offer a workout facility, and a ballet facility. We would actually attract not only freestyle competitive skaters, but ice dancers, and curling teams, hockey teams, and pair skaters to our city. We would attract their coaches if we had this type of facility available to us. In my opinion, we could make the memorial coliseum a most wonderful arena that's utilized on a daily basis. We could utilize the facility for practice ice, and for testing and shows, and events that the figure skating clubs participate in throughout the year. Figure skating is not a winter time sport. Figure skating actually is a sport that is conducted all year-round. Having been part of fig skating for almost 10 years now in Portland and worked with many events, i'd like to thank you for your time and your consideration.

**Leonard:** Can I ask a question?

**Katz:** We don't usually, but go ahead.

**Leonard:** I'm just curious, the coliseum, isn't it enabled currently to have ice skating?

**Carol Bolton:** The coliseum -- I approached the coliseum in the last 90 days to rent the facility for figure skating purposes. And what I was told is that the coliseum is not available in the summer months at all. That their schedule opens up in september. Unfortunately, most of the local competitions are held in the summer months. They quoted me a price per hour that was competitive with what I would pay at any other facility, which is \$250 an hour. However, if I wanted to rent the coliseum for an entire day, the price goes up to \$7,500 a day. And unfortunately, I cannot collect enough entry fees to warrant and to pay for that. Figure skating clubs don't have that kind of money. They just don't.

**Leonard:** Thanks.

**Katz:** Let me clarify your response to commissioner leonard. They're closed during the summer months?

**Carol Bolton:** To figure skating events.

**Katz:** Because --

**Carol Bolton:** They have no ice available. I understand the ice is there.

**Katz:** That's fine. Thank you.

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**Carol Bolton:** Thank you for your time. And come to nationals 2005.

**Katz:** If you're late, behave yourself.

**Francesconi:** I've been appropriately chastised.

**Katz:** I may check that out. Ok. Time certain, 857.

**Moore:** Do you want to do the consent agenda?

**Katz:** I'm sorry, consent agenda. See what you do? Anybody want to remove a consent agenda item off for discussion? Anybody on the council want to remove a consent agenda item? Roll call.

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

**Katz:** Mayor votes aye. [gavel pounded] 857.

**Item 857.**

**Katz:** Ok. I'll let Paul -- if you recall, we had a hearing months ago, and we had recommendations by the city council on them, and we went back and Paul went back and made some changes, and why don't I turn it over to you.

**Paul VanOrden, Noise Control Officer:** Paul vanorden, noise control officer with office of neighborhood involvement. I see a number of familiar faces in the audience, I'm going to give a brief recap of what brought us here. In August of 2001 the council adopted recommendations from the city's noise review board and noise control task force that requested the noise review board to establish daytime decibel limits for leaf blowers and to require all equipment to be certified as meeting an established limit within three years. Council also directed the noise review board to research the possibility of a limit on the duration and frequency of use of leaf blowers to adopt a ban of leaf blower use in residential zones between the hours of 10:00 p.m. and 7:00 a.m., and the final main point was that the council directed the noise review board to reexamine the maximum decibel limits every three years to determine if existing equipment would permit the city to have a lower decibel limit for leaf blower operation. In January of this year, we had a council hearing on the issue, and after that hearing, there were three primary points that the council asked the noise control office to take a closer look at and see if there was any way to come up with a new option that varied from the original presentation from the noise review board, the original recommendation from the noise review board. The issues in particular were relating to the hours of operation, there was some concern from council that the recommendation that the board had proposed of 7:00 a.m. to 7:00 p.m. was a little bit too restrictive. So our recommendation on that particular item, we looked at the issue, there's really not a lot of options other than potentially moving the time back. So our recommendation from staff at this point is to move the time from 7:00 p.m. at the end of night, back to 9:00 p.m., which would offer the industry two more hours, but still not go all the way up to 10:00 p.m. And we've had a lot of requests from the public for an all-out ban, so this obviously is not anywhere close to that, but at least it creates an extra hour of time from our normal standards of 10:00 p.m. for noise cut-off for most sources in the city of Portland. The second issue related to --

**Katz:** Let me just interrupt you. So on your substitution, I need a motion for the substitution, you're recommending the change between 7:00 p.m. to 7:00 a.m. to 9:00 p.m.

**VanOrden:** Right. So from 7:00 a.m. to 9:00 p.m. Would be the substitution.

**Katz:** Ok. Go ahead.

**VanOrden:** The second and third issues related to trying to facilitate the use of the parks bureau and some of the industries and some of their specific needs which they vocalized, primarily the issue of heavy leaves or wet leaves during the rainy season, and the capability of 65 dba blowers that the city's noise review board had proposed as the required decibel limit starting in 2005, when we looked at the issue and looked closely at the complaints, it was interesting that one could see the number of complaints dropping off significantly as we reached November. So the proposal that I'm bringing forward as the staff member from the noise review board is that from November 1 to

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January 31, we establish a decibel limit which would still require a quieter leaf blower than we have today, but instead of the 65 dba leaf blower, during the heavy or wet leaf season, we would have a 70 dba. Currently leaf blowers are operating at 75 to 76, up to about 82 on average. Some place within that range. The 70 dba that we would operate in the heavy wet leaf season when windows tend to be closed would still cut the current sound levels down almost in half. So it is a significant improvement, and it also correlates well with the complaints and the concept that most people do close their windows during that season. And then the third issue relative to concerns from parks is the recognition on the part of the record of some appellants that we don't have a significant series of complaints coming in from open space zoning, which is primarily city parks, cemeteries, and golf courses, where complaints are filed within the core of the park. So in looking at that issue, the suggestion for a substitution of language or an addition of language to the recommendations is the concept of permitting open space zoning to have the ability to use a leaf blower at 75 decibels when operated at least 200 feet from the property line. That would also tie to the concept of an ANSI measurement at 50 feet. What that translates to, when one takes a measurement at the property line, which we'll hypothetically say could be the location of a residence, the attenuation of the sound, with the 75 decibels at 50 feet, at 200 feet gets us down to 63 decibels. So it still keeps us in line with the 65 we're recommending for the general standards. Those are the primary concerns that council asked us to address, and I think this was a good compromise in addressing it, and not giving too much on the side of the concerns from the residents.

**Katz:** Let me -- I need a motion for substitute.

**Leonard:** I move the substitute.

**Francesconi:** Second.

**Katz:** The substitute is before the council. [gavel pounded] questions?

**Francesconi:** I need to hear the testimony, but it sure sounds like you've applied some common sense to come up with some solutions, so I appreciate it.

**Saltzman:** On this last one, on the open space, what will they do with leaves that are closer than 200 feet to a border?

**VanOrden:** Then in working with the parks bureau, what we recognize is the necessity in that area to develop practices where they use the 65 dba blower, which would be permitted in the normal zones or in the heavy wet leaf season they could use the 70. So they would still be able to use the equipment they would use in other areas, it would just create the ability to use larger pieces of equipment in the core of the park. And not create a significant disturbance on the community.

**Saltzman:** Ok. Do we have somebody from parks here?

**Francesconi:** I don't think so, because parks is satisfied.

**Saltzman:** Ok. Thanks.

**Francesconi:** Parks appreciates the efforts that were made.

**Katz:** Paul, thank you for taking this issue further. Let's hear public testimony.

**Michael Wagoner:** My name is Michael Wagoner, I own Cantell Sweeping. We send out eight to 10 parking lot sweeping trucks a night throughout the city. I also am a long-term resident of Portland. I currently live in Gresham, but I work downtown Portland for 16 years. So I support trying to make Portland a very livable city. I'm also a businessman who plays by the rules. You guys set the rules, we'll live by them. We're not trying to violate the rules. The thing that I would support on this change is the support of 7:00 p.m. Being the restriction for -- in the residents. That's fine, if you live next door to someone you don't want somebody using their blower at 7:00 p.m. I would like to continue the commercial at 10:00 p.m. The reason being, right now I'm doing a number of shopping centers where we are already splitting out -- I send two trucks, one truck to do the front side of it because it's close to a residence, and I'll do that between 7:00 and 10:00 p.m. At night. Many of these shopping centers are still open until midnight, but we're still

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accommodating that. We will send them out, maybe I do the shopping center three times a week, twice a week i'll try and do it at night. One time a week i'll do it at 7:00 in the morning to try and accommodate that. If you limit it to 9:00 p.m., that cuts out a third of the time that we're able to do it. A number of these places, there's really nothing we can do at 7:00 or 8:00 at night. So we're barely able to do much of anything at 9:00 at night, between 9:00 and 10:00. By eliminating that 9:00 to 10:00, you've eliminate add big window for us to do anything. It's not a question of do we have quieter equipment, it's a question of, is there any time in the day that we can do it. A number of these shopping centers, there's just nothing you could do there. So I would advocate you continue to keep it at 10:00 p.m. In the commercial area. Part of my reasoning there is, you are making a compromise, you're telling the residents if you live in a residential area and the residents on both sides of you are zoned residential, it's reasonable you would expect nobody is going to operate a blower at 8:00, 9:00, 10:00 at night. If you live next door or across the street from a commercial shopping center, it's only reasonable you'd expect a little more noise at night. We do provide a very necessary service. We provide cleanliness, we're cleaning up shopping centers, we're also providing reduction of pollutants into the storm water system. It's a proven scientific fact if you don't sweep streets and centers, that it does allow more pollutants into the storm water system. I also strongly maintain and advocate you continue to maintain pressure on the manufacturers to make quieter and quieter blowers. Again, i'm a businessman, plays by the rules. If I can spend a hundred or \$200 more to get a quieter blower that does the same job, i'll do it, no problem.

**Katz:** Thank you.

**Mike Spencer:** My name is mike spencer, I own spencer sweeping service. Much what of I was going to say mike has already mentioned, but I do -- the 10:00 p.m. Time frame, during our -- the previous conversation here, my thought is that if the blowers are quiet at 9:00 p.m. By the new rules, they'll be quiet at 10:00 p.m. So if they're not breaking the rules that way, it would seem common sense that we would be able to operate these blowers at 10:00 p.m. And then another then I wanted to address was the -- this -- for purposes -- ok. It's in 18.10.035, leaf blowers. I talked to paul on this, and it's number 3 for purposes of the right of way, add joining residential zones and other -- and any other zone shall be considered as being within residential zones. Ok. Right of way, paul, you explained to me that was like a sidewalk area? That was maybe below an operate house? What about if we're sweeping a lot next to that apartment house and there's a sidewalk? Does that play into that? Are we allowed on that sidewalk?

**Katz:** Why don't you continue your testimony and then we'll have paul respond to your questions.

**Spencer:** Ok. The other thing I wanted to add was the -- this time frame of november 1 through january 31 of each year. Operating the leaf blowers. There's -- winter isn't even over january 31. There's still a lot of leaves, debris, cones, needles, etc. So i'm asking the council if they could extend that one month to march 1. Because there's still a lot of water and like I mentioned, all the other debris, branches, limbs, etc. Thank you.

**Katz:** Thank you. Anybody else?

**\*\*\*\*\*:** Any questions for us?

**Katz:** Thank you. Paul? All right. So we heard testimony, shopping centers, and I don't know how you distinguish shopping centers for commercial places and -- you want to address that, and then the issues you heard.

**VanOrden:** Well, probably the easier one to address is first the public right of way issue. That was in the original language, so it's not a change any way. The concept there was in the areas where sidewalk adjoins residences and even other zones, those are areas where we wanted to -- the noise review board and the noise office tie the concept of controlling leaf blowers to the 7:00 p.m.

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Cut-off time. That is an area that tends to be a very contentious area with the public, and it's not an area that a leaf blower operator can't get into any time of the day or not. The concept of offering that extra two hours was tied to parking lots where they can't get in because the cars are in the way, and other areas downtown that are a challenge. But the idea of protecting residences in the public right of way, the concept originally which we discussed back in January was that there was no mitigating factor that would limit an operator from getting into those areas. And the other question I'm not quite sure how to answer, the concern of the commercial areas. I'm not sure exactly if -- I think the question is addressed just by way of the extra two hours. I guess it's more of the concept of, does that -- is that extra hour necessary to get into some of those regions.

**Katz:** I think that was -- that's the issue.

**VanOrden:** That's a tough call. There's -- I think in looking at the issue, we've narrowed it down from a three-hour window from 7:00 p.m. to 10:00 p.m. That we were originally capturing with the 7:00 p.m. recommendation. And now we've offered two hours to the industry to the operators of leaf blowers to have two more hours to work. So I think that in the concept of trying to find some compromise for the community and the business industry that's reasonable, 9:00 p.m. I think the average resident is going to argue is not adequate, and we're hearing testimony that 9:00 p.m. is also not adequate for the industry. I know from most of the noise issues I deal with that usually when we get to that middle road where people are not incredibly angry about it, but they'd like to see change, we may have found the right point.

**Francesconi:** And I think you probably have too. I guess I have a question from a practical standpoint, whether you could not all the commercial district extend it to 10:00 as was requested, but if there's practically a way of, like you made distinctions for parks, if there's a way where shopping centers, I don't know what you would call them, but where there's areas more narrow than commercial -- all the commercial districts that have mixed use in them. But just shopping center areas, where there aren't residents nearby, whether you could allow it to 10:00, or would that be administratively too hard to do?

**VanOrden:** You know, I think we actually do that already in the sense that the 9:00 p.m. cut-off time would still allow someone to operate after 9:00 at the baseline standards for nighttime, which in a commercial zone are 65 at night at the property line. If you're in a large, like a Fred Meyer or a Lloyd district, you could potentially go out to that parking lot and operate without exceeding that standard. If it's a large enough area. Which would be your classic Lloyd district or a larger Fred Meyer, or potentially someplace that's more ice laid like Mall 205.

**Francesconi:** That's what I was looking for. If we can do it already, I'm 100%. If we can't, then you might see if we need any adjustments later. But that's perfect.

**VanOrden:** The challenges Mike mentioned when we gave -- when he gave his testimony, when they have a problem they try and set aside a more reasonable time to do the work so that may still occur. They may still need to find that one section that's right next to the residences that they can't do at night, and then still do work at night.

**Francesconi:** That's fine.

**Saltzman:** What about the testimony of requesting an extra month for the wet season? November to March 1 rather than February 1? Is that a process of a carefully crafted compromise too?

**VanOrden:** In working with the parks bureau, I think that was pretty close to what was going to get at the issue of the leaves. I know in talking to Bob Downing in parks that there is a little bit of a window from the end of January, January 31, into February where I think he said it was oak trees tend to still be dropping leaves. So I think we get into this point of -- in looking at the complaints I tried to correlate it with the complaints, we start getting into the spring season, a little bit of warm weather and the windows start opening again, I don't think it would change things radically if we adjusted it, it just seemed to be a good compromise point where the majority of leaves have fallen,

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and that may create a little bit of a window where they can't use the louder leaf blowers. But it's not the heavier season or the majority of the season.

**Katz:** Ok.

**Leonard:** But we could say march 1 and it would roughly get to the same place you were trying to get to.

**VanOrden:** I would say so.

**Katz:** Do you want to make that --

**Leonard:** I would. I'd like to adjust it.

**Katz:** What's the council's feeling on that?

**Francesconi:** I'm fine.

**Leonard:** I'd move to amend --

**Katz:** Add march 1 instead of january. Any objections? Hearing none, so ordered. [gavel pounded] I would be careful on the shopping centers, because as we build up neighborhoods, the shopping centers are right in the heart of the neighborhoods. Just in northwest Portland there are -- there are people living all around them. So that's why you need to be careful. If there is some flexibility for large isolated areas, then that's fair. Ok.

**VanOrden:** There is one item I forgot to mention in the beginning. The implementation date. We've pushed back from august 1, 2005, to august 5, 2006 in order to accommodate the operators having adequate time to phase out their old equipment.

**Katz:** Well, I think it's rather long time, myself. But you made that decision because of the equipment. All right. Anything else? If not, it passes to second. [gavel pounded]

**VanOrden:** Thank you.

**Katz:**

**Francesconi:** Nice work. Very nice work.

**Francesconi:** 858 is at 10:30. This is a report. Do you have folks here?

**Saltzman:** I don't see them here. I can try to get them over here.

**Item 880.**

**Katz:** Let's go -- let's jump to the regular agenda. Kathryn? Let's do 880. Bear with me. I'm going to be doing some legal background on this, and we'll be reading a statement that was prepared for me, and you have a letter that was delivered from lawrence beck, and i'm going to address that in a minute. On july 10, 2002, the Portland city council approved an ordinance that adopted the marquam hill plan through two documents, volume 1, the city council revised marquam hill plan, and volume 2, city council revised marquam hill design guidelines. The city council's action adopting the marquam hill plan was appealed to the Oregon land use board of appeals, luba. Luba's rendition on the appeal rejected all substantive challenges to the marquam hill plan, but remanded the city's decision based on notification error that occurred during the public review process for the design guidelines. Specifically luba found that the notice to the department of land conservation and development, d.l.c.d., of the first evidentiary hearing on the mel design guidelines, was inadequate. In adopting the marquam hill plan, the city council adopted a number of related but distinct elements of the marquam hill plan in a single ordinance. The only element of the plan that is affected by the luba remand is the adoption of the design guidelines. However, because luba remanded the entire ordinance, the city council will need to readopt those plan elements that were upheld by luba. The luba decision also requires further proceedings on the marquam hill design guidelines. And that will come later on. Because of the public -- because the public has had multiple opportunities to testify regarding all aspects of volume one of the marquam hill plan, and to raise any issues that could have been appealed to luba, we will not take further public testimony in readopting the elements of our prior decision that was upheld by luba. While we do not believe the city code require us to take additional public testimony on this matter, in light of the past appeal,



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we want to be especially cautious. So to the extent that someone might argue that our code requires testimony on the ordinance, i'm going to entertain a motion to suspend the city code or rules that could be so interpreted. Before I take this motion, because this is really the first time we've done anything like this, we did get a letter from Lawrence Beck, and he wants to add the letter to the record, and I would say that we should reiterate that the council is not taking any testimony, oral or written, on re-adoption of the Marquam Hill plan, and should reject this letter. So I would ask for that to be included in the motion as well. So Commissioner Saltzman, do you want to suspend the rules?

**Saltzman:** Yes, would I make the motion to suspend the rules. Reject the letter.

**Katz:** Reject the letter.

**Saltzman:** Reject the letter from Mr. Beck.

**Katz:** Do I hear a second?

**Francesconi:** Second.

**Katz:** We're suspending the rules not to have public testimony on the plan. That was adopted by the council. That was not part of the remand by Luba. So I want everybody to understand. The piece that was remanded by Luba will have public testimony. Ok? Roll call.

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

**Katz:** Mayor votes aye. [gavel pounded] Thank you, everybody. 881.

**Item 881.**

**Katz:** [roll call]

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

**Katz:** Mayor votes aye. [gavel pounded] All right. We took care of that. Let's move on to 881 until we get to 1030.

**Item 881.**

**Katz:** You don't expect -- anybody want to testify on this? Roll call.

**Francesconi:** We're renewing an agreement and we have the money in the budget with the Interstate Firehouse Cultural Center. I just want to briefly say that the arts and culture are not only important to our central city, but they are to our neighborhoods and to all members of our community, especially our multiethnic community. And it's been a long-standing partnership with parks and with the city, actually one we need to even do more to preserve and protect. Aye.

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

**Katz:** Mayor votes aye. [gavel pounded] All right. I am reluctant to take 882 now, since -- can I do 883 and 884? Are you anticipating public testimony? Then let's take 883.

**Moore:** I have a note that some people weren't going to be here until 11:45 for 883.

**Katz:** How about 884?

**Item 884.**

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

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

**Katz:** Mayor votes aye. [gavel pounded] All right. We'll take a break, then, until -- we'll take a break until 10:30. [recess]

**Item 858.**

**Katz:** Commissioner Saltzman?

**Saltzman:** Thank you, Madam Mayor, members of council. We wanted to take this opportunity to have the Bureau of Environmental Services and our prime contractor update the council on the progress of the Westside Combined Sewage Overflow project, or more familiarly known as the Big Pipe project. This project is still running smoothly, but due to the sides of it, there are inherent challenges that will cause fluctuations in time lines. While we do not currently anticipate any changes to the overall timing of the project, I want the council and the public to be fully informed

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on all the specifics of the largest public works project in the city's history. One aspect that has remained impressive is our use of local businesses and the participation of minority and women-owned and emerging small businesses as subcontractors on the project. You'll hear some of the specific numbers in the bureau's presentation. Demonstrating what I believe we're not just simply pumping sewage, but we're also pumping dollars into our local economy. This presentation will give you a glimpse of the current construction associated with the pump station, and certainly we want to extend the invitation to any members of council, mayor, or their staffs if they wish to see a tour of any of these sites, some of them truly are engineering masterpieces, and see these firsthand, we would be more than happy to accommodate that. Now I'll turn it over to dean marriott.

