



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **11TH DAY OF MAY, 2005** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Leonard, Presiding; Commissioners Adams, Saltzman and Sten, 4.

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

Motion to adopt the Consent Agenda: Moved by Commissioner Saltzman and seconded by Commissioner Sten. On a Y-4 roll call, the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
431 Request of Dave Nadal to address Council regarding Portland General Electric, campaign finance reform and Portland land use issues (Communication)	PLACED ON FILE
432 Request of Charles E. Long to address Council regarding the challenge of the challenged (Communication)	PLACED ON FILE
433 Request of Freedom Child to address Council regarding the police, the Independent Police Review and Captain Schenck (Communication)	PLACED ON FILE
434 Request of Richard Koenig to address Council regarding assurance of a fair trial (Communication)	PLACED ON FILE
435 Request of Mary Ann Schwab to address Council regarding public safety (Communication)	PLACED ON FILE
TIME CERTAINS	
436 TIME CERTAIN: 9:30 AM – Summer employment for youth program update (Report introduced by Commissioner Saltzman) (Y-4)	ACCEPTED

May 11, 2005

<p>437 TIME CERTAIN: 10:00 AM – Appeal of James Marsh against the Noise Control Officer decision on the noise variance for Ainsworth Elementary fifth grade musical marching group practice for the 2005 Junior Rose Parade (Hearing introduced by Auditor Blackmer)</p> <p>Motion to deny the appeal: Moved by Commissioner Adams and seconded by Commissioner Saltzman.</p> <p>(Y-4)</p>	<p>APPEAL DENIED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Tom Potter</p>	
<p>Bureau of Emergency Communications</p>	
<p>438 Authorize an Intergovernmental Agreement with the Tri-County Metropolitan Transportation District of Oregon for parking access and use of Powell Yard Premises at no cost to City (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 18, 2005 AT 9:30 AM</p>
<p>Bureau of Environmental Services</p>	
<p>439 Authorize a Community Benefits Opportunity grant agreement with Urban Water Works for implementation of Astor Elementary Schoolyard Restoration Project (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 18, 2005 AT 9:30 AM</p>
<p>440 Amend Ordinance to change the legal descriptions for easements required for the South Airport Basin Sanitary Trunk Sewer Project (Ordinance; amend Ordinance No. 178260)</p>	<p>PASSED TO SECOND READING MAY 18, 2005 AT 9:30 AM</p>
<p>Office of Transportation</p>	
<p>441 Authorize an Intergovernmental Agreement with the Oregon Department of Transportation to receive Hazard Elimination System Program funds for construction of an additional off ramp lane on the I-405/Kerby exit ramp (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 18, 2005 AT 9:30 AM</p>
<p>Parks and Recreation</p>	
<p>442 Authorize contract with SERA Architects, Inc. to provide planning, design and construction administration services for the addition of an aquatic facility to the East Portland Community Center (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 18, 2005 AT 9:30 AM</p>
<p>443 Authorize three party Intergovernmental Agreement with Multnomah County Office of School and Community Partnerships and the Parkrose School District No. 3 for the SUN Community Schools initiative (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 18, 2005 AT 9:30 AM</p>

May 11, 2005

Planning Bureau		
*444	Authorize acceptance of a grant from U.S. Department of Housing and Urban Development for \$99,410 to assist the City in architectural and engineering design for the Portland Public Market (Ordinance) (Y-4)	179234
SECOND READINGS		
445	Authorize a contract with TBE Group, Inc. to provide professional and technical services for the Pressure Sewer Locations Project (Second Reading Agenda 412) (Y-4)	179235
446	Authorize a contract and provide for payment for the construction of the SW Pendleton St. and 45th Ave. Sewer Rehabilitation Project No. 7811 (Second Reading Agenda 413) (Y-4)	179236
447	Authorize agreement for acceptance of \$175,000 from Rhodia, Inc. to Bureau of Environmental Services for the Ramsey Refugia Habitat Enhancement Project (Second Reading Agenda 414) (Y-4)	179237
448	Apply for a \$693,231 grant from the Department of Homeland Security for Portland Fire & Rescue (Second Reading Agenda 415) (Y-4)	179238
449	Approve an agreement with Inclusion Inc. Brokerage Services for the period March 1, 2005 through March 1, 2010 for support services for the developmentally disabled (Second Reading Agenda 421) (Y-4)	179239
450	Amend the Intergovernmental Agreement with the Oregon Zoo for arboricultural services provided by Portland Parks & Recreation - Urban Forestry Division (Second Reading Agenda 422; amend Contract No. 51889) (Y-4)	179240
451	Authorize a contract and provide payment for the construction of the Groundwater Pump Station - Security Improvements (Second Reading Agenda 423) (Y-4)	179241
REGULAR AGENDA		
Mayor Tom Potter		
Bureau of Housing and Community		
452	Authorize contract with Multnomah County Aging and Disability Services for \$10,000 for Relocation and Placement Services and provide for payment (Ordinance)	PASSED TO SECOND READING MAY 18, 2005 AT 9:30 AM