**Katz:** We can actually enter the pipe station?

**Saltzman:** We can show you the pipes. I don't think we can take you down there, though maybe I should defer to the contractor on that one. We might be able to work something out.

**Dean Marriott:** We could probably accommodate something.

**Katz:** Go ahead.

**Dean Marriott, Director, Bureau of Environmental Services:** Good morning. I'm dean marriott, environmental services director for Portland. With me today, paul gibbon on my right, the bureau's program manager for the west side projects, and tim mcdonald on my left, who is with the contractor, and their program manager for the westside project. I'm going to just remind you a little bit of setting the context. We are trying to do this every six months. This is I think our third report to council on this project. Just on the west side project. And then jim and paul will go into the specifics about what it is, the different elements that are being built and how things are going with those projects. You'll recall, and I'm sure everyone who's familiar with this city's c.s.o. Abatement program will recall that Portland was built with combined sewers, that's because we had no wastewater treatment when the city was built. It was designed to get all the storm water and sewage to the river, and it was very effective at doing that. When we came along in the 1950's and built wastewater treatment, when it rained, the combined sewage still went to the river, so we've been really working hard since the early 1990's to solve that problem. Our c.s.o. Program is based on three -- sort of a three-legged stool. The first leg is what we call the cornerstone project, that's getting the storm water out of the system as much as possible.

**Saltzman:** Is your power point on?

**\*\*\*\*\*:** Can you see it?

**Katz:** No.

**Saltzman:** We don't have it up here. Ok.

**Marriott:** Thank you. Thanks for pointing that out. We would have lost you very quickly without having you be able to see. The first leg of the stool were the cornerstone projects. Those are getting storm water out of the system, the second leg of the stool was addressing the c.s.o. Flow into the columbia slough, and we're finished with that part of the project. And the third leg is dealing with the main stem willamette and we're well into that right now. As you can see from this graph, there you go, as you can see from this graph, the kind of progress we made, we started making good progress in the 1970's with cleaning up our maintenance practices and operational practices, then you can see, we really started getting serious in the 1990's, tackling the more difficult elements of this project. And you can see our objective there by 2011 to have roughly 96% of the volume controlled. You see this sort of progress we've made. We're more than halfway to that goal right now.

**Katz:** I'm sure you showed this to the e.p.a., didn't you?

**Marriott:** Yes. They're very aware of the progress we've made. As far as what the specific countdown for controls, as I mentioned, all the outfalls are controlled now, seven additional outfalls on the willamette have been controlled. The west side projects will control the next 16 outfalls

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along the way. Let me just talk for a moment about where we stand with the federal government before we get to the different components of this project. As you are very aware, and I've of course commissioner Saltzman is extremely aware of this, we've been dealing with the United States Environmental Protection Agency for over two years. I wish I could say that they showed up in Portland with an offer to assist, instead they showed up with a long list of questions and a very formal process, rather intimidating process on their part to gather information about our system and our programs. We have provided box load after box load of information to them, we've had numerous meetings with them. Finally in the spring I asked them to please put in writing what their concerns are, since they did not do that up until this point, which we just received a couple of weeks ago. Again, I wish I could say they were trying to be helpful. I bluntly will tell you that I think they're not being very helpful. Cities all over the country are wrestling with how to do combined sewer overflow abatements, and particularly how to pay for the programs. As you know, we have spent over \$500 million of ratepayers' money since 1991. We are over halfway through our program. We've made enormous strides and enormous success. We've assembled I believe to be a world class team of experts, both on staff and under contract. At this point my task is to stay focused on the job before us, which is to complete the clean-up of the Willamette River, and I have every intention of doing that. We will sit down with the Department of Justice and the EPA. In September, and we will make a concerted effort to resolve this matter fairly for our ratepayers. When we're done with today's presentation, if you have more questions for me, I'd be happy to answer them. Just a quick word about, so what are the components of the West Side project. The biggest component for us is the big pipe. It stretches along the Portland waterfront from Clay Street north to Terminal One, where it bends and crosses under the river and goes over to Swan Island. Along the way there are four shafts, tunnel shafts that will give us access to the tunnel, and we'll hear more about them later, but they're very complicated, and interesting to construct. The terminus of the tunnel will be at the north end Swan Island. And we've used this story before, but it's the size of the Portland building put underground, so it's roughly a 15-story building built underground, and it will be the largest pump station in the state when it's completed. To help connect all the different pieces and parts of this south of the tunnel, we have the Southwest Parallel Interceptor. Most of it's completed, but the one section that's still under way is a section 3, and it will connect the south end of the tunnel at Clay Street to our collection system in Southwest Portland. And then winding its way through the West Hills and part of downtown, the Tanner Creek Stream Diversion Project, you're well aware of the fact that intermittently we've had to interrupt traffic on Burnside and some of the neighborhood streets in Northwest. Happy to say much of that project is finished, although we still have work to do on Burnside, Outer Burnside. There's some utility work being done there now. We'll be back next spring to finish the sewer work out there.

**Katz:** We're going to have to close Burnside again? Is that what you're saying?

**Marriott:** I think there will be some traffic disruption on Burnside due to sewer work, probably not until next spring. That's just a highlight of the different components and pieces of what we describe as the West Side program. At this point I'd like to have Jim McDonald talk to you about the construction facets of each of the components I just mentioned.

**Katz:** Go ahead.

**Francesconi:** One small point on this Burnside issue. I've asked PDOT to expedite some repaving of Burnside, and I think they're going to do that in the fall. I'm not sure exactly what section of Burnside. But we need to coordinate this with what you're doing, because Burnside's a mess in some spots, and so if you could talk with Brant, and I'll make sure Brant talks with you.

**Marriott:** We'll do that.

**Katz:** Go ahead.

**Marriott:** Thank you for pointing that out. Jim?

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**Jim McDonald, Project Manager Impregilo Healy:** Good morning. I'm jim mcdonald, the project manager. My associates at the environmental services bureau have asked me to update you a little bit on where we are at the construction at this time. Right now we're about 10 1/2 months into the schedule, and we've completed a little over 24% of the work. To date we've opened up just about every possible work site along the project, which stretches over four miles of downtown Portland here. At the swan island is the location of the pump station. It's also the location of a second shaft on that site. The confluence shaft. Swan island is kind of the centerpiece of this project. Not just because of the size of it as dean mentioned, or the ultimate function, but from a construction point of view, it's one of the more technically challenging deep foundation-type projects that you'll ever run across. Some of the technology we're using there is cutting edge, right at the limits of the technology right now. And as a consequence, the productivity sometimes reflects that. To date the slurry walls around the pump station and the confluence shaft are completed. The pump station slurry walls are 200 feet below the ground. And below the 200-foot level, there's a jet grouting program that goes to 330-foot depth, and this is about 72% done as of this morning. Next month -- next month being august, we'll complete that groundwater cut-off work and start testing of the cut-off. And then begin the excavation probably in september. The nicolai shaft is the primary work shaft for the big pipe, the tunnel boring machines. It's on northwest front avenue at terminal one. At this point the ground stabilization work is all done, the slurry walls are complete, the shaft has been excavated and dewatered, and we're currently building the interior concrete final lining. When the final lining gets to a certain point we'll be able to launch the tunnel boring machines. The next shaft on the alignment is the upshire shaft, northwest 15th at front avenue. This is -- this will be a drop shaft for combined sewage overflows into the tunnel. At this site the slurry walls are complete. We've done some surface excavation work and by next week we should start our hydraulic excavation of the shaft. These shafts are being excavated by dredging technique under water. The ankeny shaft is in waterfront park next to the burnside bridge, and we've just begun some site work at that location. We've just let a contract to a local m/w/esb firm for water line relocations there. We've begun fencing the site and if you drive by there you'll notice the fence there. This is one of our really challenging sites because of the limited access to it from the street, and also the sheer numbers of people who are using that area. The next shaft on the alignment is at southwest clay street and front avenue. The clay street shaft. We began the site work there in april and may, and have just recently begun the slurry wall activity there. This is our other very visible shaft, and it's a very limited site, so on occasion when there are deliveries or concrete and rebar and stuff, there may be a lane closure there. The tunnel is the other primary centerpiece of this project with the pump station, and it's also a highly complicated tunneling process because of the geology here. The two tunnel boring machines, which you see, are on site now. They don't look exactly like that because they've been shipped in pieces. We've given them a name, one's lewis and one's clark. Assist the assembly will start in august after we've done with our concrete work at the bottom of the nicolai shaft, and probably there will be the city is arranging some press event to launch those t.b.m.'s. The actual tunneling should start by early october. Also related to the tunnel we have completed our precast segment plant, where we're going to manufacture the concrete segments, and that production is actually beginning this week. Other plant and equipment and also set up for the tunnel. The southwest parallel interceptor down on the south end of the project is well underway now. This is a 1 1/2-mile pipeline which we'll build by microtunneling or remote control tunneling machine. To date we've relocated all the utilities that are required for that work, and work is underway on the shafts that will access for the microtunnel machines. Procurement of those machines is now underway. The fourth component of the project is the ground improvement at the bridges. We go under a number of downtown Portland bridges, and as the rock, hard rock is very, very deep here, these bridges are founded on foundations, and

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we're doing some ground improvement around those foundations to preclude any settlement or other problems. This work is -- we've done -- started this a little bit as far as locating utilities, but this fall the work will begin around the steel bridge, and this will go through the winter, and there will be some intermittent lane closures of front avenue, and that area, because the work is in the street. Following that, the crew will move to the Broadway bridge, which has a limited amount of this work. It's primarily only on the west side, though there will be probably a lane closure involved with that as well. And the Burnside bridge will be done next spring, and this is off of the front avenue, so it shouldn't be very substantial impact. With that, I'll give it back --

**Katz:** Let me ask you something. In your diggings, have you found any interesting artifacts?

**McDonald:** No.

**Katz:** Nothing?

**McDonald:** No. The top 40 feet or so is fill, fill material, so you may find stuff. There's located old brick, and pipe, but nothing --

**Katz:** Nothing of historical significance?

**McDonald:** Nothing archaeologically significant.

**Saltzman:** Maybe at the Ankeny place we might find something?

**McDonald:** Hope not. [laughter]

**Katz:** Keep us informed if you do, ok? All right. Go ahead.

**Paul Gribbon, Program Manager, Bureau of Environmental Services:** Paul Gribbon, environmental services. We're monitoring scheduling costs very closely on this project, and right now it looks like we're tracking about one month behind our contract schedule. That's not impacting our a.s.f. date. But we are a little bit behind in the schedule. The major cause of that is the difficulty with the jet grouting at Swan Island pump station. It's taken a little more time, it's a little more difficult than we anticipated. It's very difficult work. But as Jim said, there are about 72% done and we expect to be done with that by early to mid-August. The next big thing after that is really the major test for us, then we do a pump test, groundwater pump test to determine the success of our slurry wall and jet grouting operation to make sure we've cut off the groundwater. And that's going to -- that's scheduled for mid-August. So a lot of how we've done so far is going to be determined by that pump test. As far as cost is concerned, we're currently looking at -- we do a forecast every month. Right now we're tracking a little bit overlooking ahead three years, but we're basically within the range of the estimate. We don't have any change in anticipated cash flow, as far as our payments to date we're actually a little under where we thought we would be at this point. And that's I think because we're slightly behind schedule. So right now we're not protecting any major impact to cost. 55 million basically at the end of June has been paid to date. Just to give you an idea of how that's broken down, only 5 million of that is in labor. It's actually almost 35 million is actually in equipment, and that has to do with the very specialized equipment that we're using on this project. It makes it much different than any other project we've done before. And that's where the bulk of our money is really being spent with mobilization, procurement operation of this specialty equipment.

**Katz:** How many jobs total jobs on this site?

**Gribbon:** Next slide. There we go. Just talking about local business participation and minority women and emerging small businesses, so far we've got 55 initial subcontracts that we're subcontracting out. 46 of those 55 are with m/w/esb firms. That's about 3.1 million in contract value, which is about 23% of where we hope to be of the 13 million we originally identified. As far as locally, we've put well over 300 local businesses have been utilized on this project -- that does not include material suppliers or -- suppliers or whoever has their own staff. We're talking about people we have put to work.

**Marriott:** I think there's not only direct employment, there's all the indirect --

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**Katz:** Here in Oregon. Not necessarily in Portland, but in Oregon.

**Marriott:** Those 300 --

**Katz:** I know those, but the service and production-related jobs. They're in Oregon?

**Gribbon:** The 339 we're talking about are all right here in Portland. We haven't really counted how many other people we've put to work for people who supply us materials or other services outside of the job site.

**Katz:** My question was with the other jobs outside of the job sites, are those jobs that were Portland or Oregon based? Or did you create jobs outside of Oregon? For those services and products.

**Marriott:** For example, we purchased the tunnel boring machines from Germany, I presume there were some jobs associated with those. But we've tried to focus on the local businesses, we've used over 300 local firms to acquire --

**Katz:** Ok. I don't think you understood my question, but we'll move on. Usually when you talk about the services to those construction sites, there are other products and service that are affiliated with those jobs directly. And I know that the big stuff was purchased outside of USA. But there are other services.

**Marriott:** Right. For instance, that previous slide showed the five construction cranes at Swan Island. They were -- they're domestic, I'm sure.

**Katz:** That's what I was asking. Ok.

**Gribbon:** We have dedicated staff overlooking cost and schedule, and every time there's a material purchase or equipment procurement or any subcontract that's awarded, we compare that to what our estimated cost was to see whether we're above or below where we expected to be. And we keep a running tab of where we stand on all expenditures. We pay bimonthly, and each invoice is compared against the cost that we expected to be paid at any point. We're always comparing the invoices we pay with where we expect it to be. We do -- every month we do a cost forecast to the end of the project to see where we ultimately expect to be. An estimate at completion. And we do running audits every three months. The -- the end of fiscal year audit has just been complete and we're going through that right now. Public involvement is also very major piece of what we're doing. We have a lot of outreach activities, we've listed a number of them, including the project website, we have a number of neighborhood meetings, we continue to do -- we put traffic advisories on our website, we send out advisories about that, we also have an OMSI exhibit which is scheduled to open in September. A lot of -- we also have community benefit opportunities that we're also trying to do as part of this project. And this is just an example of our interpretive sign. We also have used this in our ads to make sure everybody knows what we're doing. And what this job is about. So with that, I'll open it up for questions.

**Katz:** Thank you. Let's put up the lights. Ok. Questions? Wait one second. We'll get to you. Let's open --

**Francesconi:** Maybe just two. One on this project, one back on the earlier issue of the EPA. Let's start with that, Dean. Could you talk to us about the sumps part of this project? The things I read in the paper about the concern about the sumps, because it's an issue as we're looking at storm water and East Portland, and all those issues. So can you talk to us about what the concern was from the EPA. Regarding the sumps?

**Marriott:** Yes. As I mentioned earlier, the -- one of our initial tasks was to get as much storm water out of the sewer collection system as we could, because it's the storm water that causes the C.S.O. events. So early on we decided to put sumps, which are concrete pipe cylinders filled with crushed rock in residential neighborhoods, street intersections, disconnect the catch basins from the sewer, and put it into these sumps. We have installed I think we now have about 9,000 of them in the city.

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**Francesconi:** How many?

**Marriott:** About 9,000. They're very efficient, very effective. We think they're protective of groundwater because we put a sedimentation trap on the front side of it, so solid material that might run off the street is trapped in the sedimentation trap. The cleaner storm water decants over into the sump. The e.p.a. has raised concerns about it, thinking that we're not being protective of groundwater. I think many members of the council will remember the mid-county sewer project, the whole purpose of that was to replace cesspools and septic tanks in mid-county because that was a real threat to groundwater. The city's completed that project. We think groundwater is being protected, and the sumps are doing just fine. They pointed out a particular number of sumps that they think are located too close to individuals that have wells on their property. So we're in the process of going out and checking their inventory work to see whether or not those wells are still in service, what is it the people are using those wells for, are they using them for drinking water, are they using them to irrigate their garden, or whatever. So we're evaluating the suggestion by e.p.a. that those wells need to be protected to some greater degree. We will if necessary of course try to sit down and work out a solution that works for everybody, but I don't think it's -- it's not something that i'm particularly concerned about that we have some sort of environmental emergency on our hands.

**Francesconi:** Ok. And then the only other, it's a general question, a lot has gone right with this project. Is there anything that hasn't gone as well as you expected, and what corrections if any need to be made?

**Marriott:** Well, I think as paul mentioned, we track the cost and the schedule very closely. We've slipped a little bit behind due to the complexity of the construction at swan island. That's something we're monitoring closely. We don't think yet -- it yet will affect the time at which we reach the finish line in the end of 2006. But any time you fall a little behind schedule, you -- it perks up your ears and you want to pay more attention. So we're watching that. I think other than that, the -- there are the normal challenges that would come with an extraordinary complicated engineering feat, as we're undertaking. Issues we've had with utility relocation and things like that that we've been able to deal with. The biggest disappointment i've had so far is the fact that as I mentioned at the outset, our friends with the federal government rather than arriving to see how they could help us, have in fact been a big distraction to us. And I hope that in the next few months we can put that behind us and get back to the focus, which should be on how to finish this job and do it cost effectively.

**Katz:** Ok. Public testimony? Karla?

**Moore:** No one signed up.

**Katz:** All right. Come on up.

**Jada Mae Langloss:** We'll step aside, and if you want us to come back --

**Katz:** Ok. I think we're going to be fine. That's a very colorful outfit. It's very lovely.

**Langloss:** I came here a little bit late, so I missed the early testimony, but i'm so glad I came back at 10:30 to find out what's going on here. I have some information, i'm living in a toxic waste dump. That's my own body. And i'm living in a place where the sloughs out there on the columbia are so green that fish can't swim in there. Now, there is an answer to this. Turn it over to the school kids and the scientists sitting here. Researchers. It's happened before. It was -- in the readers' digest, I can't remember what year it was, all the students of a small town cleaned up their toxic waste dump that was industrial, and they get to fish right there where it used to be poison. And that inspired me so much, i've been talking about it wherever I go. The school kids -- erik, your brother, it's a good idea. Because it's been done before, and it can be done again. The school kids are going to have to live in places that don't have fish unless they clean it up, because once we have an automobile to hop into and hop around and get away from our uncivilized world, that worships

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machines more than they do wildlife, and I like wildlife, I am wildlife. So I am so glad I came back to listen to the rest, and i'm really glad that you got people working on it. But turn it over to the school kids. They're the ones that are going to reap the benefits. And i'll be happy to go from school-to-school and give them a good idea. If I could only find that article in readers' digest.

**Katz:** Thank you. All right. Anybody else? I'll take a motion to accept the report.

**Saltzman:** So moved.

**Francesconi:** Second.

**Katz:** Roll call.

**Francesconi:** Thank you, commissioner Saltzman and dean for continuing to present this to us. This is such an expensive and important project, and our ratepayers are paying for it, so it's important that we have these kind of reports. Thanks for the good work you're doing. Aye.

**Leonard:** Aye.

**Saltzman:** This is as I said at the outset, the largest public works project in the city's history, so we all feel a responsibility from my office to the bureau of environmental services, to our prime contractor to really make sure that it achieves a number of objectives, first of all that it cleans up the willamette river, second of all, that we spend taxpayer dollars or ratepayer dollars wisely, third, that we try to get as much as this money invested in the local economy to create jobs, and opportunities for small businesses. And I think we're doing -- making good progress in all three of those. There's a lot ahead of us still, and a lot remains to be done, but I feel we've got a good team here to achieve these objectives. I want to thank them. Aye.

**Sten:** Good work. I've been watching this for a long time, it's really nice to see it just about there. Thanks, commissioner Saltzman. Aye.

**Katz:** Nice work. I just hope that the issues you raised -- we raised with the e.p.a. Aren't tied to any national political issues. My hope is that it isn't, but I would be very disappointed if it is. Thank you for the good work. Aye. [gavel pounded] all right. 859.

**Item 859.**

**Katz:** Do you want to say anything?

**Francesconi:** Andrew is doing good work. At least we're paving streets in lents, so this is good.

**Katz:** Go ahead.

**Andrew Aebi, Local Improvement District Administrator:** Good morning, mayor and commissioners. We have received one remonstrance objecting to formation of the lents iii southeast 104th and ramona local improvement district. Representing 2.3% of the area of the local improvement district. Therefore, by city code, the city council retained jurisdiction to decide whether to form the local improvement district. The amended ordinance before you today incorporates this remonstrance from mrs. Jean ramsey at 10403 southeast reedway street. I believe she's with us today, so i'll let her summarize her remonstrance. The ordinance does include a directive to overrule all remonstrances, so if the council wishes to sustain the remonstrance, you may simply vote no on the formation ordinance at the second reading on august 6. If you wish to overrule the remonstrance, you may approve the ordinance next week with no further amendments.

**Katz:** It's built in?

**Aebi:** Yes. But commissioner Francesconi, I do believe we need a motion to accept the amendment from you. The amended portion of the ordinance. Which incorporates the remonstrance.

**Francesconi:** I'll so move.

**Katz:** Second?

**Leonard:** Second.



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**Katz:** Any objections, hearing none, so ordered. [gavel pounded] thank you. Public testimony? Did you say ramseys? Who did you say is objecting?

**Aebi:** Mrs. Jeanne ramsey. She was on the sign-up sheet out front, along with two other people.

**Katz:** Let's call them.

**Katz:** Go ahead. Who wants to go first?

**Jeanne Ramsey:** My name is jeanne ramsey, I reside on southeast reedway. I have several objections to this proposal of having the streets done. First off, I lived in the house about three years and didn't receive one notification of street paving meetings. Not one piece of paper until we had a final vote at marshall high school where they notified us who was going to be paved and how much it was going to cost us to be paved. Not previously did I receive anything in notification as to what was going on. So I resented having it decided for me what was going to happen without any input whatsoever from me. Which I would have given. Second, I resent the fact that you're coming in and redoing a whole thing that is not even in line with the rest of our neighborhood. It's not going to match the rest of the neighborhood at all. None of our other neighbors have the same street system that they're wanting to bring into this small corner of our neighborhoods. We don't get sidewalks on 103rd, which is a major through-way. I counted up there and brought to commissioner hale at one time about getting stop signs in our neighborhood, and that was the most used street in the entire neighborhood in the time that I took out to clock who was coming, and people do never 25, and there's one speed sign at the very end which you miss which I miss living there. I didn't see it for a long time. I had to go look for it. Just how you come on, you miss the speed sign. And we don't get sidewalks on that. Well, we walk around on this street and people come barreling down there coming off the freeway and going up to another junction of the neighborhood through the street. But there is no sidewalks on there, but you want to put fancy parkways and stuff like that on our streets at our cost. We were supposed to have sump pumps originally put in, now the e.p.a. Isn't allowing sump pumps, so we get a marsh land that we get to cross to get from our cars to our house. Well, we already have a marsh land that we live in now, so why should we have to pay to have a marsh land? You know? It's just not in any kind of -- the street up -- we live on reedway and 104th. Between 104th and 103rd they're not paving, so I get to travel over bumps to get out of my house anyway, and I get to pay \$10,000 to do it. I mean, I don't -- I don't understand this whole system of doing things, and it -- i've gone to meetings, when i've gone to meetings they haven't discussed it. We voted on other issues that haven't been implemented, and so I don't know why they bothered to have a meeting anyway. They're spending all these moneys to decide what's going on, and we're still in a -- we're -- our feelings have not been incorporated in it. As a neighborhood.

**Katz:** Thank you. We'll -- we'll have the staff respond to the issues you identified. Ok. Go ahead.

\*\*\*\*\*: Well, mine are --

**Katz:** Identify yourself.

**Thea Hewling:** I'm thea hewling, I live on 104th and reedway also. I guess that is the same thing. We -- we don't receive notice of anything. The last meeting that we received notice to we went to, it was held at the local church, and that's when we learned that we weren't going to get the sump pumps. And that's when we learned that they weren't even going to complete the paving. I don't know what the problem is, but according to the maps that they had up on the walls that they were showing us, they're not paving the whole street. And it is out of context with the whole rest of the neighborhood. Why can't we just have it -- why do we have to have the sidewalks? It serves no purpose. I mean, if you were to come out there personally yourself and look at it, you would wonder about it. We're paying for something that is just completely out of context to the whole rest of the --

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**Katz:** Did you say you also didn't get notification, or you didn't --

**Hewling:** We didn't get any -- we didn't get any notification from the last -- the last we knew they were supposed to be out two years ago to start this paving thing. So that was two years ago. And we were supposed to get sump pumps at that time. Well, now the e.p.a. On this last meeting that we were informed of, then went to, we were also informed that the e.p.a. Has stepped in and said no, we can't have sump pumps out there, which was the original plan. And yet we get to pay the same amount for less service, less thing, I mean, you know, we live in a flood zone. So why do we have to have a fancy drainage sump drainage like they were mentioning in the last thing, why do we have to -- it just goes naturally into our ground anyway.

**Katz:** Thank you. Go ahead.

**Bonnie English:** I'm bonnie english. I live in ridgefield, Washington. But I bought my daughter's property, it's on southeast yukon just east of 104th. And I bought it from her for \$25,000. Immediately or within about 2 1/2 weeks I got a notice from the city of Portland that in -- and this is a bare lot. That they're going to fore close for \$8,100 for the sewer that is not on the property, and then I get this -- about three weeks after that I got the bill for the property taxes, which I paid, and I paid the sewer too. And now I get this one, they're going to charge \$3,100. And instead of it -- she was told years ago that you were going to build some kind of a lake or something back behind there. Instead of doing that they've in fact ok'd a condominium that is either two or three units right behind it, which is east of my property. I don't understand this. And I can't see why -- what this is.

**Katz:** Ok.

**English:** Is it just for blacktop?

**Katz:** I think we'll have staff explain in a few minutes what we're doing.

**English:** I have one other question. Didn't you ok, the five of you vote that this was -- the five of you vote that this was go before -- that this project was approved before we ever talked? Wasn't that what I heard?

**Katz:** No, I don't think so.

**English:** Ok.

**Katz:** Thank you. Questions? Go ahead.

**Steve Benson, Lincoln Loan Company:** I'm steve benson, i'm with lincoln loan company that owns a vacant lot and holds title to one or two houses which are sold on contract in the area of this improvement. I've dealt with houses both on and off of paved streets, and vacant lots both on and off of paved streets. I'm here to voice support for any street paving program that the city comes up with. Simply because it makes a huge difference for the neighborhood and the quality of life that people have. In my experience, nobody really wants to live on unpaved street. They're mud in the winter, they're dust in the summer, and usually they have massive potholes and ruts throughout the year. It's difficult to live on those streets. I've had the experience of building on unpaved street, and a new house, my experience has been that we had to discount the price about 20% to get somebody to eventually buy the house on an unpaved street. I've built houses on paved streets, never had that same problem. I think the harney park paving project is a good example of what happens to a neighborhood when the streets are improved. When those streets and sidewalks were paved and the sidewalks put in, there's been a lot of new construction that's gone on in the harney park area. I know that there's further construction which is going on in that area, and I don't think any of it would have happened, or certainly not very much of it would have happened, if those streets hadn't been improved. So I know the city has a big backlog of unpaved streets. If we don't move forward with this project, everybody in the neighborhood is going to be condemned to living on really substandard streets for a very long time. So I support the project.

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**Katz:** Thank you. I'm sorry, I -- I misspoke myself. On July 2, 2003, the city council did adopt a resolution accepting petitions from the owners of property in the lents area that we're discussing right now. That was to the response to your question. This is the formal actual -- having a hearing on it, and then next week voting on it.

**Edith Hintz:** My name is edith hintz, and my husband and I have owned the property at 10204 southeast knight for 30 years this month. I stopped and looked it up. We got lots of notices, and many opportunities to participate. We were -- some of the property owners that signed originally requesting that this improvement be made to the streets in that area. Actually, if my memory recalls correctly, we were approached -- we discussed it three years or more ago, and so there's been a while for it to get to this point. And we are anxious for it to proceed. In the winter time there are bumps and water, and mud and everything, and you think, now this time of year when it's nice and dry, there are bumps and lots of dust that covering covers everything. That makes the area unsightly. When we first bought that house, we didn't have paved streets on either side. So we have already paid for the street to be paved on 102nd, and we're delighted to do it, although it took us a while to pay that lien. We feel as though as this gentlemen has spoken, that paved streets make a wonderful addition to the property. They make it a much better place to live. It makes it easier to keep your house clean, inside and outside, and it has a tendency, as he also spoke to, to help people continue to improve the neighborhood, either the existing properties or if there's places to build them, added properties. I don't think the suggested improvements are out of context at all. They may not exactly match what has been there before, but we have sidewalks on 102nd. They will match up to that. I think it will rather than being out of context, will be a better expression of what streets should look like. I don't believe it's going to cause marshes. I think the plans they have explained to us are reasonable attempts to solve what we face now as a city any place where we can't use any longer the underground sump system. And I also would suggest that we need to continue in this direction so that we have more areas that we have created that use this design to see how well it does work, so that if there's areas for improvement, we can improve. If we can't any longer use the underground sumps, we desperately need other ways of taking care of paving it. I think it will be a great addition to the neighborhood, and I strongly urge this council to vote for it next week.

**Katz:** Thank you. Go ahead, sir. Grab that one.

**Lyle Hintz:** I don't have much to say.

**Katz:** Identify yourself for the record.

**L. Hintz:** I'm lyle hence. This is my wife. She pretty well said it all. I'm in full support of this street improvement, and looking forward to the day when the dust and the dirt and the mud is gone. From our neighborhood.

**Katz:** Thank you. Anybody else?

**Ted Strvahtis:** My name is ted, I own a home at 10436 southeast reedway. I have a real serious flooding problem there. I've sent letters and pictures to commissioner charlie Hales, and i'm sure they were spread around. It continues to flood there, and my house is literally sinking, and I can't support the foundation until the water coming from the road is fixed. And I believe once they put the streets in, the drainage problem will be fixed and resolved then. There's no water coming in from the sides or the back, it's all coming down the main road when they built some -- a new building over there, they built up all the property and the water from the property just goes down the street, and there's a crown in my road, and the city wouldn't let me take that crown out with backhoes or anything. They told me i'd have to do it with a pick and a shovel, and I don't think I have enough time to do that. So I would just hope that the process can continue, and there's no more delays.

**Katz:** Thank you.

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**Strvahtis:** Thank you.

**Katz:** All right. Why don't you come on up. Why don't you respond to the issues I think I heard issues of notification, and explanation about what we're doing.

**Aebi:** Thank you, mayor. We have had a very extensive public involvement process. We had some open houses in June of 2000 to initially kick off the residential street paving program in Lents. More recently we have been delayed for two reasons, one is of course the sump issue, but the other issue was the Shilo tax court ruling which jeopardized our ability to fund the project. We sent letters out to all the property owners letting them know that we were being delayed due to the sump issue, and the Shilo issue, and when with those issues got resolved earlier this spring, we sent out letters to all the property owners in the district, inviting them to a meeting that was held at the end of April at a church in the Lents neighborhood where we explained the revised proposal to deal with the sump issue. And also to confirm our levels of support. We sent out, I should say, I sent out letters to every property owner explaining the new design and every property owner received a survey to indicate whether they were happy with the proposed design. I only received four responses back saying that they did not want their streets paved. And the majority of the folks who sent the surveys back indicated that they wanted the design that was contained here. So we surveyed the property owners to make sure that they were happy with the design, and then we also sent a letter prior to kicking off the I.I.D. process, and then as required by city code, we sent a formal notification of this hearing here today. So we have sent three letters in the past approximately two to three months informing them that the process was moving forward. I want to just talk very briefly about the street context issue. The existing streets in the neighborhood generally are 32-foot-wide streets. We have adopted new street standards in the past 10 years. We're trying to build narrower streets to minimize impact to abutting properties. And we are in fact proposing narrower streets for this I.I.D., 26 and 28-foot instead of the 32-foot-wide street design that was adopted elsewhere in the neighborhood. With respect to sidewalks, we would very much like to build sidewalks on Southeast 103rd Avenue, but we have to make priorities with the funding that we have, and the feedback that we got was that paving local streets was the highest priority. Though unfortunately that wasn't something that we had resources to do. But however, constructing sidewalks in this area will connect to existing sidewalks that come all the way up to the east side of 102nd Avenue, and also come all the way down to the south side of Ellis Street. So what we will have is a completed sidewalk network on the local streets in the neighborhood, and eventually if sidewalks are built on 133rd Avenue, there will be the local sidewalks to connect to the new sidewalk on 103rd. With respect to the streets that we included in the I.I.D., one of the principles of the residential street paving program is we wanted to pave streets where there was majority support on that particular street to get it paved. We did not have sufficient levels of support on Reedway Street from 102nd to 103rd, which is why that street's not included. With respect to the property owners' share, the total cost of this project is about \$2.4 million of which the property owners are paying about \$400,000. So the proportion of the cost being borne by the property owners is even less than the 30% share that we promised at the outset of the residential street paving program. The assessment rate of 62 cents per square foot is guaranteed, and has not increased as a result of the delay to the project. And just by way of comparison, in other parts of the city that don't have urban renewal funding, it's not uncommon to be looking at assessment rates of \$3 to \$4 per square foot. This is a much lower assessment rate than what we're able to offer in other parts of the city. Finally, with respect to the new storm water design, we simply cannot pave the street without providing a means for the storm water to drain some place. So it is necessary to build a combination soakage trench and swale to take that run-off in the public right of way and dispose of it. So it's simply not an option to pave the street without also putting in a storm water disposal system.

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**Katz:** Let me see if I understand it correctly. The total improvements, \$2.7 million, and the direct assessment is about \$411,000 and the rest are paid with tax increment financing funds?

**Aebi:** That is correct.

**Katz:** Whoa. That's a great deal. Ok. If any of you complain about tax increment financing, not having a payback for your community, you just heard that it's had an incredible payback to your community on the assessments. All right.

**Francesconi:** That number we're talking about here, mayor, which is a very good point you just made, \$2.3 million that the urban renewal committee, made up of citizens, decided to reinvest in their community to make it more livable.

**Katz:** Ok. Council, any questions of staff? If not, this will pass to second.

**Aebi:** Thank you. [gavel pounded]

**Katz:** Let's go on with 860.

**Item 860.**

**Katz:** Ok. Commissioner Francesconi. Are you ready?

**Francesconi:** I'm actually not seeing grant williams and chief kroeker.

**Katz:** You have about -- 11:29. All right. Let's go on to regular agenda.

**Leonard:** We can't do that either.

**Katz:** Then let's just sit here.

**Francesconi:** I can introduce them, mayor. There's brant.

**Katz:** Is he here? All right. Why don't you go ahead.

**Francesconi:** Actually, this is an important thing we're doing here by establishing this traffic and transportation safety committee. Recent traffic fatalities here in our community, including the recent tragic death of Portland bicyclists by drunk drivers highlight the need to come together as a community to ensure a safe transportation system. We're already a recognized leader in a multimodal transportation system, but this community traffic safety effort will establish Portland also as a leader in operating a safe system. Over the last few months, Portland's traffic safety community has worked very hard to identify ways of dramatically improving traffic safety services.

They have identified a number of ways to increase the use of our most effective engineering, enforcement, and education tools. Let me repeat those three, because it's going to take a combination of all those efforts for us to be a safer community when it comes to traffic deaths and serious injuries. That is effective engineering, enforcement, and education. Traffic safety efforts can reduce fatalities and injuries and make people feel more safe walking, biking and taking transit.

After all, if they don't feel safe, we can build all the multi-modal facilities we want, our citizens won't use them. This cooperative strategy between Portland neighbors, traffic safety groups, schools, children, Police Bureau, transportation department and the circuit court which is becoming more of a partner with us, can save lives, reduce injuries, and increase walking, biking and the use of transit, so I'd like to thank the mayor for her efforts before this, this effort began to really try to focus more police resources on enforcement. I'd like to thank chief kroeker, who hopefully will be here to testify on the enforcement side. I'd like to especially recognize mark here from the department of transportation, who is doing all he can at both a political level as well as the staff level to, to provide the resources so that we have some money to give to our citizens, to actually implement some of these safety improvements in our neighborhoods will make a difference. So brant, why don't you come on up first.

**Brant Williams, Director, Office of Transportation:** Thank you, commissioner. Good morning members of the council. Brant williams, director of the department office of transportation. I know chief kroeker wanted to be here this morning to introduce this resolution to the council with me. I know that he was pressed for time and was trying to get back, I believe, from the coast at a conference or some training that he was helping facilitate this morning, so hopefully, he can make it

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back in time to give some, some words of wisdom to the council here. I know he's very enthusiastic about the program that we are talking about here, and again, I know he would really like to be here to help us introduce this. It's a pleasure for me to be here to introduce this resolution. It's a very important resolution as commissioner Francesconi indicated. In one respect it's a culmination after lot of hard work by our neighbor, the leaders in our neighborhoods and the activists and school safety experts from around the city of Portland and the region. To pull this together. This work has raised the level of interest by all of us who are responsible for traffic safety. It's also done a great job in pulling us together, and that's represented by the number of folks that are here today to ask for your support, council, to approve the actions that are before you. At the same time, this resolution is a beginning. It's a beginning of a formal partnership that could be probably one of the most significant efforts in improving traffic safety in the city of Portland. As the commissioner indicated, a complete traffic safety program involves three elements. Enforcement. Engineering. Education. We often refer to these as, as the three es in traffic safety. However, to be an effective traffic safety program, you need three other elements. I guess you could call these the three cs, and that's communications, collaboration, and commitment. The resolution that you have before you is -- has all six of these ingredients, and that's why we're really happy to be here today to bring this to you. Specifically, this resolution does the following -- first it establishes the Portland traffic safety coordination council. This council will be composed of directors and high level officials including the Portland police bureau, traffic agencies, the neighborhood coalitions, school districts, the courts, health organizations and other traffic safety groups. Second it directs city staff to work with the traffic safety coordination council to develop a community and school traffic safety strategy. Third, it directs city staff to work with the Portland traffic safety coordination council to develop a sustainable, results-driven financial plan. Over the past year, Portland has had the benefit of a federal grant called the "safe communities grant," to help review all of our traffic safety programs and services and to help us pull together this coalition of traffic safety experts and folks that are interested in traffic safety. We have a group of folks to come on up and give you a presentation on this individual.

**Katz:** Five?

**Williams:** Five individuals, yes. It's a fairly short slide presentation that will talk about traffic safety and some of the work that's been done and what the benefits of this coordination council can do. Before I bring them up, I would like to thank a number of folks who have been involved in the work today including from the circuit court judge steve todd, who I think was going to try to be here this afternoon, joanne fairchild with legacy emanuel hospital trauma nurses, captain dorothy elmore with the Portland school police, the superintendents of the school districts in the city of Portland, daniel bon, the executive director of the community cycling center. April, the co-president of the willamette pedestrian coalition, troy, who is the director of the odot traffic safety program. Portland's bicycle and pedestrian advisory committees and the Portland neighborhood district coalition leadership. All those folks have been instrumental in pulling this together and developing the kind of partnership that we need in traffic safety. Now i'd like to introduce the five individuals who would like to come up here and give you the short presentation on traffic safety. Lilly Fitzpatrick, the chair of the swni's transportation committee. I think she's the new chair of the committee --

**Katz:** Come on up as your names are called.

**Williams:** She's also a big advocate of the safe routes to school. With our schools, courtney Wilton from david douglas school district, superintendent's office. With the bicycle and pedestrian community, Catherine Ciarlo, the executive director of the bicycle transportation alliance. With the police bureau, mike, commander of the traffic division, and with transportation, mark Garvey with the traffic investigations manager.

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**Katz:** Ok.

**Williams:** Because we have all five, i'm going to step down.

**Katz:** You are going to step out. Why don't you come on in, and please make it short. We have a long item following this. Who wants to start?