May 11, 2005

Office of Management and Finance – Bureau of Purchases	
<p>453 Accept proposal of OnLine Business Systems to provide the enterprise integration solution for Computer Aided Dispatch for an estimated amount of \$883,918 (Purchasing Report; RFP No. 103641)</p> <p>Motion to accept the Report: Moved by Commissioner Sten and seconded by Commissioner Saltzman.</p> <p>(Y-4)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>*454 Adopt findings, authorize an exemption to the competitive bidding process to the Bureau of Purchases pursuant to ORS 279C.355 and City Code 5.34.810 and provide payment for construction of the Portland Fire & Rescue Station #1 Relocation Project (Ordinance)</p> <p>(Y-4)</p>	<p>179242</p>
<p>455 Authorize contracts with Lakeside Industries, Porter W. Yett Company, Rinker Materials and K.F. Jacobsen & Co., Inc. for annual price agreements for asphalt concrete (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 18, 2005 AT 9:30 AM</p>
<p>Office of Transportation</p>	
<p>456 Authorize application to the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development for several Transportation and Growth Management program grants in an amount up to \$750,000 (Resolution)</p> <p>(Y-4)</p>	<p>36316</p>
<p>SECOND READINGS</p>	
<p>457 Authorize subrecipient contract with Cascadia Behavioral Healthcare for \$10,000 for relocation and placement services and provide for payment (Second Reading Agenda 425)</p> <p>(Y-4)</p>	<p>179243</p>
<p>458 Authorize contract and provide for payment for the SE 39th Avenue Pavement Rehabilitation Project (Second Reading Agenda 427)</p> <p>(Y-4)</p>	<p>179244</p>
<p>459 Amend contract with Shiels Oblatz Johnsen, Inc. for project management services in connection with the Advance Engineering Phase of the Portland Transit Mall Project (Second Reading Agenda 428; amend Contract No. 34662)</p> <p>(Y-4)</p>	<p>179245</p>
<p>Commissioner Sten and City Auditor Gary Blackmer</p>	

May 11, 2005

<p>460 Provide a voluntary campaign finance system for Auditor, City Commissioner and Mayoral elections (Second Reading Agenda 308; add Code Chapter 2.10 and amend Sections 2.02.010, 2.02.030 and 2.02.040)</p> <p>Motion to accept amendment to direct the City Auditor to prepare a Resolution, Measure and Ballot Title to refer the Publicly Financed Campaign System to the voters at the November 2010 General Election and return such Resolution, Measure and Ballot Title to the City Council by June 1, 2010: Moved by Commissioner Saltzman and seconded by Commissioner Sten. (Y-3; N-1, Leonard)</p>	<p>PASSED TO SECOND READING AS AMENDED MAY 18, 2005 AT 9:30 AM</p>
<p>City Auditor Gary Blackmer</p> <p>461 Assess property for sidewalk repair by the Bureau of Maintenance (Second Reading Agenda 429; Y1054)</p> <p>Motion to overrule the remonstrance: Moved by Commissioner Adams and seconded by Commissioner Saltzman. (Y-4) (Y-4)</p>	<p>179246</p>

At 11:52 a.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 File.

May 11, 2005

WEDNESDAY, 2:00 PM, MAY 11, 2005

**DUE TO LACK OF AN AGENDA
THERE WAS NO MEETING**

May 11, 2005
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

MAY 11, 2005 9:30 AM

Leonard: Okay thank you everybody for coming. Before we actually start council, we have a couple of introductions and presentations. First I want to introduce some guests we have from russia. For the last 2½ weeks the world affairs council of Oregon has been hosting 10 visitors from the kome republic in northern russia on a program to study the american legal system and the administration of justice. These visitors are lawyers, judges, city council members, and other government officials, including a republic ombudsman and the lieutenant governor of kome. Portland area host families have welcomed these Russian guests with open arms creating for them a home away from home here in portland. The delegation is here today to sit in on city council proceedings. Tomorrow they leave and return to russia. We hope they find their visit interesting and useful and we'd like to wish them all a happy trip home and appreciate -- can you all stand? So we can recognize you? Thank you for coming. [applause] did you have something -- did you want to come forward?