**Mark Lear, Portland Office of Transportation:** My name is mark lear, Portland office of transportation. Just one second, we have got a quick power-point presentation we put together that summarizes some of the things that the opportunities that we see and the problems around traffic safety. Just jump to this first slide that lillie is going to introduce that talks about neighbor's concern around traffic safety.

**Lillie Fitzpatrick, Southwest Neighborhoods, Inc.:** This first slide -- I am lilly from swni transportation committee. This first slide shows recent citizen survey in Portland, and the top three out of the top four concerns of neighbors are, are traffic safety issues. These were all rated bad or very bad. You can see that speeding is 38% of their concern. As the chair of my neighborhood association, the only complaints I get in southwest Portland are traffic problems. We are very lucky to live in a fairly crime-free area, and, and this comes up over and over again, the speeding in the neighborhoods.

**Mike Garvey, Commander Portland Police Bureau, Traffic Division:** With regard to the second slide, it clearly shows the, the difference between homicides, murders in the city of Portland, and fatalities. As you can see over a 10-year period, the city of Portland experienced 427 homicides and 467 traffic fatalities, so this certainly brings this problem to the forefront with regard to the traffic safety. As we go down the slides, 40% more traffic injuries occur in the city of Portland than assaults. As you can see with regard to assaults over again the same 10 year period, 61,786 in comparison to traffic injuries, which are 85,586.

**Catherine Ciarlo, Bicycle Transportation Alliance:** I am catherine, bicycle transportation alliance executive director, and I am going to talk to you just a bit about the statistic on this slide. It's a scary statistic because it tells us that our streets are not as safe for the most vulnerable users on them, as we want them to be. Obviously, we have made a commitment as a city to get those people out walking and bicycling and what this slide tells us is, is the next step we need to take is really investing in the kinds of enforcement and education activities that this new initiative will contain. So, we are excited to work with the city to take the next steps and really help implement this concept.

**Garvey:** Members of the council, as we start looking at ways we are going to combat the problems with regard to traffic and make the streets safer, we started looking at what some of the problematic situations that created the unsafe traffic environment. Clearly driver error is involved in 93% of the crashes. With the use of cell phone and all sorts of other distractions today, we think it's very important we start taking a very close look at how we are going to address some of these issues with regard to driver error. You can see that speeding involved, is involved in 40% of the fatalities and driving under the influence, 33% of the fatalities. As we continue to discuss the slides, you can see dangerous driving behaviors have increased. Speeding recently has outpaced duii. Red-light running is growing fast, 19% increase from 1992-2000, and drunk driving after many, many years of decline is starting to come back up. We are seeing an increase in fatalities with regard to driving under the influence of intoxicants. You can see as the speeds increase, so do the possibilities for fatality and serious injury. I think that that's pretty well-known. You can see at 20 miles per hour, you have a 5% chance. 40% chance when you increase by 30 miles per hour, and a 90% chance as you increase by 40 miles per hour so, I go back to, if you combine driver error with, with increased speeds and you have a really, really difficult combination, and that's what we are really focusing on.

**Katz:** Thank you, mike.

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**Courtney Wilton, David Douglas School District:** courtney wilton, david douglas school district.

If you look at the way the kids get to school, it's changed dramatically over the last 20 years, and the distance from school, obviously, plays a big role in that. So does weather and crime, although traffic congestion and concerns about safety while walking and biking in traffic plays a very big role in determining how a child gets to school. If you look at the number of kids who walk and bike to school now versus 1970, it has gone down dramatically. Not directly related to that, but partly related to that is childhood obesity has increased since 1970, as well.

**Lear:** The next couple -- mark, office of transportation. The next slides highlight the positive things that we can do and we have identified through a traffic safety audit as a result of our federal grant. One of the most successful tools that we have right now are red light cameras. This picture you see here is a before picture of it, of a red light accident at northeast 39th and sandy. The car -- the light has been red for, for seven seconds -- or five seconds at this point. If you see the blue car in the next slide, you will see the blue car has run the red light and impacted the red car at 27 miles per hour. The good news, you know, unfortunately this is a situation where the camera didn't work, but the good news is our cameras of reducing red light running have been from 65% to 85% in Portland. We would like to increase the number of locations. In addition, there is great data from the state of Oregon that shows if we can increase the amount of d.u.i. Tickets, we can also reduce accidents. On the engineering side some of the most promising today are pedestrian islands that can reduce traffic fatalities by 40%. This is critical for the city's use of the transit system. We have lots of intersections on major arterials where there is not a signalized intersection and pedestrian islands can go a long way to reducing the accidents, as well as the more traditional devices that can reduce speeds. One of the most positive areas and where we have seen tons of support from the community. We got an endorsement from four superintendents within the city of Portland is around the safe routes to school. Successful programs, one in california and marin county increased the percentage of kids walking to school by 81% and reduced traffic trips by 21%. When you look at the injuries and accidents that occur around schools, 50% of those are from parents delivering their kids to the school. So, if you can reduce those trips, you have real potential to reduce accidents, as well. And finally, two closing slides here that just show examples of what other cities have done. One here is in gloucester, england, where they increased automated enforcement, better planning education, and were able to reduce the injuries and fatalities by 37%. If we can do that same thing in Portland over a 10-year period, we would save 180 lives and reduce accidents by 25,000, so it's a lot -- even if we are not able to achieve the 37%, we can have a major impact on safety and livability in Portland. The other deliverable that we could provide is increase walking and biking to school, so if we can do the same thing that marin county has been able to do, we could increase the number of kids walking and biking to school every year to 5,000 and in Portland reduce the same 29% of trips. That's an overview of our, of our initiative, and we have just two more speakers that are here to provide some more feedback, and that's walter, who is the longest serving chair of the odot safe, safety commission, and also lynne from acts Oregon.

**Lynne Mutrie, Alliance for Community Traffic Safety in Oregon:** I am lynne from the alliance for community traffic. I've been -- or my organization has been involved with the Portland safe community since its inception and it does fit in with our mandate, and we are quite excited to support the educational, engineering, and enforcement efforts as well as community involvement to decrease injuries and fatalities throughout the state and in Portland, itself. I look forward to working with them in the future. Thank you.

**Walter Pendergast:** I am walter. I was the traffic safety -- the head of the traffic safety commission of the state of Oregon for 13 years -- that's the wrong kind of number, but that's all right. Traffic safety is two pieces to the pie. One is to have a, a control factor that takes care of the, quote, "bad drivers." the other is to be considerate of the good drivers, and the good drivers, in my



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observation, are probably 90%, 95% of the drivers on the road. They are the ones who can let you in when you are coming out of a garage. They are the ones who when you get to a fourway stop will look at you and say, go ahead. The bad drivers are the ones we have to worry about. And we did in the time I was there victor decided he ought to, to be able to lean on me, and I had known him for a long time. What we tried to do was to set up programs that encouraged people to become better. I think it was a fairly successful in ongoing years, but I think in what you are looking at, you are looking at two things -- one of them is giving support to the, to the organizational structures that are enforcing the, the rules, I mean, stop signs, I mean school districts that we can control those, then the other one is to have some control of speed. There are a couple of different ways to do that. Have people out there. Have the signs out there. Sometimes on the wiggley roads to put a buffer thing down the middle so if you go over the center of the line, you know it. It calls it to your attention. Once in a blue moon, I haven't seen any blue moons lately, a speed bump may help on a piece of straight stretch, but I think that we have to mix this to consider the good driver and not make it any more uncomfortable than it already is. Do you have any questions? I will try. Otherwise thank you.

**Francesconi:** Chief kroeker, did you want to make some closing remarks here?

**Mark Kroeker, Chief of Police:** Thank you very much. I am mark kroeker, chief of police of Portland, and I am delighted to be here this morning just to add my support for the traffic safety commission and this initiative. I believe it is not only a very good one, but it's timely and it is, it is strategic. As a graduate of the northwest university traffic institute some years ago in a nine-month program in traffic management, as a lieutenant I developed a sensitivity toward traffic that has remained with me throughout the years. Sometimes we in policework think of policework as everything but traffic, and way back then I was reminded about how important it is and how, how many people lose their lives and about the horrible destruction of lives and property that we see on the highways every day, and when I arrived in Portland as we, we visited neighborhoods, and neighbor safe with the mayor as we were out there listening to people, it became apparent in typical community assessing that this is, this is a topic that the communities, the neighbors, the people out there really care about. So, developing in the police bureau the strategic and focused enforcement based on the concept of enforcing the law on those violations that are causing the traffic collisions at locations where they occur the most became what safe was all about, and we launch this had project with that whole idea in mind and the whole traffic institute concept of education and enforcement and engineering in mind. Now as I learn that this initiative is coming alive and with Portland department of transportation and the support that it is getting across the board in the city, I can say that i'm very excited to be able to join brant williamson in chairing this commission on traffic safety and believe it to be a way that we can unite our efforts and, in coordinating and being able to communicate with, with one another and cooperate, and with that, you have my commitment, and from the police bureau, we are going to do everything we can to, to commit ourselves to the reduction of the fatalities that are being given on our streets every year. Someone said one time, you know, it seems as though when we use the term "traffic toll," it's as though you have to pay a toll in terms of lives in order to use the highways or the streets. I do not believe. I believe we should be able to use our streets safely whether you are a pedestrian, a bicycle rider or a motorist, and that we should be able to figure out a way so that people can use all those modes of transportation that they have at their choosing and do that safely, so to be able to work with the department of transportation and commit this organization to the reduction of loss of life, the traffic toll, as it were, is very important. More people are, are being killed in traffic collisions as we all know than homicides. I think as of this latest weekend, we may be right neck in neck. But, the fact remains that whether a pedestrian or a bicyclist or a motorist, people are dying on our streets. This

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is what we care about. I am committed to working with the commission, and I thank you for the opportunity to, to make these remarks here this morning. Thank you very much.

**Katz:** Thank you. Anybody else?

**Katz:** Anybody else after jim? Thanks.

**Jim Whittenburg:** I am jim. I am retired pharmacist. I am formally retired. I don't work any more, so I have more time to do this kind of thing. I just got back from Washington, d.c. yesterday and was going through some papers last night, and I came across what we, what we did in 1977 and again in 2000 on hawthorne boulevard. We stood there with signs day after day, week after week trying to get people to slow down on the street, and during that time, five people died on hawthorne boulevard between 39th and 24th. We couldn't interest anybody in the city council except a fellow names Hales who was here and diane linn were the only people to think it was important enough to even talk to us or give us the time of day. We tried to talk to the police, to the police office, and I did talk with mike a few times. We couldn't get to the mayor because he was busy doing other things. Again, this is 1977 and 2000. We have tried very hard, doug, a number of others who, who walk. I don't drive any more. I haven't driven much for the last five or six years. I now have, have a form of m.s., so it's going to get worse for me in terms of getting around. I can't run to get away from the cars when they go through red lights or the intersections. The other thing that I saw him bring up was the fact that, that there is a lot of obese kids. I am going to give you some, some documentation. We just passed some legislation in salem. A lot of the kids are also on drugs that are going back and forth to schools. About 20% of the kids today given these drugs to control their behavior. We now have a laws that says that the administrators can't do this any longer. They can't coerce students and the parents to use these kinds of drugs for behavior control. It's, it's senate bill 456 has been passed and signed into law. I hope this isn't a program that's just going to get a lot of publicity and last for 15 minutes. So many of the things that we see today are, are -- there is a great fanfare about when it comes up. We all talk about it. We are all interested in it. And a few weeks down the line or a few months down the line is gone and forgotten and they are off to something else. We almost, a friend of mine almost got run down on martin luther king pulling out on a green light not too long ago. If he hadn't seen this guy coming out of the left through the red light sailing through, we'd be one of those, probably those fatalities you are talking about. It is dangerous out there. I am afraid to go on the streets of Portland, and, you know, as I retire and get more and more and probably going to have to find some place else to live because this is a dangerous city for a pedestrian. Thanks.

**Katz:** Ok. Further testimony? Roll call.

**Francesconi:** Folks, we have a problem where we are killing more of our citizens in traffic fatalities than in homicides. This traffic safety commission can make us a safer community, and it's going to take all of our efforts. You know, with homicides it's kind of easy to blame the other person's bad criminal element, but these traffic fatalities are being caused by us. Speeding in our neighborhoods and those who, who you think that they can, they can drink alcohol and not be able to control it. And this is human error. These were, these are not -- shouldn't be called accidents because they are not. What we have done is we encourage more of our citizens to use bicycles and to be pedestrians. We have actually created a trap for them. If you looked at those numbers, your chances of being killed if you are a pedestrian and a bicyclist are higher than being in an automobile. It's incumbent upon us as a community to not just take the 15 minutes or 20 minutes in an excellent presentation, which this was, but to institutionalize this in our transportation department and in our police bureau in a partnership to make sure that this is a sustained effort. That's what you are doing. With the student citizens that we are putting on this commission, I guarantee it that if we forget up here about it, the citizens won't let us forget. The citizens are going to want us to be like england, which reduced their fatality rates by 40%, and in marin county where

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they increased the number of kids walking by 80%. The point is this is something that we can actually do something about. Because it's us and because we have the tools to do it. Those tools are red light cameras and additional enforcement to the police bureau on the enforcement side. I will never forget the citizen in southwest Portland who told me at a community meeting that the number one problem in his neighborhood was speeding, like talked about here today, and what he was doing about it was standing out at the intersection with a hair dryer pretending -- so the drivers would think that it was a camera in order to, to show. Now we are going to be able to have red light cameras that actually are doing it on the enforcement side. On the engineering side, we know that pedestrian islands and traffic combing can actually improve pedestrian safety for our kids and our families. You just need a little more resources to help do it. Finally on the education side, if we use the safe routes to school model that was done in marin county and developed here, we can actually do this. So, together this is something that we are going to watch. We are going to monitor. It's part of our efforts to make this a safer community for all of our citizens. Thank you all for doing this. Aye.

**Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. **Katz:** Aye. Item 882.

**Item 882.**

**Katz:** Commissioner Leonard

**Leonard:** Thank you. Others will come forward. I was going to make a couple of comments to give some background on where this ordinance derived from. As you know, Mayor Katz, you assigned into my portfolio the bureau of licenses, which includes oversight of taxi cabs in this city. In February of this year, a man was murdered performing his services as a taxicab driver and I attended his funeral. There is probably nothing more that focuses the mind than the observation of a young family surrounding a young person's casket at a funeral whose life was cut short by violence. I had to perform those kinds of tasks as a firefighter going to funerals around the United States, and I was struck with how similar I felt at the, at the funeral for this man. I committed to myself leaving that day that I would do everything in my power to prevent ever having to do that again. I communicated that to the, to the, to some who didn't like the proposal that we are bringing forward today. To those that had concerns about the cost that those costs had to be weighed against the safety of cab drivers in this city who were performing their jobs. As a result of the excellent work that has occurred by the various interest groups over the past few months, we have before us what I consider an ordinance that is, is -- that was developed through a consensus. It will provide safety for our cab drivers who perform a valuable service to Portland citizens. Ok.

**Ty Kovatch, Commissioner Leonard's Office:** I will start with just sort of giving you -- ty, Commissioner Leonard's office. I know better than that. Starting with kind of a broad overview of what the ordinance does. There are four or five main points. The first thing and probably the largest thing is it requires cameras being installed in all taxi cabs. All licensed taxi cabs in the city of Portland. It also requires signage that will say, you are on camera. It is a felony in Oregon to assault a taxi cab driver. It requires training, driver safety training to begin no later than October 1 of this year. It directs the for-hire transportation board of review to evaluate the costs and the impacts of, of G.P.S. in taxi cabs going forward. It also creates something that's pretty unique and interesting for-hire transportation safety fund. This is a safety fund that will reach a little more broadly than just the taxi industry, but we are going to -- the way that we have built this whole thing is it will be funded by increases in permit fees for driver permits and vehicle permits for taxies and limited passenger transportation vehicles, as well. To give you a brief history of how we arrived at that, we started out with, you know, we have the taxi companies fund the whole thing, and that created a lot of problems for the drivers because they were really conscious that that would increase the kitties, which, you know, they have a lot of strong feelings about, and that's the point where we really started working closely with the drivers. Bob Wagner put together a group of taxi drivers that

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represented each of the various taxi companies in the city and they came up with this proposal to increase their permit fees, so it's kind of a once a year way that they have to deal with it that's going to result in increased safety for the drivers. We think it's -- we have talked with people all over the country who put cameras in taxies. San francisco, new york, toronto, and they think our approach is, is really creative and they are supportive of it. I got a letter you guys should all have. Karla, we -- that's from the toronto police service. Detective sergeant clyde richards sent us a letter supporting what we are doing and talking about some privacy issues that have been brought up by members of council as a concern. Also he mentions that since april 2001 when they installed -- when they required cameras in taxi cab, they have seen a 50% decrease in taxi-related robberies in the first year, and in the subsequent year, they saw an additional 20% reduction in taxi-related robberies. We think it is really significant and sort of points to the idea that we had from the very beginning that cameras are a great tool for apprehending a suspect, but they are also an excellent deterrent because if somebody gets into a taxi cab and sees they are going to be on camera, it's going to make them a lot less likely to commit a crime. We also think that the sign kind of goes to that direction, as well. A few years back in the legislature mike led an effort to make it a felony in Oregon to assault a cab driver, and, you know, that's a little known fact even among taxi drivers that that's the case. So, we thought it was important to post that in there, as well. The finding mechanism, commissioner Saltzman had an issue earlier, and I know you and commissioner leonard have spoken about this, but it is -- in order to get the cameras onboard by, by july of next year, we needed to have some seed money in the way of a loan from the city to get it started, and then that would be paid off over, over a period of time by the increases in the, in the vehicle and driver permit fees. The other thing is, is john actually put together a, a great piece of information you should all have in that packet that shows even with the increase how reasonable our, our permit fees are if not a little low, so some of the other cities, as john was calling around, was like wow, you're permit fees are really low, even with the increase, so we feel that this is, this is a fair and creative and positive thing for the industry at large, and, and I think I will leave it at that. If you have questions, jim and john and I and nancy will be happy to --

**Katz:** Thanks. Before we go ahead, commissioner leonard, are you going to move the amendments?

**Leonard:** I actually need to distribute -- you have something in front of you that, that --

**Katz:** Is this what I have here?

**Leonard:** It suggests that we need three. We actually need four, and then I will pass those out. These are technical amendments. That need to occur, and I would so move the, the four amendments.

**Katz:** Do I hear a second?

**Francesconi:** Second.

**Katz:** Any objections hearing none, they are technical in nature. [inaudible].

**Katz:** All I did was pass the amendments, and they are technical, ok. If you want to testify, we will be more than happy to hear from you. All right.

**Kovatch:** If I could add one thing that I forgot to mention, one thing that's implicit in this ordinance is, is that the board has the authority to set the rates, and so the numbers that we have given in terms of increases were, were meant to be ceilings, so that if, if the board arrived at a conclusion they could get to where we want to go with a lower increase, they are more than empowered to do so.

**Jim Wadsworth, Director, Bureau of Licenses:** I am jim wadsworth. I am the director of the bureau of licenses and chair of the, of the private for-hire transportation board of review. The use of cameras in cabs will definitely prevent and help us catch faster the people that may try to do crimes in those vehicle. It's a protection for both the drivers and the passengers, and it is something

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that gives us a, a tool to protect the drivers that that, we don't have right now. The, the way that we're going about paying for these cameras and as ty said, getting seed money out there is, indeed, a very unique way of doing it and very creative way of doing this and then raising the fees to pay that back. This is -- this follows along accounting, and it works in many other places in government, and this is a very creative way to do this. To be able to get the cameras in place as quickly as we possibly can. So, we are very much in support of this, and, and we ask for your support.

**Katz:** I need to ask a question in terms of viewing the tapes. Who will you viewing the tapes?

**Kovatch:** I should have covered that. I apologize. In the ordinance it expressly cites the police shall be the only ones who will have access to the information on the cameras, and that is safeguarded by not only the code being in there, but the, the way that the cameras are set up is, if you think about it in kind of two ways you can get into it. One is where you, where you have a special software with, with items such as u.s.b. security key. It's an encryption kind of system that they use. The police will only have access to it, to extract the images and such from the cameras. The other side is just for, for positioning the cameras and making sure that it's aimed in the right spot of the back seat of the car. That's the only thing that the installers or maintenance people will be able to do. Without that software and passwords and security keys, you will read in the two letters that are up there from new york and toronto who, who had very similar concerns when they were going about the process of getting the cameras in the cabs in terms of privacy, the explanation that they gave was pretty entertaining when they were telling me about it that, they, in their experience over the last two years have felt that exactly what we have done has addressed those privacy concerns, and they have, they have not ever had a problem with it, and it's been an excellent tool for, for apprehending --

**Leonard:** I should make clear that technically these are not tapes. They actually go to a hard drive, and so it isn't like you can just pull out, you know, a, a v.h.s. tape and put it in a v.h.s. player. They are encrypted. You have to have special software to download the images.