[inaudible]

Leonard: Thank you. Come forward.

[inaudible]

Leonard: Thank you very much. We also, continuing the tradition of mayor Potter's, have some students from lincoln high school that are going to come up and speak with us. So kirk berry, a junior at lincoln, please come forward, andrew hallen, a senior, Courtney kokourous, did I get that right I hope, is a senior, john ruttledge, a junior, and jacqueline theo-harris did I get that right? *****: Yeah.

Leonard: Oh good. The youth will be sharing some of the creative projects they have implemented to help prevent and reduce alcohol abuse at lincoln this year. They will also talk about a current clothing trend that promotes alcohol use to minors and ask for the council's support in encouraging our local youth clothing retailers to voluntarily refrain from selling this type of merchandise. Christian grazer is right there, is leading the group from lincoln. Thank you for bringing the kids here. Go ahead. You've got the mike. Tell us what's going on.

John Rutledge: Thank you for having us today. My name is john ruttledge. We are all lincoln high school peer educators. Today we'd like to share what we are doing in our school to help prevent and reduce alcohol abuse at lincoln, and we're asking for your guys' support. This publicity concerns staff and students alike and we agree something needed to be done. So together we created peer education, a student group dedicate to improving the overall health and well-being of lincoln students. Preventing and reducing alcohol abuse is our top priority.

In our community there's a perception that everyone drinks, and so we decided to take take a survey in our class, throughout our school last december, and we surveyed over a thousand kids and asked them questions like, do you drink, if you do, how often, and do you think other kids drink, and how often do you think they do. We learned there's a great misperception that between the actual use and perceived use, like the actual use is actually about 33% of students use, and the perceived use was about 97%. So that's a very, very large discrepancy. We're attempting to correct that misperception by advertising the truth, and we have posters like this. It's one of our campaigns. It's "most students don't drink." a lot of kids want to fit in, they want to fit in, they want to do what's

May 11, 2005

cool, they want to have friends. If they think everyone is out drinking all the time, they're more likely to go out drinking. If they know most kids aren't engaging in activities like that, they're more likely to stay away from drugs and alcohol. That's pretty much what we're trying to do, trying to decrease the alcohol abuse. It is a problem that there's kids drinking, even though there's not very many of them. But we're also trying to help people recognize that there is very few -- there are very few people that are actually out drinking.

Adams: What's been the reaction to the survey results?

***** A lot of surprise. Even from our own class. We thought the actual numbers are going to be higher, but they're a lot lower.

***** Our first campaign of the year was are you ready campaign. This featured students and staff members on posters saying, "i am ready to be alcohol-free," or "i'm ready to talk to my students about alcohol abuse." this pride an opportunity for students to make their own pledge cards. We had cards that said "i'm ready," and students would wrote down what they were ready to do. And when they did that they got a silicone bracelet that said "i'm ready" so every time they looked at their wrist they were reminded of what they pledged to do. Approximately 700 students, which is half of the lincoln student body, acted and participated in this campaign, and all of them ended up wearing their bracelets. It was surprising to a month later see some of your friends in the hall still wearing their bracelets because it had such an impact on them. Here are the posters. Can I come up?

Saltzman: Oh, sure.

Adams: That guy looks familiar. Is that you?

Leonard: Yeah. Great. Thank you very much.

***** On april 12 we had a press conference to promote our campaigns, and what we have done as a class in and around our school community. The reason we had this press conference is because we thought we had a good thing going in our class, and we wanted to let the lincoln community and everybody around us know what we were doing. And under age drinking is a big issue, and not many people know about it, because not many people talk about it. But we wanted to let the reason we had a press conference is we wanted to let as many people know as possible, because the more people that know about the problem, the more support we can get, and that's why we're here talking to you guys today.

***** Now we're working on a new campaign, and we were concerned about the increased students coming to school with clothing promoting alcohol. Our school has a policy -- we guessed the increase in alcohol promoting clothing increased -- we decided to survey the stores surroundings the high school community and we found out that 16 out of those 30 carried tons of alcohol promoting clothing, and few of those carried tons. Some shirts were -- said things like "i bruise easily," if you can read this, take another shot, together we can get this planet crashed, I got hammered at the shark pit, I love beer, I love party girls. We found even more shirts online. Some of these were candy is candy, but liquor is quicker. And happiness is a strong cocktail. These were only a few of some of the things we found. We wanted to draw attention to this and we want parents to know the stores are targeting their young children. And we wanted your help in putting the pressure on the local stores to get these products out of their stores, and the legal drinking age is 21 for a reason, and we don't want to be targeted because young adults have more of an effect on advertisement than adults do. And we don't want to be targeted this way.

Leonard: Thank you.

***** We have bracelets and cards for you guys.

Leonard: Great.

Saltzman: Did you want these back?

***** You can keep it.

***** It's our gift to you.

May 11, 2005

Adams: Thanks.

Leonard: Does council have any questions? Comments?

Adams: Great effort. Really impressed. Keep it up.

Sten: Thanks for coming down to share it with us.

Saltzman: Good job. [applause]

Leonard: Council will come to order and the clerk will call the roll. [roll call]

Leonard: The mayor is in Washington, d.c. representing the city of Portland. Communications. Dave nadal.

Item 431.

Moore: He has rescheduled to may 18.

Leonard: Charles long.

Item 432.

Charles Long: Good morning, city council. My name is charles long. There should be a better term for the millions of, quote, disabled, unquote people in our society. I prefer the phrase "challenged people." in a real sense, we are all disabled, challenged in many ways. I am seeing disabled and need reading classes -- glasses, language disabled where I cannot comprehend over 1,000 of our world's dialects. Even a ph.d. is disabled in most disciplines of knowledge except for his or her focused area of expertise. There are physical challenges, mental challenges, social challenges, and educational challenges, among others. I would like to mention three people, one locally who have overcome great challenges and went on to succeed dramatically in life. First, captain david bazell, the first amputee to return to active command in iraq. He tells his story in his new book "back in action." second, johnny ericksontada, a paraplegic who recovered not only from being paralyzed from the neck down, but also from a despondency that made her want to die. She arose by faith to become founder of johnny and friends, a ministry to the challenged. Show went on to become a portrait painter holding her brush by her teeth and an inspirational author and leader who has appeared on numerous radio and t.v. Programs recently, on larry king's interview show and at national conventions. Third, Portland's janine delongi, who though blind s. Married, uses tri-met, and is a leader at fremont methodist church. She since in the choral group s. Chairperson after church committee and speaks to the church from the pulpit on church concerns. A final news note -- Portland's rose festival court of 14 goodwill ambassadors will make an informal appearance tomorrow morning, thursday at 10:30 a.m. At the weekly downtown community forum held at first baptist church, 909 southwest 11th avenue at taylor street. The young ladies will discuss their future personal goals and their joint responsibility to represent the rose city in the ensuing year. The mayor and city council are particularly invited to attend. Thank you.

Leonard: Thank you, mr. Long. Freedom child.

Item 433.

Freedom Child: Good morning. I'm going to postpone my testimony. My name is freedom, and I live in st. Johns. And i'm going to postpone my testimony this morning because I would like mayor Potter to be present when I testify.

Leonard: No problem.

Thank you.

Leonard: Thank you. Richard koenig.

Item 434.

Peter Rideout: I am not richard koenig. I am here on his behalf. My name is peter rideout. I'm here as a member of the Portland committee for the appropriate enforcement of motor vehicles on behalf of richard koenig. Richard koenig has expressed fear for his liberty because a police officer by the name of jerry higenbotham has threatened his arrest if he enters city hall property. Mr. Koenig has made his fear known for the commissioner of police, tom Potter. He now waits outside city hall property for the guarantee of safe passage so he may exercise his right to petition of

May 11, 2005

grievance. And to associate with his city council. Is anyone here, can they guarantee his safe passage into --

Leonard: No.

Rideout: Nobody is here with that --

Leonard: No.

Rideout: So if he comes in he will be arrested for his exercising his right to appear --

Leonard: Don't do this. In fact, i'm extending a little liberty by even allowing you to speak because you're not signed up. So I need you to make the point. There are others here that would just as soon not hear this. [laughter]

Rideout: I understand that. Yes. I can appreciate -- ok. Thank you for your time.

Leonard: Mary ann schwab.

Item 435.

Mary Ann Schwab: Good morning, commissioners. My name is mary ann schwab, I live in the sunnyside neighborhood. For the record, I didn't contribute to any of your campaigns, nor did you contribute to mine.

Leonard: Not only that, you ran against me.