**Katz:** Ok. Thanks. All right. Let's open it up for public testimony. Did you want to testify? I don't want to keep you here.

**Leonard:** Chief kroeker was going to testify.

**Kroeker:** Thank you, mayor. Good afternoon. Mayor and members of the council, I am here to support this ordinance because I believe it to be right on track with what is needed in the city of Portland right now. The taxi cab operators represent a community in Portland that has grown in its fear level over the last several years. This fear is not without basis because of the murder of several of their own. I have been to, to funerals myself and have talked with, with family and friends, as has commissioner leonard. It does something to you and inspires you to do something about this, and my frustration has been in our inability to be there in order to prevent this from occurring. Yet our goals for, for the community are to reduce crime and the fear of crime and to improve the quality of life for all persons and improve the, the police and community partnership. I see this ordinance as being something to move us forward in each of those goals, and by cleverly applying current technology to this problem, we can, in fact, move in that direction. In the installation of the cameras and the signs and the training that goes along with it and the, the movement of that system and involvement of the, of the taxi cab operators with it, I see that we will have an opportunity to not only deter the crimes that exist in that, in that vulnerable environment during the day and late at night when people need to use the, the taxi cabs, but also the development of detection, so it will deter and it will detect the crimes that will occur, be occurring because we have the best evidence available in this digital tape that will be recorded and stored in the hard drive. Finally, it will help to defend a community that is vulnerable and that is out there in day and night and always at a point where as an operator, and I have spoken to so many of them, you just don't know who you are going to pick up. But, you want to be there because this is your profession, and you do this, and

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they do it well in Portland. I have seen them and met so many of them, and so on their behalf, I think, I can speak as a member of the community and in representing their community that this is a really, really good step in the right direction of not only the deterring, but also detecting and also defending our taxi cab operators. Thank you very much.

**Katz:** Thank you.

**Leonard:** Thank you, chief kroeker.

**Katz:** Go ahead. Somebody start.

**Greg Johnson, Tri-Met:** I am greg johnson, training supervisor with tri-met. In regard to the cameras that we have had put on the buses, we found that the benefits of the, of the cameras on the bus and the rail include mitigation or elimination of questionable or false claims. The reason for this is that the transit industry, not just here, but across the country, you know, where people are constantly wanting to, to make fraud claims against us and the cameras, the cameras definitely help. This reduces the agency's cost not only for claim payments but also for other related areas such as legal fees or costs. Another one we have would be for driver training to enhance better operators and better customer service. That would be where, where say if an operator, one of the bus operators were to get into an argument with a customer on the bus and in one documented case there was, there was a driver who actually got off the bus and got into a verbal confrontation with somebody. The camera recorded this, and the company was able to get, you know, the driver's side of the story and the other person's side of the story, so they could see what's happening? Also, for, for the elimination of operators whose adverse driving on repeated basis will have negative effect to the agency's cause, we've gone from three to five cameras on the bus, and the first three that we had inside the bus -- that just kind of controlled the, the -- what people were doing inside the bus. We have added one in the windshield to watch for people pulling in front of us and slamming on the brakes and backing into us and then saying the bus rear-ended them. Another one was where we put a camera on the right side just above the, the front door. When we were having trouble with tires that were wearing out and damage to the side, we could see when it was happening and who was doing it. So, that was helpful to cut down on, on operators who would come back and say no, I never did that. That it never happened. We would say, see, we have got you on, on felt -- or on tape, I should say. It also facilitates security in their ability to enforce laws and to insure safety of our passengers, and that was the primary purpose of having the three cameras that were inside the bus. That's about, about all I can say right now.

**Katz:** Let me ask you a question. Any of your cameras directed so you can see the drug dealing at the bus stops?

**Johnson:** Well -- [laughter]

**Johnson:** No, because we have got the one camera in the windshield that's pointing straightforward, but you know I guess you could say yes because when the door is open to the bus and if the bus is up to a bus stop -- to a shelter, there is a camera just to the left of the driver, just up over his head that points out the door, so if there is somebody doing some drugs in there in the shelter, I guess that that would happen. It seems like the drug dealers and the drug -- they take off. They run as soon as the bus pulls up.

**Sho Dozono, Broadway Cab:** Good morning. Sho Dozono. 2580 southwest 83rd. One of the partners in the broadway cab business. Last time we were here in the fall of 2002 was a culmination after very exciting time for me personally, and with your help and city council, we were able to successfully bring broadway cab back to the local ownership. The transition to the ownership went very smoothly. The acceptance by the, the staff, the drivers and the community was outstanding. Unfortunately for us the honeymoon came to a tragic end on february 16 when, when our driver, gregory was brutally murdered as commissioner leonard mentioned when he was operating our cab. As I watched the, the story unfold in the media and the press similar to

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commissioner leonard and what chief kroeker was saying, I knew we needed to do something to protect the cab drivers while they were serving our city. Almost immediately commissioner leonard contacted from our office and had the same idea. His leadership, innovation and determination has brought this ordinance to your council this morning. Within several days commissioner leonard met with the taxi cab drivers, management, and other interested parties to brainstorm as to what can we do because a lot of the ideas have been, have been brought before in our industry. As I have become more familiar with the taxi industry, I have learned that city after city our enforcement of this type of ordinance, and I think you heard in the previous testimony about, about using the red cameras. I think that the technology is here to really help all of us to really not only bring safety to, to the impacted drivers but our community at large, which I think the focus was very important. The fear factor not only as a driver of the community but as passengers, and cab, and the cabs do provide a necessary service to our city and our community, so I am here to support the ordinance and hope that, that even though there will be additional cost to the drivers and the company, we think it is certainly worth the price that we pay collectively for the safety of our citizens and ourselves. Thank you.

**Katz:** Thank you, sho.

**Ruslau Khemshau:** I have worked with the Portland taxi for five years. The business is going more down, down in five years. Insurance is going up. Everything is going up. We got the signature against the mandatory --

**Katz:** It's hard for me to hear you, so hold up. Did you raise it up? Go ahead.

**Khemshau:** I got like, like 170 people signed this, this [inaudible] because we cannot afford to pay more money because [inaudible] is going up. Insurance, everything is going up in the business.

**Katz:** Ok. Thank you. All right. Keep going.

**Raye Miles, Broadway Cab:** Good morning. Raye miles, member of the, of the private for-hire transportation board of review and general manager of Broadway cab. As always, thank you for the opportunity to participate. You know, I will try and make this quick. The industry needs your help. We, we are a struggling industry in transition for a whole slough of reasons that I won't go into. But, we did try to address this issue a few years ago, and, and we just weren't able, for a variety of reasons, to bring it to fruition. I think that the whole industry is concerned that if we make isolated attempts to address this issue either on a company-by-company basis or segment by segment basis, the end result will be that it will further concentrate the danger on, on drivers that aren't protected, so it is important that we do this on a widespread scale. The drivers also need, need our help. It is a high-risk occupation. While I was researching alternatives to improve driver safety, I stumbled upon a website that, that keeps a memorial for drivers in the United States. You know, there have been seven so far this month in July of 2003. When you try to find a name, it's on the page. If you look for Johnson's name, it's buried back here, so they need our help. As a city, we do mandate some of the risk in our ordinances, meaning we do require them to provide assistance to anybody who is a reasonable demeanor or something roughly like that and who can demonstrate the ability to pay, so I see this as kind of the complimentary requirement that says, but in addition to requiring that, we will try and keep you safe. Before I beg you to vote yes, I want to thank commissioner leonard's office. The leadership that he and his staff have provided to bring, to bring this to this point has been needed and appreciated. Our industry isn't the most glamorous, and it is frequently the butt of jokes. Certainly David Letterman gets his share, and, and but, you know, more than anything else our drivers are everyday heroes. They are out helping people whose car break down, who have had too much to drink, who are out of options for transportation. The cab driver is the one who goes out and helps them. So they need and deserve our protection. So I am begging you to vote yes.

**Katz:** Can you explain why over 100 of the drivers are not supporting this?

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**Miles:** As I said we are an industry in transition. The cab drivers in Portland over the last five years have just seen repeatedly other industries, masquerading as a different type of service come in and take cab fares away from them. So, drivers are struggling financially. I, personally, kind of equate this to the seat belt law or something along those lines that, that not everybody loves it, but, but it is a necessary requirement. There are drivers who are worried about the privacy issue. I think they think there's a big brother kind of attitude that we will be able to watch and spy on them. We will track their every move, but really only the police will access these tapes, and I am guessing only when a crime has been committed.

**Phillip Rilling, Aloha Executive Limousine Service:** My name is philip. I am with the executive limousine service. I am here opposing this thing. It's a great idea but the way they are going about it to collect the funds, ok, is wrong. It's just like here in the city we have all different professions. Each, each profession has their own fees for their, for their professions that they have. So, if something that's going to be benefiting the taxi cab, so-called metered taxies, then why is it that we, the people with the executive services, are providing for something that, that doesn't benefit us. They are saying that sure, people change this jobs, but at that point if you are changing a position, then at that point you need a different fee or if you need a different licensing, fine. Ok. But then also, too, I am here today as I have a document because they are passing an ordinance, and this is not the first, but things like this, I have got no -- excuse my appearance by the way I flew in this morning from hawaii. I was on vacation. I got this notice about the council meeting yesterday morning. In the e-mail from john hamilton's office that there's a meeting today. Not more than 24-hour notice for us to appear to come and give our testimony on issues like this. I mean, when they have board meetings, they can notify us 10 days in advance, two weeks in advance, they knew this meet was coming up. They were coming in for the approval of this ordinance to be passed. Why were we not notified more, more for us to be here? I talked to some of the other companies, and we cannot just drop our business and just show up and say hey, woe, time out, you know. And the reason that I am here, I was flying in today anyway, and I got this notice, so that's why I appeared here this morning. I flew all night, but still it is very important to us. Talking for a lot of other companies on behalf of them, you know, we don't think that you should make a decision on this issue until, until another meeting where we can have all the different companies in here as well as, as well as one of the taxi drivers here with a list of, of 100 and special people that is opposing it. If you are going to pass it, then they need to find different ways to fund this. Not to hit the people that it does not effect. If you are looking at the reasoning, they are saying sure, a shuttle driver might drive a taxi, and at that point, if they need a different permit, they should pay the difference at that time. Now the permit that we, as a limited, well, they call it, call it limited transportation, that we was hit with a year ago, is, is that we needed money to regulate here in the city to provide legal companies, but we have no funds to regulate these ordinances and to regulate the companies. So by doing this, we will have the companies that is licensed, that has, has sufficient insurance and everything, and we will have the money to-- excuse me, but to conduct all these things, to keep everybody on the up and up level, ok. At that point, we have not seen yet with those funds, and we are asking for more money from us, and we haven't seen where our money is going.

**Leonard:** If I could, I think you raise a legitimate issue, and I want to respond to that so that you understand at least my reasoning in supporting having the limousine services and town car services also help pay for this. I met with a number of cab drivers I did meet with a limousine service owners, including the largest service in the city, and I think that it's a fairly accepted that the clients you get are what the cab industry would consider to be the cream of the crop. The people, the people who might otherwise ride in cabs, ride in your limousines and that you also don't have the infrastructure cost that a radio or Broadway cab has or the other cab companies, and therefore, they feel as though they are in an unfair competitive level with the limousine services now. I should tell



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you that this work has also interested me in trying to get in addressing some of what raye miles addressed as some of the this -- the unfair competition that i, I do believe is occurring from some of the town car services and the cab drivers out on the streets 24 hours a day, seven days a week, and i've actually assigned a person full-time to kind of, of lay the groundwork and do more work on trying to make sure that we have limousine services that are limousine services according to our ordinances and the cabs aren't-- the cab drivers and cab companies are not at an unfair disadvantage, and I will probably --

**Rilling:** I understand what you are saying.

**Leonard:** But your concerns are legitimate ones. They were considered, discussed with the limousine services, and after the reasons I gave, we thought it was fair.

**Rilling:** But see that's not all true, either. You know us as limousine companies, sedan company, myself when I started almost six years ago on the demand line, ok, we had taxis --

**Katz:** We are not going to have a debate.

**Rilling:** Right, but what I am saying is that, is that is not all true is because we run on reservations only. As long as they are on reservations --

**Katz:** I understand. You can have that conversation with commissioner --

**Leonard:** I would like to follow up later, but I have some concerns about, about whether that's happened with every company.

**Rilling:** My point here today is not enough notification to us as a company --

**Katz:** We heard you. Thank you.

**Rilling:** We would need more notification for a situation like this one. Thank you for your time.

**Steve Entler, General Manager, Radio Cab Company:** I am I am the manager of the radio cab company. Earlier this year we were presented with a draft proposal concerning driver safety, although the changes and regulations addressed a number of items, the one that is most controversial is the requirement for video surveillance cameras to be installed in the taxi cabs. Originally I didn't approve of them. I considered them to be an invasion of privacy, a device that would scare off a portion of our, of our customers and just another piece of equipment that had to be installed, maintained and funded. Most of the drivers within our company felt the same way. And most of them probably still do. Over the past few months, I have gradually changed my opinion. The previously mentioned problems I believe will be minimized, and over time, the drivers and riders will become accustomed to the cameras. Most importantly, even if so much as one shooting, one assault, one robbery could be avoided, then the expense and inconvenience will be well worth it. Mr. Leonard and his staff have taken a hands-on approach with this issue, and I believe they will continue not only with this issue, but, but also with others that we consider even more important to our survival. For their efforts, I thank them and urge everyone to follow in mr. Leonard's lead and follow in the change.

**Katz:** Ok. Go ahead.

**Nick Batranchuck:** Good afternoon. My name is nick. I am the driver with Portland taxi. I've been driving almost two years. I'd like to mention a few things. I believe that, that we're not ready for this action yet. The reasons being is that in the end it's going to affect us. We are losing our business. I, by myself, cannot support my family. We must also look to what we can do. Safety is an important issue, and I agree with that, but also privacy is an important issue, and I believe that it should not be mandatory but optional because we're the owners of the cars, and I should care for my own safety more than anybody else in this room or anywhere else. I'm the responsible person for my own safety. I am my best protector for safety, too. So, the cameras, they will not -- they will, they will scare -- they will try to prevent but they will not eliminate crime, and compared to what, what the robberies cost, it will cost more of this expense money for the cameras rather than compared to, to what the robberies amounts to. So, I believe that it also depends on the person, and

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even though, though the police vehicles are equipped also with cameras, it's an important issue, especially for them, and yet it still does not eliminate crime, murders, and, and various crimes. I believe these, these are important issues, and just, just issues that mentioned in raising the fees are not enough to support because there's a lot of expenses to that cab drivers, themselves, which, which in the terms time equal money. It takes a lot of time for training. It takes time for -- to maintain anything that goes wrong. At least, the least we ask for is, is that it should be optional for us. If the drivers really want it, let it be optional. They can raise the fees for them. They can pay the fees higher, and they can have their safety. If I choose not to, I would like to have the choice to choose not to. I'm the owner of the, of the, of the car, itself, that I drive called "cab operator." I believe these are very important issues, and expenses have not been mentioned in this room. The numbers, at all, and, and I believe, you know, we're predicting something, but most of the times, 90% if not more, these things cost a lot more than they intend to be, and they predict certain amount, and yet it will, it will always go higher. Thank you.

**Katz:** Let me just -- go ahead. Go ahead.

**Michael Tolley:** Mayor Katz, commissioners, for the record I am michael toley, a resident of southwest Portland. For the past decade i've been a taxi cab driver for both radio and Broadway cab. From January 2000 to December of 2002 I had the distinct pleasure as serving as the driver representative on what was then called the taxi cab board of review. Following the February 2000 murder of Gregory Johnson, I was appointed to the chair committee to make recommendations that would improve driver safety. Some of the recommendations we made were called common sense and were endorsed by the board, were editorially endorsed by the Oregonian. A few of the recommends have been put into place. Two of them, we're talking about here today, which were part of those recommendations were driver safety training and security cameras in cabs. Both of those recommendations, as I said, were approved by the board, endorsed by members of the council. The Oregon, Portland police bureau, OSHA, and the bureau of labor and industries. Unfortunately, they fell through the cracks, and they were not enacted. When another driver was killed this past February, Commissioner Leonard stepped up to the plate with the ordinance that's before you. This is the second time that Randy Leonard has befriended and been at the forefront of actions to make taxi drivers safer. During the 2001 session of the legislature then representative Leonard co-sponsored legislation that would make any assault of a taxi driver a class C felony. This past Sunday was the two-year anniversary of that bill being signed into law by Governor Kitzhaber. I just to want take a moment to tell you why the committee, in reviewing all the options that were available to it, suggested cameras. There was some distinguished folks on the committee from the police bureau, from Tri-Met, from the Port of Portland, and several cab company managers. We rejected coyotesque gizmos that some people suggested. We found problems with shields that had to do with both the size of the car and the eating and air-conditioning, communication and the assumption that goes with it that the driver would never be up from behind the shield. G.P.S. at that time was prohibitively expensive. They had other problems associated with it. Our research showed that security cameras had reduced assaults and robberies in cities where they were in use and especially in the cities where they were required. We had been looking for, for a solution that, that would involve the deterrents, and we believe that the cameras provided that deterrence. They also provide assistance in apprehending perpetrators and aid in prosecuting offenders. The funding that has been mentioned --

**Katz:** How much longer are you going to be?

**Tolley:** 30 seconds.

**Katz:** Ok.

**Tolley:** The funding that's been mentioned, the cost to drivers will be somewhere between \$2 and \$3 a week, and like seat belts and baby car seats, sometimes you have to, to make people do things

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that are good for them. Last point, some might not like the intrusive of the privacy. The fact is in the post-9-11 world, security cameras are everywhere, and if there is any logical place to put them, it would be in the workplace of those who statistically are most likely to be murdered, assaulted, and robbed while they are on duty. A vote today is a vote to save lives and words taken directly from the ordinance, an emergency does exist because the safety of the taxi cab drivers and passengers is at risk. Thank you, your honor.

**Katz:** Thank you. Go ahead.

**Bob Wagner:** Mayor Katz, commissioners, my name is bob wagner. I've been a cab driver for 16 years in Portland, and I'm the current driver representative on that transportation board of review. I'm here today to support commissioner Leonard's ordinance to establish a driver safety fund. As the driver representing, the most fundamental concern is for the safety of my fellow drivers, and I believe this ordinance will be an important first step towards making the streets of Portland a safer place for, for drivers to work. When we were first approached with the idea of requiring the security cameras and G.P.S. in all the cabs, they were frankly quite skeptical. We questioned whether or not a way could be found to pay for these systems that would not place a significant financial burden on an already struggling cab industry. As a result of these concerns, I drafted a critical response to the initial proposal, one that details all our objections, and I sent it to commissioner Leonard's office, and in short order we were offered a meeting to address our concerns. I put together a work group of several drivers and a couple of days later in the evening commissioner Leonard and two of his staffers, Ty and Shawn sat down with us in the radio cab conference room for a two-hour meeting. In this meeting we were able to express our concerns directly and come up with some, come up with alternatives. This meeting and subsequent exchanges between the commissioner's office and my driver's group eventually led to the current ordinance amendment. It's one to be an innovative approach to funding where the cost to the drivers is kept at a manageable amount and is distributed equitably. I can truthfully say this level of exchange between a group of cab drivers and a city commissioner is without precedent. Too many of the drivers I talked to are cynical of city government and feel that their concerns are often ignored. This led to a climate of apathy, and made it difficult for me to engage them in active participation. , so I'd like to commend commissioner Leonard for, for his leadership in this matter and thank him for his consideration of our concerns as drivers. The question is how do drivers feel about having the cameras in their cabs some of them offered their suggestions to you today. There is no broad consensus since the drivers of a diverse group of individuals with different sets of experiences and attitudes. A few adamantly oppose them and a few quarterback them for the security it will offer. I believe most will come to accept them as another piece of necessary equipment. Will they make the drivers safer? I think the evidence says yes. If they can save one life or protect against an assault, then the effort will be worthwhile. For me the key element here is the establishment of the drivers' safety fund, itself. There are many good things that can come from this fund in addition to the expense of security cameras such as support for standardized driver training. Perhaps the establishment of the incident data base, and many others that will come from the active involvement of the industry. You may be surprised by the good ideas that will come from the drivers if you turn them loose on this.

**Katz:** Thank you.

**Wagner:** I urge you to pass this amendment.

**Katz:** Anybody else in the audience?

**Batranchuck:** Can I add a few words. I really support the safety, but at the same time we're not even considered as employees, also, you know.

**Katz:** We're not -- I know, and we are not going to solve the entire -- all of the issues that we have heard over, over, over the years, but thank you.

**Batranchuck:** I'm sorry for taking the time.

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**Katz:** No, you did well. Thank you.

**Jada Mae Langloss:** I have an idea that might work.

**Katz:** Come on up. You have the right to share that idea with us.

**Langloss:** My last husband was a cab driver. I won't go into the facts of how many people he robbed. But, that's another book. My last husband, but the idea is in these cameras -- can the cameras be, be taken on and off depending on if it's a first of the month and everybody out drunk and it's the safety value would be, would be better if you could lease them? Then have a bunch of these leased for the people who, who really feel that, that they would be safe and have attachments up there? It's just a thought. That's all it is, is a thought. Least whether you think you need it.

**Katz:** All right. Did you want to come and testify? Come on up. This is an emergency ordinance, but we don't have everybody onboard, so I will remove the, the emergency off this ordinance. We will vote on it next week.

**Patricia Montgomery, Rose City Cab Company:** I am patricia montgomery. I briefly want to come up and say that as a small company, we support this. If it was going to hinder anybody financially it would be us because we have less revenues coming in. I think the importance of having a measure ordinance such as this is a necessity. When rosenough was killed, I went out and asked how many drivers knew the emergency procedure for turning up the top light to be flashing to let someone know that there is danger, and a majority of them told me no. I think what the, with the ordinance and the safety training is a necessity. I mean, every driver can say, I can take care of myself. It is mandatory every driver know, know what to do out there in an emergency. I talked to the public when I drive part-time on the weekend. How do you feel about cameras in the cabs? And a lot of them said well, are we going to be filmed all the time? I explained sort of that there is still shot photos and stuff. A lot of them didn't have any problem with that. I am in real support this far. I know the increase in the fees will, will, you know, a lot of the companies aren't going to like it, but I think that this is the way to go. There has been meetings for it. I've been involved in a lot of the meetings. There has been announcements that's gone out. The city has tried to send it to the appropriate people to get them involved. I said on the management committee meeting that we have numerous meetings relating to this or, or town car driver representatives have been there, shuttle company, s.a.t., and taxi cabs, so I think that, that the involvement and the information going out has been appropriate, and all I would like to say is that I am in support.

**Katz:** I just, from both of you, curious question since we have, we have seen and heard you here before. How are you doing?

**Montgomery:** We are doing quite well.

**Katz:** The company?

**Montgomery:** Doing well. Four years ago they entered in all the new companies, and, and, of course, we complained but as anything else, you alter the business to make it successful, such as the fees going up, if they are going to be increased, you alter something to be able to make it. We are surviving. 30 years and strong. Thank you very much.

**Katz:** And you?

\*\*\*\*\*: Five years and strong.

**Katz:** Go ahead.

\*\*\*\*\*: We are ok. We are doing ok. So most companies are saying that. I think that I will be green cab today. [laughter]

\*\*\*\*\*: I drive [inaudible]. I am everywhere, that's why I am going to be in the green cab today, so what I really support the cameras in the cab because, because as a cab driver, I am a cab driver, too. I drive sometimes. It's a protection for the drivers, so we've been doing that for many years we've been talking about it. But there's one thing that, that i, as a person, and I have been raising it as a board member, that centralized training, recruiting is, is the most important thing that I was working

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at and I was trying to say, if that's, if that's, you know, creating that front, then training every driver that's going through to any one of them, like the s.a.t., the, the taxi cab, that will be, you know, good, and I would support it. But, I have, I have one concern, you know, the, the fee -- i've been talking to, to commissioner leonard's office, the fee is going to be adjusted by the board. I think that that's what we are talking about, so I don't, I don't want to argue about it here. So, that was a concern that I have. I'm glad that this is going to happen, and i'm glad that a centralized recruiting and issuing of the permit is going to happen finally. Thank you.

**Montgomery:** I wanted to bring up one more issue. When you asked how, how did 100 and something drivers sign opposing something? We had a taxi meeting about a month ago in which we brought up the fee increase and stuff. And i'd say 90% of the drivers are russian. Of course, at first they said increase fees. When we explained to them what, what it was going to be for and that we wouldn't have to increase kitties from the companies taking on having to buy the equipment, when they weighed the difference against the cost of the kitty increase versus increasing their fees, they understood and they agreed on it. So I think that, that when someone hears the information and doesn't have the whole piece of it and doesn't really understand the whole concept, they are going to oppose it because the industry -- it is a bit hard out there, and when someone says oh, this is going up, everybody is, everybody's reaction is we don't want to pay it. We are paying this. But once they understand the concept of what it's for, I think it's a whole different thing.

**Katz:** Thank you. Thanks. Anybody else? All right. This will pass to second --

**Harry Auerbach, Sr. Deputy City Attorney:** You need a motion to remove the emergency clause.

**Katz:** I did it already. I did it. I did it. I have a motion to remove the emergency clause.

**Leonard:** It's removed.

**Katz:** Second

**Sten:** Second.

**Katz:** Any objections?

**Leonard:** I wonder if we could make a remark?

**Katz:** You can.

**Leonard:** Well, I wanted to -- we're not going to vote on this finally until next week, but, but that will be kind of a [inaudible] and I don't think you all will be here. I wanted to say a couple things with all of you here. I deeply appreciate the concerns that the drivers have raised about fee increases and how it affects their, their income. As I alluded to earlier, as I have gotten into this issue and kind of tried to understand better some of the problems taxi cab drivers are facing, I am very committed to straightening out the limousine service issues so that limousine services are doing exactly what the ordinances they are supposed to be doing and nothing more, and I am convinced that not all limousine services are, are living up to the ordinance and doing what they are supposed to be doing. I might add the more credible limousine services have my belief, and I will resolve that so that will affect the income of cab drivers. I think what's really interesting about, about what we are doing and what we will be voting on next week is that this fee increase actually buys something. This isn't a fee increase to, to effect, to affect increases in costs of supervising. The fee increases are going directly to buy cameras that will directly improve the safety of drivers, and in the cities that we have surveyed, there have been dramatic decreases in crime as in the case of new york, not one cab driver death since 1997 when these were installed. Lastly, I want to particularly I wanted to say something to thank the people involved because as was alluded to by some, there was a lot of different groups and individuals who spent a lot of time developing what we have here today. So, raye miles from broadway particularly, I want to thank ray. Sho, he was great to deal with. Bob wagner, who we heard from was wonderful. Steve from radio cab and the taxi drivers on the committee from each cab company in the city were, were -- these guys aren't shy

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guys. They reminded me of firefighters. They are very easy to share their opinions. And John Hamilton and Jim Wadsworth, thank you for the research and help you gave. Nancy from the state attorney's office was invaluable in drafting this and had a lot of great ideas. Mark Murray, who is sitting out here to answer questions was wonderful in developing the financing package, which was complicated to put together and Mike, who came, who didn't mention he's now working for Representative Mary Nolan -- I'm sorry for your having to be down there in Salem and going through all of that. Gloria Coon was wonderful in helping me better understand some of the issues of the town car industry. And the for-hire transportation board of review for the work that they did in the past, and then finally, Chief Kroeker for agreeing to come this morning and speak. Thank all of you.

**Saltzman:** Madam Mayor, I may be the only person opposed to the camera in the cabs so I thought I would take this opportunity to make my statement now since many of the people who care about this issue are here now. With all due respect to the work of Commissioner Leonard, I think he's done a great job with the solutions to make cab drivers more safe, and I fully support the driver safety education programs and things like that, but I am not convinced that putting cameras in cabs is the right solution for Portland. It's really on two reasons -- I think we all know -- many of us who sat in the chamber know how much Portlanders cherish their privacy, and I think I am concerned that despite all the safeguards of the technology, that it's not going to provide enough safeguards to people in Portland. I am haunted by the image of websites, unauthorized websites showing pictures of women, primarily. I think that women in cabs. I think that that is something that is going to happen, and I am not, you know, despite the fact that, that this is supposed to be only access by police, you know, unfortunately the fact is that it's only accessed by police doesn't allay that particular concern. It's also the cameras are not supposed to be used except for investigation of arrests. Well, I think we all know in this day and age that if we are going to put cameras anywhere, they are going to be used as investigative tools for other purposes, and in fact, they probably should. We have seen how cameras in shopping malls -- we have seen how cameras in parking lots have recorded crimes and helped apprehend criminals. But, I'm convinced we can't state that the purpose will only be used by police in investigation after crime relate -- a crime committed in a taxi cab when we know full well that if the F.B.I. or Mr. Ashcroft's justice department demands those films and those hard drives, what cab company is going to say no to that? That's not going to happen. And finally, I was struck by the fact that we had a presentation on traffic safety right before this and there is two aspects of traffic safety that I am concerned again cameras will work against. One is drunk drivers. We have an interest in getting drunk drivers out of the cars and to use cabs. 33% of the tallies are drunk driver related. We just heard that in the previous presentation. I'm very concerned that the drunk drivers already impaired thinking are going to elect to take their car at the end of the night rather than get into a cab, which we all want them to do because they are afraid that somehow they are going to be on film, who they are going to be with is all going to be captured on film, and that's going to be a deterrent to doing the safest thing for all of us, so that's a concern that I have, too. The final concern on safety is, is, I believe, older drivers. We don't know what impact this has on older drivers, and I don't profess to understand the mindset, but I do know a lot of older drivers have, have privacy concerns just like all of us do. Again, we all have an interest in getting older drivers where appropriate to be using other forms of transportation, whether it's a bus, taxies, or whatever, and again, I am afraid that, that somehow the notion that they are going to be on film is going to act as a deterrent and make them get behind the wheel. I do believe that there are other, other methods that should be used. I think that we can use the global positioning systems, and I think that we can use the shields, the plexiglas shields. I think those will provide what I believe are more appropriate solutions for the city -- for a city like Portland. We are not New York. So, I appreciate the work that's been done. I cannot support the cameras in the cabs.

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**Francesconi:** Well, extremely briefly here, I, too, went to the last cab driver's funeral. We have to do all that we can as a city to prevent the next cab driver's funeral. Based on, on my experience and belief, these cameras are essential now. They are one of the best methods that we can take to try to prevent the next funeral. Drivers under the influence are using cabs in new york city. And taxi drivers are not being killed. Finally, I commend commissioner leonard for his extraordinary leadership and for the cab companies and drivers for coming along.

**Katz:** We will vote on this next week. Let me just ask commissioner leonard, in the intervening time if we could begin drafting some rules on the storage of the hardware and on the viewing of the hardware and how that's going to be released. I don't want to delay this any further. It's administrative are but I think it would be very important to allay some of the fears with regard to the potential misuse of those -- I still call them tapes, but, but of the, of the images

**Leonard:** I should add are the concerns I share, so we'll, we'll --

**Sten:** Everything has been said but I want to say that I will vote for this next week so that it's clear.

**Katz:** Ok. I will, too, but I just need to make sure that I think that some of the concerns that commissioner Saltzman raised very, are very legitimate, and, and I want to make sure that people's privacy is, is secure when no crime is committed. I just need to add that I get the calls on homicide, and if we can do anything to prevent the loss of life, then I will support it, and in this -- I think the work -- the foundation work has been done. You have done a good, good job, and your staff and all the people working with you. But, I am going to make sure that we do protect privacy of individuals who haven't committed a crime.

**Leonard:** I need to add one thing. I read the list of people to thank, and ty didn't put his name on it. Ty did an outstanding job on this:

**Katz:** It passes to second, and maybe you will come back at the time or at some point with -- so that the audience and people who are concerned, especially, especially the taxi cab drivers understand how it will not be abused. All right. Item 883.

### **Item 883.**

**Katz:** Sorry you had to wait so long

**Leonard:** I thought they were here to listen to the camera ordinance. [laughter]

**Susan Anderson, Director, Office of Sustainable Development:** Susan anderson, director of the office of sustainable development. The contract you have before you today is with the local consulting firm called ecos, and usually when you have contracts before you, it's when we are giving money to private companies, but in this case, a private company has come to us to our office to hire the city for our expertise and our network. They are hiring o.s.d. To be a partner to deliver energy conservation services to apartment building owners, and we are going to be the marketing program arm out to reach 7,000 renters in about 2,500 apartment units over the next six months. Ecos is a primary contractor for the project with a group called the energy trust of Oregon, which is now delivering conservation services throughout the state as a replacement for the old utility programs. Unlike the federal weatherization programs you have probably heard about in the past, this is not designed to be a handout program to the apartment building owners. Our office will market the benefits of conservation and get them to, to commit to the projects. The owners will invest their own money in the projects, private contractors that they pick will do the work, and then the energy trust will help reimburse for some of the costs. There's lots of benefits. Benefits to the owners and in terms of improving the buildings, the benefit for the city and why we are involved in terms of improving some of the poorest housing stock in the city. And then the bottom line is for renters. This will save on average every, every household about \$200 a year on their power bills. As is the case with most of the projects that I bring to you, there were a lot of different partners in this. We have the energy trust of Oregon. We have ecos as a, as a private company. We have the

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state energy department and also the climate trust of Oregon where we are selling the carbon credits from the multifamily savings in these apartment buildings to the climate trust of Oregon, and we brought that, that contract to you a couple of months ago. So, with me here today is margie harris, the executive director of the energy trusts of Oregon. Some of you may know her from working at tri-met or years ago working for mike lindbergh, and she had a couple of words to add.

**Margie Harris, Energy Trust of Oregon:** Thank you and good afternoon. I am margie harris with the energy trust of Oregon. Pleased to be in these chambers with you today. I wanted to address the contract, and I will try to not overlap with what you just heard from susan. As you may know the energy trust is a 501-c-3 nonprofit charitable organization committed to energy conservation and energy efficiency and renewable energy development where one of -- we're one of three administrators of the revenues collected through the public purpose fund that appears as a 3% charge on monthly utility bills for p.g.e. and pacific power customers. We operate in the service territories of the two utilities and through a separate and different agreement we are also delivering services to residential and commercial customers of Oregon, northwest natural gas. The office of sustainable development and the energy trust, as susan said, share common goals for energy efficiency and for renewable energy development. We both recognize that if we invest in energy efficiency, we can help residents reduce their energy costs. We can help businesses remain in business and be competitive and free up dollars that they can invest in other aspects of their business. We can create jobs. We can maintain jobs, and we can strengthen the economy and keep dollars circulating among local businesses. Energy efficiency and conservation sustain the natural resources and help delay or eliminate the need for new fuel plants, which are the primary source of pollution for our air and for our water. The energy trust operates by, by being a pass-through organization, so we hire contractors who have the responsibility to deliver programs and services on our behalf. Ecos' consulting is the local contractor providing home energy services through the home energy savings program. Both ecos and the energy trust are highly impressed with the qualifications of o.s.d. and their ability to operate the multifamily component of the home energy savings program. Residents of multifamily housing are typically hard to reach and have typically not had the same level of opportunities as owners of single family house, so this is a particular market that we are reaching, and o.s.d. has the particular skills, contacts, networks with the owners of the buildings as well as the, the installers who service those buildings. Recently I was out and from the perspective of the owner of one multifamily home heard how important community is by having an investment in a multifamily dwelling. There's higher levels of pride associated with living in that unit. The ability of the tenants to remain there and pay their winter heating bills is higher and hence, the, the community, itself, in that, in that established multifamily area is more stable. We have experience prior to this working with the office of sustainable development. They helped manage our, our, one of our first pilot programs, which was the transition and changeout of green, of green l.e.d.'s, dialed lights throughout Oregon communities so, we know that they are a proven commodity and we are pleased to be able to do business with them through this contract.

**Katz:** Anybody else want to testify? If not, roll call.

**Francesconi:** Great, great, great program. Aye. **Leonard:** Aye.

**Saltzman:** Well, I just want to thank the energy trust for recognizing the, the expertise the city of Portland through the energy office and now the office of sustainable development has acquired in multifamily weatherization and conservation activities. It truly is an area that we have great people working on, and so I wanted to say thank you for recognizing that, and thanks susan anderson for her continued entrepreneurial instincts in looking for ways to further the goals of the office of sustainable development by using, using other people's money. Aye.

**Sten:** That's terrific. Aye.

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



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At 1:09 p.m., Council adjourned.

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JULY 31, 2003 2:00 PM

**Katz:** Please call the roll. [roll call taken] all right, I need p.d.c. are they here?

\*\*\*\*\*: They're parking.

**Katz:** I need them here now. We'll take a recess. [gavel pounding]

**Items 885, 886, 887, 888, 889 and 890.**

**Katz:** There are amendments 885 and 886. I'm going to ask the council to suspend the rules and add an emergency clause on 887, 888, 889, 890, so we can adopt those today. They're basically the execution of intergovernmental agreements with all the other bureaus. We will move on 885 today.

It's a resolution that's on the housing development strategy. We will take the amendments on 886, and I will hold 886 until the p.d.c. commission acts on 886, and then we'll finalize 886 on August 13. Everybody understand what we're doing? Ok. Well, what we'll do is, as we go through each item, maybe somebody from p.d.c. can clarify. 887, 888, 889, 890, are just agreements with the bureaus to begin the intergovernmental agreements. What you're really interested in is 885 and 886. There's some language on the intergovernmental agreement with parks, isn't there?

**Francesconi:** Thank you, mayor.

**Katz:** Not yet. It's a simple thing. We'll get to that and then act on it. All right. Why don't you start reading all the items, Karla.

**Katz:** All right. Let's start with 885. Let me just kind of refresh my memory. We did make -- come on up. We did make an amendment to 886 on housing last time. Commissioner Sten made a motion that was adopted to the intergovernmental agreement on housing.

**Sten:** Mayor, at the last meeting we made an amendment that upped the amount of affordable housing that would go into the development agreement on this first phase. This first item on today's agenda is a formal adoption by the council of the housing strategy for the entire north macadam area, and doesn't deal with the --

**Katz:** Got you, ok. Then we'll leave alone as is. We won't further amend that. We'll act on this resolution. Ok. Go ahead.

**Sten:** It was important to me, and it to thank the Portland development commission, who have been right on the same page all along, the housing advocates, other folks that have been working on this, that particularly because the district is somewhat constrained as everybody knows in terms of how much money exists until development happens, it became clear early on that we could not, although the council I think last week improved it with p.d.c.'s help and aggressive getting low-income housing into the first phase, we couldn't reach what the typical city goal would be in the first 3,000 units because there's not enough money available to do the greenway, to get the infrastructure in place and do the housing. So I wanted to make sure that there was an overall strategy for the entire district that made sense. That's what this is. I thought it was important we adopt it on the same day. When we originally began work on the north macadam, now south waterfront area, I think the guess was that there would be something in the range of 3,000 units of housing built. Now with the agreement made with Homers investment group, it's likely there will be 3,000 units in the first phase. So obviously there will be more than 3,000 in the entire district, and could be as much as 6,000. Essentially what the strategy calls for is after this first phase of 3,000 is done, p.d.c.'s goal is to reach the income distribution that matches the city structure just like it did in the river district. So the idea is to get a jump-start on the district, get things flowing, do a significant amount, over 700 units in this first phase, which is what we talked about, and I won't go back into it, at the last session, and then build towards reaching those goals in the second 3,000. It's a very detailed strategy. As usually with p.d.c. it spells everything out, which I think is

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terrific, and of the pieces have been worked on in great detail in terms of the language. P.d.c. will take language changes back to its commission and finalize things. It also has very clear reporting requirements that say we'll look on a yearly and I think every three years is the big review to make sure we're on track. Mayor, there was one question that you asked of the housing advocates that got a lot of work done in the last couple weeks.