Schwab: That's right. And you only won because I was too busy in six weeks to run a campaign. But you'll be discussing campaign reform later, and I thank erik Sten for bringing that issue forward. This morning I would like to address the need for a chronic nuisance letter to be sent to southern pacific. There is ongoing problems, they've -- detectives know about it, the commanders know about it, everyone knows about it but everybody and somebody and everybody is busy. So let me share with you what I have learned. For the last two years I volunteered on the safety committee, as did victor flemming, school representative to the chief's forum. We are both seeking replacements at this time for others to step forward to continue working with the public safety planning group for its geographic area and work on development of long-term prevention extinction to address common crimes in our areas. The most serious of which is meth. Meth is take over our neighborhoods like a trojan horse. Meth is destroying human beings, those who will live will be wards of society, either in foster care homes or prisons. Meth labs continue to destroy our housing stock. Neighborhood watch is vital. This is my feeble attempt at fighting back. I want to call your attention to montavilla resident videotaping of tran sent drug use in the southern pacific railroad right of way under northeast 82nd at the tri-met light rail crossing. On april 11 when kptv crews were in the neighborhood, victor took the opportunity to show the video to the reporters. It was not until watching the 10:00 news coverage that I realized drug activity was taking place close to the transit center point used twice daily by students attending madison high school. It was not clear to me which was victor's video or which was done by a camera crew. The following calls were my attempt at fighting back. I -- starting with the news desk at kptv. Second on my les was the city-county referral line. Very helpful. We do have a city that works. They guided me to the city street maintenance. City employee bill long with the Portland development department of transportation told me not long ago that pdot and 0 odot worked together to install fences under -- funds were gone before they could cover the southeast 82nd tunnel. He suggested I call larry olson with the Oregon department of transportation. Who suggested I contact the railroad in that it was their problem. Tom morrison, Portland railroad security and aide to police, told me this property under northeast 82nd belonged to the state highway department and any problems were theirs or tri-met's to address. Lieutenant big eagle a. Tri-met security, was well aware of the transit and drug problems at this transfer point. I contacted a counselor at madison high school and commander hendrix to notify them of this illegal drug activity. He would have one of his detectives contact me, but could not say when because he was shorthanded and everyone was busy. Larry olson drove down to the site, walked down to the area, reported no signs of current activity. He reports it's not easy to get there because the path is very steep and narrow. Short of wanting to do illegal drugs or sleep out of the

May 11, 2005

rain, there was no reason for anyone to go down there. As for ownership, no trespassing union pacific has Sten sills on the wall. He offered to make phone calls to his contacts with the railroad on april 28. As of yesterday, they were still playing phone tag.

Leonard: Mary ann, you elapsed about a minute ago.

Schwab: Did I really? Ok, guys. Time's up. This is a story about poor people named everybody, somebody, anybody, nobody. There is an important job to be done and everybody was sure somebody would get angry about it because it was everybody's job. Everybody thought anybody could do it but nobody realized everybody wouldn't do it. It ended up everybody blamed somebody when nobody did would anybody could. I think everybody i've talked about today, with the city and the state, and tri-met, trying to solve a problem, we're all short funds, but we do need a chronic nuisance letter sent over to larry olson who will try to find somebody in nebraska to address this problem. He needs flaggers out there and he needs approval for right of way to install the rebar. Thank you.

Leonard: Thank you, mary ann. Item 436, time certain at 9:30.

Moore: Do you want to do the consent agenda?

Leonard: I'm sorry. Sure. Is there an item commissioner adams, did you ask for item 448 to be removed from consent?

Adams: No.

Leonard: Ok. Is there a motion on consent?

Saltzman: Move approval.

Sten: Second.

Leonard: Roll call.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Adopted. Item 436, time certain.

Item 436.

Saltzman: Mr. President, members of the council, summer is upon us, and it is time to be giving our young people something to do to keep them out of trouble and be successful citizens in our future. The will council last year in november of 2004, passed resolution 36278, which called for the implementation after citywide bureau work experience program for disadvantaged youth. It mandate that individual bureaus employ eligible Portland youth for a minimum of 25 hours per week in accordance with our existing employment guidelines. These opportunities should also include seasonal job training, internship, and job shadowing. The intent is to ensure that real opportunities are created for youth in our community. The city in the past has invested in young people through a funding for after-school activities, youth employment programs, and the children's investment funds are all hallmarks of those efforts. I believe this resolution we passed in november is important because it's a genuine attempt to connect disadvantaged youth and all youth to employment opportunities within our city and to move us closer to the ideals of diversity and maintaining future excellence in the city's work force. Since we adopted that resolution, we have also embarked upon the mayor's bureau innovation project, and one of that specific goals is also designed to expand the city's diversity outreach cultural awareness and more internship opportunities. The resolution we passed in november does require the bureaus to report to us annually about program implementation, progress through the bureau of human resources, and it further directs the bureau to provide -- report on the citywide progress of this to the council. So that is exactly what we're doing, and I think we're doing it as I said, just on the eve of summer vacation, breaking out all over the city, and all over this county and all over the state. And i'm pleased to introduce yvonne deckard, director of bureau of human resources, to give us a progress report on our efforts.

Yvonne Deckard, Director, Bureau of Human Resources: Thank you. Good morning. I'm Yvonne Deckard the director for the bureau of human resources. As commissioner Saltzman

May 11, 2005

mentioned, last november council did pass a resolution 36278 calling for a citywide work experience program for disadvantaged or at-risk youth. We looked at this as being a reaffirmation of council's earlier commitment toward youth employment and diversity. In 2002, the council actually added \$65,000 to bhr's budget in order to begin its efforts in employing youth and to look at our -- to aid in our diversity efforts. We used these funds to develop and implement a citywide summer youth employment program. The number of hours in which we have employed youth, in your -- your resolution called for 25 hours a week, we are actually employing them at about 30 hours per week. We actually partnered with five community agencies in order to further these efforts, and those agents have been the Portland area career training center, open meadows youth alternative school, the Oregon business congress, the immigrant refugee community organization, and the business education compact. We've placed each -- last summer, the summer before that, and this summer bewill place 35 youth in the following bureaus. Cable, b.e.s., d.h.r, wastewater, which is part of environmental services, parks, pdot, omf, police, and fire, as well as water. We had asked during the budget process for an additional \$100,000 in order to double that number from 35 youth to actually 70 youth, and so to that end, we are still positioned that if we were ability to gleam an extra \$100,000 of one-time monies we could double our efforts there. We're paying the youth -- the youth are aged 16 to 21. Last year our breakdown as far as demographics, we had 27 females, eight males, 13 of which were african-american, nine were caucasian, nine asian, three hispanic, one native american. These kids came from schools such as open meadows, youth alternative school, vocational village alternative school, jefferson high, grant high, benson high, marshall, reynolds, and parkrose. So the goal is to really try to work with our community partners, work with as many area high schools as we can in order to get youth exposed to the career opportunities and job opportunities within the city. And to present to -- and to provide them with training opportunities, mentorship, internships as much as we possibly can. We realize that some of these young people will in the future come to work for us, and that's a good thing. But we also believe that if they go and they work for some other business, whether it's public or private, that's also to the advantage of the city, and that's the -- that's to keep kids trained and make them employable. We also ran a different type of program with the bureau of pdot where they housed eight youth to do things such as general clean-up, street area landscape, vegetation removal, and those kids ranged from the age of about 16 to 21 also. The water bureau has continued with this program of the youth employment, with the youth employment institute where they employ 36 youth to participate in ground maintenance and at the reservoir and at powell butte. They also created a hydrant crew program last summer which youth conduct hands-on closed hydrant testing for the city. And we actually employed 13 youth in that area. We think these efforts are very positive efforts. They continue to grow. We are looking at this summer engaging in a program with p.c.c. as it relates to recruiting kids from jefferson high and p.c.c. And to train them and get them exposed to our public safety program as far as fire, b.o.e.c. or emergency communication, and future police officers, and we're also working with the school policing program to get youth employed and placed in our bureaus. So that's really where we are today. We are actually excited about a possibility not only partnering with p.c.c., but partnering next year with -- is it --

Joseph Quinones, Bureau of Human Resources: Portland development commission and the northwest natural gas.

Deckard Right. To see if they would do matching funds in order for us to bring more youth into these programs. So that's about where we are today. I think our efforts have allowed us to really touch the lives directly as far as employment of about 92 youth last summer and we're looking at about 89 this summer. Like I said, if we could get an additional \$100,000, we could add another 40 to those numbers. That's where we are today.

Leonard: Thank you very much. Joseph, do you have something?

May 11, 2005

Quinones: Just one additional note, last year we did employ students with police athletic league, and we also had two students last year who went through our program and went on to join apprenticeship programs, one in the electricians trade, another in sheet metal work, because each year we've introduced them, the students that come through the program, to the construction and building trades apprenticeship programs.

Leonard: Excellent.

Deckard: And Joseph actually, for the summer youth employment program, he takes the lead, his office and his efforts are the lead person on those. So he's done a tremendous job.