**Katz:** I know it.

**Sten:** I think it was appropriate. Many housing advocates testified at the affordable housing advocates I should say, at the last hearing that they would like to see more affordable housing. The question came up, a reasonable one, of we've got a budget, we've got to get the roads in, or no housing will be built, and you go down the line on things that have to get done. We're trying to get a large greenway on the front end. What do the housing advocates want to cut if we put more housing into the first phase? They spent time trying to wrestle with that question. They came back with what I thought it was a terrific recommendation, which was valuing the things that are in the plan, the recommendation actually is not to cut anything and to keep the allocation as it is, but we came up with some language that i'm going to pass out, is one addition to my resolution, that basically says -- I think reality.

**Katz:** Why don't you read it so everybody hears it.

**Sten:** Whereas residential development in the urban renewal district is now expected to exceed 3,000 units, and the majority of this initial housing will be market rate housing, which will generate tax increment and meet district goals for higher-income housing, and whereas production of lower-income housing units is expected to be less than the city income profile, in the early phases of the urban renewal district, be it further resolved that funding housing at all income levels below 50% m.f.i., until these levels match the income profile for the city as a whole will be a priority for current and additional public funds that become available, including tax incremented in excess of the annual projections which currently total an estimated \$131 million. In simple terms, what that says is that the council adopts a policy that if and when we bring more money in through tax increment than what's projected, the housing not in the first phase that we would all like to be in there, will be prioritized to go in. It doesn't say housing will get all the money, but essentially puts it in line as saying rather than cut something that's got to come first, it will be a clear priority. Also want to be clear, we spent some time, there was not support from the housing advocates or myself saying all dollars have to be dedicated to housing. There's been a longstanding tradition on this north macadam that the greenspace, for example, and housing advocates don't want to be split up on this and want to advocate for adequate parks and affordable housing. So it says this to be prioritized during the next money that comes in, should it come in.

**Katz:** Thank you.

**Sten:** I think this is a good solution. I think it's the right policy. I think everybody's worked in good faith. It's very hard to get these things figured out when there's not enough to do everything. I've also brokered a deal with the housing advocates that if we pass this amendment on the front end of this, they will pass on testimony and just support it.

**Katz:** Thank you, commissioner Sten.

**Sten:** Otherwise they're prepared to testify.

**Katz:** You've done yeoman's work on this one. I greatly appreciate it. I've given tasks to two members of the city council and they've worked very hard in getting some agreement. Not total agreement, but I just want to make sure that I clearly understand, because there are needs in the greenspaces, in the parks, the development of the greenway. So it will be a priority, but not necessarily all the money. When we get to that point we'll revisit the issue. Is that fair?

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**Sten:** Yeah. Just trying to send a clear intent that I think probably housing, because it had to, got the smallest chunk on the first end. So when more comes in, it's very meaningful, that this is the priority, but not the only priority.

**Katz:** Got you. I think everybody agrees on that. Now, there are a group of educators, correct? From Germany here. Elementary? High school?

\*\*\*\*\*: Everything.

**Katz:** And you're here studying where?

\*\*\*\*\*: At P.S.U..

**Katz:** On education? On what? On everything?

\*\*\*\*\*: Culture.

**Katz:** Culture. Our culture. Oh, you're going to see it in action today. It's nice to have you here. How long are you going to be here?

\*\*\*\*\*: Three weeks.

**Katz:** There's a lot of culture in the city in three weeks. So enjoy it. Don't get arrested, though. [laughter] It's a joke. But we don't have a sales tax, so -- and there are a lot of nice places to visit, to eat, to shop, to walk the streets. It's safe at night. And we welcome you to the city. And we're so happy that we now have direct service to Frankfurt, Germany, and we're thrilled about that. So you need to do, is you need to go back to Germany and tell everybody about Portland, Oregon, and they need to get on Lufthansa from Frankfurt and arrive directly here to Portland. Is that a deal? Joe d'Alessandro, I did what I wanted to do. [applause]

**Katz:** We don't clap here. That's the first cultural rule. Ok, go ahead.

**Andy Welch, Director of Housing, Portland Development Commission:** Thank you, madam mayor, commissioners. Andy Welch, director of housing, Portland Development Commission. I think Commissioner Sten said much of what I might have been saying, but I'll try to be brief and be direct. There's some points that we think are key issues. First of all, the strategy I guess adopted by the commission and presented to the HCDC and Urban Renewal Advisory Committee as well. I think it's important to reiterate we've worked with the stakeholders to come with a plan for a strong housing development strategy. We've even met with stakeholders and had conversations this week and today. So we continue to work on that and are committed to doing so. I think we've put a handout to you all that will modify the housing development strategy with a little bit of language. We'll talk about that in a minute. Let me start --

**Katz:** Do people in the audience have copies of that, that insert? If they don't, then I want you to be very clear in --

**Welch:** It's on the table.

**Katz:** Ok, it is on the table. Ok.

**Welch:** Let me start out by reiterating what I think is a really important baseline assumption in the North Macadam Urban Renewal area. I think it's important for us to all remember this, that the intent is to build a vibrant neighborhood with a mix of uses and a mix of amenities, that create the best environment and best neighborhood, that's representative of Portland for all Portland residents. I think it's important to remember that. Some key issues on the housing development strategy. First and foremost, there is a framework plan that was agreed to by the North Macadam Advisory Committee. This framework plan calls for 788 affordable units out of a projected build-out of 3,000 units. That is the baseline that we're starting from in the housing development strategy, though as Commissioner Sten mentioned our intent in commitment is clearly above 3,000 units of build-out to reconcile and strive to hit that citywide profile, which provides housing for all Portland residents. The second issue that I'd like to mention is we understand the challenging and competing goals and

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we applaud the political will to balance those goals. This was true in the river district housing strategy. It's been true in the no net loss policy, and we see it here as well. The housing strategy contained very strong language that will, as this area builds out, will put housing production above the 3,000 units. P.d.c. currently does not own any land in the district at all. We've been very clear, in the housing development strategy, in conversations that we're committed to acquiring land, working with property owners, to acquire land, with an intent of negotiating development agreements and partnerships with landowners whereby we could meet the broader housing development strategy goals as outlined in the document. And once again, I want to come back to the balanced program that we're all agreeing to here today. It doesn't lessen our commitment to striving for the maximization of benefits.

**Katz:** Before I turn it over to you, we also have local government officials, mayors and deputy mayors from Kosovo. Is that right? Where are they? Stand up. Welcome. Who are the mayors? Raise your hand. They'll be all the men, right? I figured as much. And who are the deputy mayors? Men. It's nice to have you here. And the women who are here? [inaudible] nice to have you here. Thank you. And you're visiting for how long? [inaudible] really. Studying or just visiting the country? [inaudible] nice to have you. Thank you very much. For those of you who -- this is relatively new, what we're doing here is designing a new neighborhood that will be built out in 20 years. Right now it is a brown field. There's hardly anything on it for anybody to do anything with it today. And there is a section of it that we're talking about today that will create, when completed, 10,000 jobs, 1,000 jobs immediately, housing, housing for affordable housing, which is what we're talking about, greenspaces, parks, a setback from the -- from our river, research and development from the cooperation and the agreement with the Oregon health sciences university, the construction of a tram, direct transportation from the Oregon health sciences university up on the hill down to the waterfront, and a streetcar going from downtown all the way through this property. And I'm simplifying it, in a real simple way. And so today we're taking each one of those pieces together, we're moving it, adopting it, with the exception of one resolution that will be adopted in August. I'll keep quiet now. Go ahead.

**Jane Kingston (last name?):** We firmly do believe we'll reach the goal of achieving 788 affordable units by the time we get to 3,000 units. The recommendations in the document are ways to accomplish this. We're going to work with landowners and developers and we're going to move to acquire land now. In order to have the financing to acquire that land now, we're going to use mechanism such as the smart growth fund and hold the land until the time that there is t.i.f. available to pay that back. In the strategy, there's a wide definition of affordable. And that's based on meeting the citywide income profile. The categories, the m.f.i. categories listed have been extended from five categories to six categories. We've broken that 51 to 80% m.f.i. range down into 51 to 60 and 61 to 80, thinking we'll get a more diverse build-out by doing that. There is a real strong page about evaluation, reporting, and adjustment of goals in the document. And it is our intent that once the production climbs to the 3,000-unit level, the goals will be based on the comprehensive policy, the balancing goal from that point forward. As part of the ongoing evaluation, we'll do an annual report and a full inventory every three to five years. We want to target the market rate housing to as wide a market as possible, promote both ownership and rental options, and encourage housing opportunities for those employed in the district. The strategy is based on not only the north macadam urban renewal plan, the south waterfront plan, but also the city policy in the comprehensive plan and the consolidated plan. And as has been stated before, it's a balancing approach to the various priorities as well as a balanced housing build-out, including getting to the zero to 30 and the 31 to 50% m.f.i. goals.

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**Katz:** Before I take a motion to accept the amendment to the resolution, does councilmembers have any questions? All right, then i'll take a motion to accept the amendment and then we'll open it up for public testimony.

**Francesconi:** So moved.

**Saltzman:** Second.

**Katz:** Any objections? Hearing none, so ordered. [gavel pounding] thank you. Let's have public testimony on 885. 885 is this housing strategy and the strategy to add additional affordable housing. Since we adopted it, then it would be nice to at least hear from one housing advocate on that, assuming that everybody else feels satisfied.

**Katz:** Go ahead.

**Lili Mandel:** Hi. Lili mandel. First I will do what i'm supposed to do, and i'm in agreement with the amendment. Now this is what I had prepared, and I think it will work in for a minute. Hi. I'm lili mandel. After I managed to get over the initial arrogant disregard for our Portland public process, I am here to praise mayor Katz, homer williams, Portland development commission, and Oregon health and sciences university. Surprise, huh? Their visionary view of this wasteland and all it could be -- could become epitomizes revolutionary, courageous, creative urban planning. I can see it in my mind's eye. This scorched brownfield will be transformed into diversity of housing -- got the housing there -- diversity of jobs, diversity of functions, live, work and play, and diversity of transportation modes. Ohsu's expansion is a key element for this development and for the health and economic growth of Portland. We must demand award-winning urban design and not settle for anything less. Wow. What great expectations for us all. Hopefully I will be around to see it. Go for it: Thank you.

**Katz:** Thank you, lili. Thank you. Sam?

**Sam Chase, Community Development Network, Affordable Housing Now Coalition:** Hi. Sam chase with the community development network and also a member of the affordable housing now coalition. You've heard from many of the advocates, many of the concerns around the district. And I think that the advocates are very appreciative that the council has really embraced those concerns and particularly through commissioner Sten's office, has really taken all of those different voices and figured out a very workable solution that recognizes that the housing just can't get built without the resources. We've got to have that -- that piece of the strategy that recognizes that. It's a strategy that doesn't cut into other priorities, but recognizes housing as a priority on its own. And I just want to thank in particular folks at p.d.c., jane and andy and cheryl and abe and margaret and commissioner Sten's office, and many of the commissioners who have met with us about this issue for taking an interest in the issue. Just wanted to say thanks and good things happen when we all get together and figure out a solution.

**Katz:** Thank you. And sam, thank you for your email, you did take time as others did to respond to my question. And I appreciate it, and you came up with a very good solution.

**Chase:** Thank you.

**\*\*\*\*\*:** I'm not sure this is where I belong, but it's very brief. So bear with me.

**Corrine Paulson, League of Women Voters:** I'm corrine paulson, representing the league of women voters of Portland. We appreciate the addition of the august 14 council hearing on the development agreement, believe that council and the public need more than two extra weeks to fully evaluate this complex agreement. The supporting documents, and consider the recommendations made by organizations and citizens for changes to the budget. The league supports the efforts of commissioner Sten to identify potential sources of funds for affordable housing. And other important, unfunded projects, such as parks and greenway. We also encourage

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you to consider other recommendations forwarded by the public, and in particular focus on adjustments to the local improvement districts. L.i.d. funds are used to pay for infrastructure, such as tram and streetcar, that directly benefit private development. Two p.d.c. commission studies, one prepared by Steven Siegel in May of 2002 -- or 2002, and an Eric Hovey study dated June 2003, make a couple of key points. The Hovey memo states that increases in land value anticipated with redevelopment range from 12 to \$63 per square foot. Mr. Siegel recommends -- this will more than compensate for the \$1 to \$6 per square foot range in l.i.d. costs. Mr. Siegel recommends broader use of local improvement districts and rearrangement of public/private funding responsibilities. Once again, we urge you to take the time to critically analyze the entire agreement, the consultants' analysis, and give careful consideration to the public's questions and concerns, and we will also all be glad when this I think almost six-year effort is over with. Thank you very much.

**Katz:** Thank you. Anybody else on this particular item? Nobody else, ok. Then if not, then what we'll do, we've adopted the amendment. We'll do roll call.

**Item 885 vote.**

**Francesconi:** Thank you, Commissioner Sten, for your efforts on this. The primary focus -- one of the primary objectives of multiple objectives we're trying to accomplish here are the economic benefits. This is an opportunity to create 5,000 jobs that will benefit low-income, as well as others in the city. Having said that, you know, housing is also a very important objective for our city. And will be now, and it will be in the future, especially for low-income citizens. So it should be a priority as the amendment allowed here. Just briefly, I really appreciate the spirit and Commissioner Sten said it, just said by the League of Women Voters, Mike Houck says it again in a letter, and it's at the heart of a coalition for livable future, the combination between parks, housing, open spaces, because low-income people benefit from that park. The more low-income people there the more we need the park. Having that said, I do want to flag a problem. Because we're trying to accomplish so many objectives, I -- as Parks has tried to -- and has been a team player with p.d.c., who's our most important partner -- that neighborhood park is going to be expensive there's only \$2 million in this -- or maybe it's a million dollars -- in this. And Parks and I did not push for more because we know that this is fragile. We're trying to accomplish multiple objectives.

The greenway is going to be expensive. And we don't have enough money for either in this plan at the moment. And I guess I didn't choose to do another amendment because I knew that Commissioner Sten and you folks know that this is a priority, for low-income folks, for urban design, to accomplish -- it's nice to have a big greenway, but it would be even better if we could build it. So I guess I'm flagging that there's an issue here for everybody. And we're trying to get federal dollars to supplement it. We got some. I was successful in getting some. But this is a problem that we're going to continue to work on. Because it is so important to our economy that we move forward with this project, and because of the commitment of the housing advocates and the staff to recognize that we need to build this park and the greenway, I support not only this amendment, but this whole project moving forward, but I wanted to lay this out for folks, because this is something we have to work on together, just like we did in the River District. There we actually increased the amount of parkland after the agreement was signed. Here we have the basis for a good agreement. Now we just need to figure out how we're going to fund it. Aye.

**Leonard:** Aye. **Saltzman:** Aye.

**Sten:** I want to thank p.d.c. For working hard on this team, Andy and his team, Jane and Cheryl, and the advocates, a bunch of them, I'm not going to name everyone, but a top. Particularly want to thank Margaret Bax from my office who did a lot of work. We always talk about the low income, which I'm very passionate about. What this housing strategy says, when it's said and done, get very

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close, hopefully get there, that this new neighborhood ought to reflect the diversity of the city's income as a whole. We ought to have middle-income people, high-end people, people with special needs that they can be served up on the hill. So the idea is a complete community. I think we're getting there in the river district. I think with this strategy, when it's executed, we can pull it off in south waterfront. Again, my thanks to everyone, and of course I vote aye.

**Katz:** Commissioner Sten, thank you for your work on this with the housing advocates and p.d.c. For all your work on making sure that we keep our commitment to affordable housing. I think it's very clear that it's only with private, taxable investment that we're going to increase the tax base so we can capture the additional money to plow it back into affordable housing, as well as into greenspace and other priorities for this south waterfront area. The council is committed to making this one of the high priorities. Aye. [gavel pounding] all right, 886.

**Item 886.**

**Katz:** Now, if you recall it, 886, I held this over because documents were not available yet for the public to see, and I think they all are now, and we'll hear about them from p.d.x. as to what they are, so that everybody's aware of what's out there. I held it over, too, because we had -- we took two amendments. One from commissioner Sten on housing and one from commissioner Leonard on prevailing wage. We're going to have an amendment on the prevailing wage as well. So we'll have public testimony on 886. We will not act on 886 until August, but I want to see if we can close everything down and deal with all the issues the public has identified.

**Don Mazziotti, Director, Portland Development Commission:** Cheryl Twete is going to take us through the exhibit. The exhibits and changes to the agreements. So if you would do that, Cheryl.

**Cheryl Twete:** Thank you. Good afternoon, Cheryl Twete, staff at the Portland development commission. When we were before you on July 10 with the south waterfront central district project development agreement, we came here with a few of the documents not yet completed. I want to give you an update on that today. When they were here on July 10, there were three exhibits to the development agreement not yet completed. One of those exhibits, exhibit p, a form of dedication deed, is now available for public review. We have copies on the table over here. Two of the other exhibits have been modified to become a basic contingency in the development agreement, meaning that we will add them to our list of basic contingency elements of activities that we will work on in the coming months. So those two exhibits are not yet complete. We anticipate, in working with pdot, they will be joined into a single document, and it will be a document that covers the street improvement project funding and management agreements. Those -- that document will come back before council, most likely later in September, so there will be adequate time for public review and comment at that point.

**Katz:** Ok.

**Mazziotti:** Mayor, there are two amendments offered and made part of the resolution, which I believe is before you. I think the resolution language is contained. Cheryl, do you want to review that?

**Twete:** Yes. We also have a substitute resolution to bring before you today, which incorporates modified language from commissioner Leonard dealing with prevailing wage. I'd like to hand that out to you right now.

**Katz:** Ok.

**Twete:** So we can work from the most recent copy.



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**Katz:** All right. Rather than an amendment, you're presenting a substitute resolution. And I want you to be very clear as to what's in that. Is that only -- does that only include the amended language?

**Mazziotti:** Yes, mayor. It includes the amended language from our discussions with commissioner Sten.

**Katz:** Right.

**Mazziotti:** And the housing advocates and many others. And with commissioner Leonard and many others who participated in our discussion. So we've incorporated that language that has been agreed to in the substitute resolution. It's been cleared by all parties. We've also had discussions, commissioner Francesconi, with the parks and recreation, but that's been incorporated in the changes which we'll talk about, or talk about later.

**Katz:** Ok.

**Francesconi:** On the work force side, I think there's people in the audience that don't know what the changes are.

**Katz:** I'm going through that. Go ahead and go through the changes.

**Twete:** Ok. You'll have a hard copy in front of you in just a moment. So there are three changes to the resolution. And when you receive your hard copy, I'll ask that you turn to page two, and I will read for you the second, third and fourth whereas on page two. The second and the third whereas, reflect substitute language dealing with affordable housing, this is what different than the language introduced by commissioner Sten on July 10, but it reflects the most recent negotiations and agreement among the parties. Whereas council has determined that section 9.17.3, affordable housing units, and any other sections of the development agreement required to conform to this amendment will be amended to include. If more units are developed in the project area or on newly acquired land than set forth in sections 2.2, 2.3, 2.4, then 36% of the additional residential units shall be affordable apartments and at least 20% of these additional affordable apartments shall be affordable to households with incomes below 30% m.f.i. Whereas council has also determined that if more than 3,000 total housing units are developed in the urban renewal district, then the north macadam urban renewal housing development strategy shall apply, calling for production goals to match the city income profile. The third substitution is as follows -- whereas council has determined that section 9.11.4, other regulations, will be amended to include, will make a good faith effort to select contractors who pay the published prevailing wage rates, unless paying it puts it at a competitive disadvantage. Upon request, n.m.i. will furnish p.d.c. with reports summarizing its good faith efforts under this section. It will provide to p.d.c. its record under the event p.d.c. makes an inquiry under this section.

**Katz:** Ok. Abe, you look -- your body language tells me I need to ask you a question.

**Abe Farkas:** I'm all ears.

**Katz:** Do you have anything you need to add?

**Farkas:** No, I think Cheryl's covered it.

**Katz:** Slightly amended language from the housing amendment that was provided in July, and it then also amends the original prevailing wage that commissioner Leonard amended and worked through this afternoon. Ok.

**Francesconi:** I want to ask a question. I support this. Ok? I thank commissioner Leonard for his work on this and I thank p.d.c. for its work. My question, you also have contract on minority contracting, and what you're going to do on minority contracting. I'm aware of that. But what happens if -- and the question is if -- there's a conflict on the minority contracting side and on the prevailing wage side? I'm not saying there will be, but if there is, how do you deal with that?

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**Mazziotti:** Commissioner, we would, the development commission, would intend to enforce both provisions with equal effort. And we believe that's possible. It requires considerably more effort to assure that both of those objectives are met, but we think that it's possible. One of the ways that it's possible, of course, is for us to make certain that we certify and help develop minority, women-owned, and emerging small businesses with all due speed in the development sector, which is one of the reasons that we have a 20% goal. The city has reasonably adopted a 20% goal. And Tyrone Henry, who is as you know, is our compliance officer, who leads this effort, has assured me that he believes there's an adequate supply of providers in the marketplace who can meet that goal and we'll simply have to go through the same balancing act we go through on all the other objectives, but that's our intention, and we think that's consistent with the spirit of what has been negotiated.

**Francesconi:** Ok, thank you will.

**Katz:** Questions of staff? Ok, let's open it up to public testimony. Ok, gentlemen. Reverend, do you want to start?

**\*\*\*\*\*:** Actually, I'll start.

**Katz:** You're going to start. Ok.

**Don Kool:** My name is Donald Kool, 0257 South Florida in Portland. I'm a plumber and organizer with plumbers and steamfitters local 290. In addition, I'm a leader with the Metropolitan Alliance for Common Good. My colleagues join me as we testified to the principle of public investment, yielding public good in South Waterfront and in other urban renewal districts. Both in terms of affordable housing and in terms of prevailing wage for workers. We believe that the public investment can lift all boats. Thank you for the opportunity to comment on the North Macadam Investors Development Agreement. I'd like to also thank Commissioner Leonard for attempting to provide minimum wage and benefit protections for workers, including prevailing wage language in this agreement. I'm sorry that the agreement does not commit North Macadam investors to require prevailing wages and benefits for construction workers, however I believe progress has been made.

Based on discussions that the Metropolitan Alliance for Common Good has had for the past year and a half, leading up today, it's clear that developers and the Portland Development Commission, have a slightly different priority list than the communities that we represent have. During these discussions, we've heard many concerns from the developers and P.D.C. One being that they did not want to put developers at a competitive disadvantage with each other. We wholeheartedly agree with that. We also believe that contractors that pay prevailing wages and benefits, and workers that earn prevailing wages and benefits, they don't want to be held at a competitive disadvantage either.

We do not believe that it is anyone's interest to pit workers against workers, contractors against contractors, or developers against developers in the race to the bottom. We agree that there needs to be a level playing field for all those that derive a benefit from this public investment. We stand ready to work with P.D.C., the city, developers and others, to level this playing field so that the benefits and profits in this public investment is shared by all. Thank you.

**Katz:** Thank you.

**Nick Sauvie:** My name is Nick Sauvie testifying on the behalf of the Metropolitan Alliance for Common Good coalition of more than 30 community religious and labor organizations in the metro area. Affordable housing jobs and health care are among the most important concerns of MACG. We expect that the public benefits should be substantial. Regarding the affordable housing goals, we're disappointed that the phase one development does not achieve the city's goal of matching the income profile of the city as a whole, but we do support Commissioner Sten's amendment, the units beyond the first 3,000 match that city profile. MACG is also concerned that scarce public resources not be stripped from other needier areas of the city to support the North Macadam affordable

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housing goals. Macg fully supports the idea brought forth by housing advocates that developers should share profits. P.d.c. Has held nonprofit developers to the standard for several years. We think of cash-starved nonprofits who serve the lowest-income populations can agree to this. We believe that developers who build million dollar canned does and class a offices can do the same. Further, macg believes the proceeds should be dedicated to affordable housing and sustainable equity fund that helps small minority and women-owned businesses benefit from public subsidized urban renewal projects. Portland's about to build a gleaming new neighborhood on our beautiful riverfront and we're all excited about that. Macg hopes this new neighborhood will benefit both the rich and the poor, with housing for all kinds of people and the jobs funded with public dollars will benefit the blue collar construction workers as well as the white coated doctors on the hill. Thanks for very much for the opportunity to testify.

**Katz:** Thank you.

**Rev. Terry Moe:** Good afternoon, mayor Katz, commissioners. Reverend terry moe, leader with the Portland metropolitan alliance for common good. We do have a little different view of who the public is. The public are the people in the pews of our churches, in the union halls, in nick's neighborhoods, in the schools, and they don't necessarily see sky scrapers and streetcars as public benefit to them, but see jobs and affordable housing as public benefit. Metropolitan alliance has been consistent in our campaign to raise the public good for middle and low-income citizens through both affordable housing and prevailing wage jobs. We believe that the public good cannot be measured in streetcars and skyscrapers alone. Some progress has been made toward a city policy, holding together the concern for affordable housing and living wage jobs. And some of this emerging policy is being reflected in the development agreement for south waterfront being considered. But it is not like justice rolling down like waters or righteousness like an everflowing stream, it is but a trickle. We understand that we have a substantial agreement from you, mayor Katz, to increase the city goal for affordable units, 60% of median and under by 3500 units, and that you are committed to convene a blue ribbon committee to seek a reliable revenue source for affordable housing, because without a strong revenue source any goals, south waterfront or otherwise, are moot. The revenue question is clearly on our agenda. Metropolitan alliance believes that the interests of workers, housing advocates and minority contractors can all be addressed if we begin to see affordable housing as an economic development opportunity, not as an add-on charity program. We can lift all both with a citywide equity effort. This gets back to the revenue question and what nick was proposing, and what we're proposing, a sustainable equity fund, generated by a profit-sharing mechanism similar to provide public good. It is our intention in the coming months to raise the public debate about the equity issues raised in these past few weeks as we've considered the south waterfront development agreement to apply to all urban renewal districts and beyond, both within our institutions, through face-to-face meetings and forums, as well as in the broader community as we have opportunity. Please be aware that we intend to be in this for the long haul earthquakes have been already. We have scheduled a large gathering of our organization for october 22nd. We will hold our annual assembly in may, at which we expect 1500 to 1200 delegates from our institutions. We look forward to continuing to participate in the democratic process, which has made Portland great.

**Katz:** Thank you, reverend. Questions? Ok, thank you, gentlemen. Thank you for your work.

**Gerald Fox:** My name is gerald fox. I live on southwest greenwood, down on macadam. I'm glad that this development is finally moving forward after all of these years. I live in the corridor. And it's clear to me that the addition of thousands of housing units and thousands of jobs is going to have a significant effect, add a new load to the transportation system. However, there's already

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significant congestion in the macadam corridor, and it's no significant new access routes are planned, apart from the short extension of housing street. Clearly this is only going to work if there's an effective transit system developed. And yet the current proposal is to run the streetcar and the buses in mixed traffic through this area with the consequence that they will be stuck in the same heavy traffic that the -- that the automobiles are, and thus the incentive to use the transit system will be significantly reduced, and the cost of running it will be significantly increased. The road and transit system is only going to work if reserved lanes are provided for the transit system. This could be shared between the streetcar and buses, but if it isn't provided, the transit system is not going to be an effective contributor to this -- sharing the load on the transportation system. It will never be easier to provide this additional transit space than it is today before the construction starts. I hope that you'll require this, and that we won't find out when it's too late, that running the transit system in the mixed traffic condition through this corridor is going to fail. Thank you.

**Andre Baugh:** My name is andre baugh. I live at 3327 northeast 59th. And i'm here to talk about this last amendment, I guess it is, and the minority -- the effect on the minority communities. First the fact that we're talking about prevailing wage will have a competitive disadvantage to the minority communities. Second, it will -- we're talking about 5,000 jobs. There's no provisions in here, if it does come to provide that, union organizations do have -- do win the bids with the developer, that there's provisions for any type of work force training to get minorities on to the work force, and that's a serious issue of 5,000 jobs that may not go to a minority community, and commissioner Sten talked about this representing all of Portland. This could prevent that. And so I would ask you at this point to kind of delay any decision on this until the minority communities can have an effective time to review, come back with a proposal, talk to the developer, and get to commissioner Leonard's office also with a counter, because i've been looking for kind of language here for a period of time, and have not -- and have talked to the minority communities, we really did not have anything to respond to until two minutes ago. So I would ask you to delay any decision on this until we can respond in an appropriate manner. Thank you.

**Katz:** Andre, we're not going to act on this today, so there may be an opportunity for you to get your thoughts together and look at anything else that you want to discuss with the people directly on this particular issue.

\*\*\*\*\*: Ok.

**Katz:** Ok?

**Baugh:** And I want to make it clear that I don't think the minority communities are in anyway against south waterfront, the development and that's what's happening there. I think we're very concerned about our participation in that city project and how we can maximize that participation.

**Katz:** Ok.

**Baugh:** Thank you.

**Katz:** Thanks. Anybody else want to testify? No, ok. Then we'll move this -- we'll continue this for -- until august 13. And so that still will give people time to read whatever documents they haven't had time to read and we'll -- we can hear testimony on this again, but we will act on it on august 13.

**Leonard:** What happened to the p.d.c. -- I thought there was a p.d.c. meeting that had to occur before we could meet again?

**Katz:** They will be meeting before we --

**Leonard:** I thought this was the deadline that we had to --

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**\*\*\*\*\*:** Excuse me, commissioner, the development commission will meet on August 13 to consider the development agreement as amended by you. They will have the language that's been included in these emergency clauses back to us with the assumption that there will be a -- in effect a do pass environment. If there are exchanges subsequently, or between now and then, that the commission may become aware of, that's also a possibility.

**Katz:** Andre, let me suggest that you work with p.d.c. on these issues, because you want them to include that in their agreement before it comes to us, since that agreement will be acted on before we act on ours. What time are you going on the 13th?

**Mazziotti:** Normally they begin meeting at 3:00 in the afternoon. So they go from 3:00 until 6:00, 7:00, depending on the agenda.

**Katz:** Well, then, --

**Leonard:** That's why I thought we picked today's date, so we'd be done by the 20th -- we would have plenty of time to be done by that meeting. So why are we waiting until the 13th?

**Katz:** Because they may make some changes.

**Mazziotti:** We could make changes independent of the council, not likely, except to accommodate the comment that you just received on minority participation. We could certainly make certain that that was consistent with each of the commissioners' offices in the process so we wouldn't delay the overall development agreement.

**Katz:** Well, and we've just been asked by the minority community to give them a little bit of time to respond to that and --

**Linda Meng, Sr. Deputy City Attorney:** Mayor, excuse me. It comes to the city council on the 14th.

**Katz:** On the 14th. So we'll be fine on the timing. I thought it was the 13th. They want to make changes, we'll adopt their changes as well, and that will be completed by the 14th. So my recommendation to you would be to work with the p.d.c. commission, as well as us.

**Leonard:** I'm a little confused, because I thought you wanted us to be done before the 13th.

**Katz:** No.

**Leonard:** Don, am I wrong?

**Mazziotti:** That was my original understanding. I did not realize there was a meeting on the 14th. I thought that it was --

**Katz:** No, no.

**Leonard:** Our meeting from last time, I understood, was today was going to be the date we made these decisions.

**Katz:** Actually that's not what I have to p.d.c.

**Leonard:** Sorry.

**Katz:** Yeah.

**Leonard:** Don, you're wrong.

**Mazziotti:** That happens frequently. [laughter]

**Katz:** All right. I want to finish the work -- hear me out. I want to finish the work today as much as we possibly can. The commission then may make some changes. If they do, they will come back to -- and share that with us on the 14th. I want to adopt those, hopefully they won't make any changes, or they'll changes we can all agree on, and then we'll have one development agreement adopted by both the commission and by the council all at the same time.

**Leonard:** But --

**Katz:** Don't argue with me.

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**Leonard:** I'm not going to argue with you, but I didn't respond to some of what I heard here today  
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**Katz:** Oh, because you thought it was --

**Leonard:** Because I was a little confused about what your time line was. But I do have some questions regarding the minority and women contractors issue.

**Katz:** That's fine. Do you want to bring andre back?

**Leonard:** Yeah.

**Katz:** Andre, come on back.

**Leonard:** Really isn't a question so much as a maybe a comment and then maybe get a response. I don't have a problem having a preference for minority and women contractors.

**\*\*\*\*\*:** Uh-huh.

**Leonard:** I was a little concerned to hear you say you somehow thought that the prevailing wage issue was somehow at odds with hiring minority and women contractors. From my perspective, if they pay the people that work for them, those firms pay the people that work for them the prevailing wage, we don't have an issue. And i'm really hard put to somehow in my mind justify any firm getting a public contract that doesn't pay prevailing wage.

**Baugh:** It's not the issue of paying the prevailing wage. It's getting the work force to get the paycheck. And there are -- when you look at statistics on city jobs, it doesn't matter whether they're union or nonunion, but especially in the union side, there's just not minorities there. It's the issue of getting them into the apprenticeship program, getting them through the apprenticeship program, so they can get those paychecks. We're not in disagreement that -- you know, everybody would enjoy a prevailing wage paycheck. It's the issue of getting the workers on the job, and that's the barriers that we're trying to address. We can certainly have further discussion about that and bring up very specific issues.

**Leonard:** And I would like to have that discussion, but I don't want to lose sight of the fact that our goal is to make sure on public works projects, the workers are paid prevailing wage. And there are no conditions under which, I don't think, that that should happen -- that should not happen.

**Baugh:** We're not saying that. I think what we're saying is if you do, we want to make sure that we get the -- get an opportunity to get a paycheck.

**Leonard:** How do we get to that place?

**Baugh:** That's addressing the work force issues and addressing some of the contracting limiting issues that prevent that from happening today.

**Leonard:** Ok.

**Francesconi:** I whispered over commissioner leonard, but i'm going to say it publicly in light of this discussion. At the time that I brought forth the responsible contractor ordinance to the council, I committed with commissioner leonard, to convene a meeting with the unions and the minority contractors to exactly get at this point. And we're going to do that. This is not going to happen by august 14, so you still need to take the mayor's advice and talk. But this is such a big issue, that commissioner leonard and I together are going to convene a meeting.

**Leonard:** If you could leave us your contact information so we can contact you and put together that kind of amendment, because we want to get to that place, where we break those barriers down.

**Baugh:** Ok.

**Katz:** Andre, we've got c-3, the mayor's fair contracting group. Are we going to have another one?

**Leonard:** This time we're going to have a group that does something.

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**Francesconi:** I do want to --

**Baugh:** For the next two weeks, what i'm looking at is just working with the minority groups and the apprenticeship groups that are out there to craft a specific set of recommendations that we can work with the south waterfront to do that. I think --

**Katz:** Ok. You want to specifically -- I know what the issue is.

**Baugh:** Yeah.

**Katz:** The issue is can you -- the slots for apprenticeships, for the minority community, so you can get some of the union jobs. I mean, that's an issue that's been around for a long time.

**Baugh:** Yeah.

**Katz:** Fine. We need to address that, and we've been struggling over that. But if it's only for the south waterfront, that's fine, go ahead, but I don't want to start another group to deal with the c-3 and the mayor's fair contracting group.

**Baugh:** No. This would only be for south waterfront specifically. I agree with commissioner Francesconi, that we do need this larger discussion on how that happens. I'm certainly willing to participate in that.

**Katz:** Ok.

**Baugh:** Thank you.

**Katz:** You saw that, that was part of the schedule?

**Leonard:** Yeah.

**Katz:** All right. Anybody else want to testify on this item? Come on up.

**\*\*\*\*\*:** Sorry i'm late. I'm john clung.

**Katz:** Speak in the mic.

**Jonathan Clung (last name?), Hispanic Metropolitan Chamber:** Thanks. We've heard a lot about the prevailing wage issue at hand, and we want to just add our two cents. You were specifically speaking about the apprenticeship program in terms of more minority involvement. I would tell you that two months ago we had an event where we had 98 individuals interested in the apprenticeship program from the hispanic community out in gresham. And we only had two representatives showed up for us. So we had 98 people without no representation from the apprenticeship programs. So we would like to continue to work with the unions to see if we can develop some type of conversation to add more people interested in that. And that was just because I heard that conversation. On another issue of -- that's at hand is the prevailing wage issue.

And the chamber of course doesn't take position on whether prevailing wage or not. The issue that we would like for it to be looked at is that it has to be a tool that's used fairly. Sometimes we forget that when we do impose these we don't take into account how the owners of these firms are going to deal with having that cash flow to pay for that, for those prevailing wages. As you know, there's a prompt payment clause that requires people to have prompt payment. Prompt payment's also an issue in a lot of these contracts, and usually has to do with having the right paperwork done at the right time for the -- you know, with everything you need in order to do that, but a lot of these contractors, in order to pay prevailing wages they need to have that cash flow. When we develop these programs it's really important to develop a strategy to ensure that not only the funding is available to make sure that cash flow is there, especially for the smaller contractors. The chamber recently identified 300 hispanic contractors that are locally working, and we realized that -- there isn't a particular field that they're in. They're all across the board. We have very small guys. 12 guys right now studying to take the test, and guys who have been in business for 20 years, who do highway and road construction, in the millions. So we work across the board. The biggest issue that we see a lot of times is ensuring that the funding is available, that the cash flow for a lot of

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these small contracts is there when they need to in order to continue to support the prevailing wage if that's the angle that the city's going to use that tool for. Thank you.

**Katz:** Thank you. All right, anybody else? All right, anybody want to testify on 887, 888, 889, 890? And is there any language changes on 890 with regard to the bureau of parks and p.d.c.?

**Francesconi:** There is. Harry can come up, but I can explain it. We have an agreement with p.d.c., but the problem is when we put the emergency clause on we have to go from substantially to generally, because we need a little more time to work it through.

**Harry Auerbach, Sr. Deputy City Attorney:** Right. The -- we're still working -- mayor Katz, members of the council, the interagency agreement between parks and p.d.c. is a little different in this project than it is for most projects. We just need to keep working through some of the language so that it matches up with what we expect to happen on this particular project.

**Katz:** Would you identify where the word "change" --

**Auerbach:** Yes. In the ordinance, where you authorize an agreement substantially in the form attached, we want to change the word "substantially" to "generally" because we may make substantive changes which will match up with what we expect to happen.

**Katz:** Any objections? Hearing none, so ordered. All right, anybody else --

**Auerbach:** And you wanted to add emergency clauses.

**Katz:** Harry, I did that already. Yes, come on up. Thanks. Remember, Harry, I can take them off and I can add them on.

**Steve Abling:** Steve Abling, 2116 northeast 18th. I'm also a member of the Portland wheelman touring club and bicycle transportation alliance. I was just hearing Mr. Francesconi saying how there wasn't enough money for constructing the greenway. The thought came into my mind that it could be done in a phase development like the spring water corridor. The first phase is to tar and gravel the macadam surface, you know, with minimal landscaping, because I think it would be really important to get that portion from south of riverplace down to the existing greenway south of the development. That's my suggestion.

**Katz:** Thank you. Thank you very much. Anybody else? All right, then let's take action on 887. If you recall, we added the emergency clause on all of these.

**Francesconi:** Just make sure I know --

**Katz:** 887 is the intergovernmental agreement between --

**Item 887.**

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

**Katz:** Mayor votes aye. 888.

**Item 888.**

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

**Katz:** Mayor votes aye. [gavel pounding] 889.

**Item 889.**

**Francesconi:** There wasn't -- there was only one person testifying on transportation. We appreciate working with p.d.c. on this. There's a comprehensive approach that we're taking. We'll talk more about this, but we really appreciate the work. Matt, you don't need to come up here and testify, but it's going to take a variety of sources from p.d.c., but in addition federal sources we're working on to make this work. Aye.

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

**Katz:** Mayor votes aye. 890.

**Item 890.**



**July 31, 2003**

**Francesconi:** Sir, that's who just testified, if you're still here, he may have left, that is the approach we're going to take. That's what we did on the east bank, on spring water. First we have to do a master plan for the greenway so there's consistency, but this is such an important project, the only way it gets done with a variety of sources over time. We appreciate the help from p.d.c..

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

**Katz:** Mayor votes aye. Thank you, everybody. We'll be back on the 14th of august with 886. By then completed. It wasn't june, but close to it. We stand adjourned. [gavel pounding]

At 3:14 p.m., Council adjourned.