Leonard: Questions?

Adams: What was the representation from communities of color?

Deckard: Among the participants? I don't have that in my write-up. We had 13 African-Americans, nine Asians, three Hispanics and one Native American out of the 35 youth. Nine Caucasians.

Adams: Those are great numbers. Good job.

Leonard: Commissioner Saltzman?

Saltzman: We are in total employing about 89 youth for this coming summer?

Deckard: Right. In these various programs. And we hope to increase that by another 40 with some additional one-time funding.

Saltzman: And these jobs are for the duration of the summer?

Deckard: Yes. They started -- some of the kids have started in April, and they will go through the summer. The rest of the kids will be coming on at the end of the school year, and we take them through an actual implementation and training program. We have some of the kids that job shadow throughout the year, but they would actually work for the summer about 30 hours a week.

Adams: I would -- I don't know if any consideration has been made that maybe having some of these placements in council offices for the summer.

Deckard: We would love that.

Adams: I'm certainly open.

Leonard: Actually, I started my whole political career as an intern in 1975 to the Oregon legislature. Of course some would argue that's evidence the program doesn't work. I don't agree with that. But I think it's a wonderful opportunity for young people to get introduced to something that they're not even aware exists that may be a career for them.

Deckard: Correct.

Leonard: I love apprenticeships and internship programs.

Adams: And I too started as an intern for then-county chair Peter Defazio. Not quite that long ago, but that's how I started.

Deckard: We will make sure Commissioner Adams that we can try to identify someone for your office, and if there is any other council member that would like someone for their office, we'll work to do that.

Saltzman: These are all paid internships?

Deckard: Yes. They're paid minimum wage, about \$7.25 an hour.

Saltzman: Do we know what our capacity is? What's the upper limit of how many youth we could ideally employ over the summertime?

Deckard: We've tried to really take a very comprehensive and coordinated effort here, so what we wanted to do with the summer youth employment program that B.H.R. is running is to really go out and find the youth, work with bureaus to identify the work experience, and so to the end where we have many of our bureaus are -- have opportunities, then that certainly does create more opportunities for us. We think that the core 35, the experience we have each year, we can at least double that. But the problem has been it's just that we've -- we got to 65,000 -- we got the 65,000 in 2002 and we haven't increase our efforts to that, so if we could, you know, add that hundred

May 11, 2005

thousand, we could double that and once we get those jobs secure, then we look at what our capacity is. Because the effort for us is to make sure they have quality work experience that they can take forward either to us permanently, or to whatever employer they go. So we don't -- I can't sit here today and say that we can take 200. I don't know what -- what we've tried to do is build a solid program. And we know that we can increase it by 40, and then we want to do that and do that well to get the kids the breast quality work experience that they can gleam, and then we'll assess how many more we can bring on.

Saltzman: So there was \$100,000 request? I don't recall --

Deckard: When the mayor asked very quickly for a list of projects that we could fund with one-time monies, I had about 24 hours to put that together, that was one of the things I put on the list. And in all fairness to the mayor, I wasn't able to provide him with a complete why paper so he would understand exactly how this money ties in to other council commitments and so it wasn't something that in the end made his list. So that's why we didn't -- he didn't allocate that. So that's why the rest of the council didn't see it.

Quinones: If I could make a note, on the funding piece, the majority of the funding around 85 to 90% of the funding goes into salary and support for the youth themselves. That's where the bulk of the money goes. One of the things we do provide in addition to salaries is transportation, we help buy them bus passes and bus tickets for the time they're working for us, because that helps them get here. Most of the money goes right directly to the students that are working for us.

Saltzman: If we were to -- since we haven't adopted the budget yet, if we were to fund this \$100,000, is it --

Deckard: Is it too late?

Saltzman: Is there sufficient time to get the additional 40 youth?

Deckard: We've actually -- when it came to my attention that we had an opportunity for one-time monies, I had Joseph to -- I had to talk to our partners to make sure we could increase our capacity, so we know that we could actually double the number with an additional hundred thousand that the kids are there, that we could get them in, we could get them on, and give them the -- get them in the program.

Saltzman: We could get those 40 kids --

Deckard: Yes, we could.

Saltzman: -- in time for this summer if the council were to find \$100,000 to pay for it?

Deckard: Right.

Saltzman: Ok. Thank you.

Leonard: Thank you very much.

Saltzman: Good work.

Leonard: We have item 437, time certain at 10:00 a.m.

Item 437.

Leonard: Ok. Thank you.

Paul Van Orden, City Noise Officer: Paul van Orden, city noise officer. The appeal we have today is an unusual appeal. This is a very basic noise variance we've administered in house at the noise control office for 14 days of rehearsal by an elementary school samba band. The reason why we even issued this noise variance, normally we wouldn't even be involved in this dialogue, but we had a complainant who had a concern about the sound levels from the band. Technically the sound levels were in violation of the permitted standard in a residential neighborhood, which is 55 decibels. We opened up a dialogue with the school to make sure they were in full compliance with city code, and asked that they apply for a basic noise variance, which they did. And we tried to carefully cater a variance that would work through the challenge of the specific complainant we had in this case. It's important for council to note that of all the neighbors who are surrounding the school, we have just one citizen who has a concern with the event. So in looking at the noise

May 11, 2005

variance, we tried to limit the number of days to a reasonable number that's still permitted the school to have their activities, and we also tried to ensure that if there were any concerns for the neighbors, that there was adequate notification if the school had to change any of the times or the dates they rehearsed, so the school is actually required to notify the noise control office, let us know they're changing the date, get normal ok from the city's noise control office, and then we'll also let the neighbor who has a concern know that the date's changed. It's a best adaptation in terms of trying to give the citizen who has a concern an opportunity to potentially go to another location while the band is practicing. The final component for this is that the sound levels I measured yesterday on Mr. Marsh, the appellant's porch, are quiet enough that when he's inside the house he should not be hearing the sound higher than 65 decibels at best. So that is --

Saltzman: Did you say quiet enough?

Van Orden: It should be quiet enough he'll only hear within the house with the normal capability of a house of its age to abate sound, he'll have about 65 decibels of sound audible within his house, which is more than adequate for us to make a call. The level is not going to cause any kind of health concerns as he's raised in his appeal. The last note is, we did receive medical information from the appellant relative to hearing loss, and in reviewing that information, there is not adequate information there where a doctor calls out or makes it clear that the sound from the band rehearsing has caused any potential hearing loss. Although that's something that the appellant has said to the noise control office, that the experience of the band rehearsing has caused particular hearing loss. There's no evidence in our files to be able to say that's the case. So in all reasonableness, we had to supply a noise variance, it would be highly unusual for us to deny the school to have this kind of rehearsal, and it's the last component to note that this is something that in our estimation goes on throughout the city. At many schools, at many other facilities where a band practices or marches. Of course if we have a complaint we're going to respond to it and do everything we can, but there really is no precedent for us to say that this is an unusual activity, or it's something that is creating an unusual disturbance for the community. So in administering the noise variances, I felt it was a more than reasonable approach to work out this particular set of conditions for the noise variance and issue it to the school.

Saltzman: That's for one hour each day?

Van Orden: One hour, 14 days this year.

Leonard: Thank you.

Adams: I'm sort of -- I have sort of a systemic question. Is it possible for you ever to bring in some sort of device that would demonstrate to us at this distance what these decibels sound like? We could do that. It would simply entail bringing a small stereo system in, turning it on, coming up with a sound level meter and setting the level to 65 decibels, or 70, or --

Adams: Or maybe could you do it for my staff and myself. Because I actually have not ever been with a meter at an event for myself to hear what 65 decibels sounds like.

Van Orden: The level you're hearing my voice right now is about that. Is about 60 to 65 decibels. To give you a for instance. So within his house I will say that all of the components of the music will be clearly audible. Outside of his house it would be a bit more annoying if you didn't want to hear the sound. But in terms of protecting the welfare of the public, if he's in his house, there should be no doubt there's not a health concern for this particular activity.

Leonard: Further questions? Thank you, Paul.

Van Orden: Thank you.

Leonard: Is the appellant here?

Moore: He was going to be available by phone if you had questions.

Leonard: Ok. Do we have any folks that want to testify?

Moore: We have no supporters of the appellant who signed up.

*******:** In support of the opposite side.

May 11, 2005

Leonard: We'll get there. So we will hear those that are opposed to the appeal, no?

Moore: Ainsworth elementary school?

Leonard: Yep.

***** Good morning. Who goes first?

Deborah Wright, Ainsworth Elementary Music Specialist: I'm more boring. I'm Deborah Wright, the music specialist for the school, and I'm the young addends coordinator at my site. Part of our program is a Spanish immersion program, so we draw students from all over the city. The students raise the funds for our current artist in residence, Brian Davis, they raised it through the run for the arts program. We are really grateful and fortunate to have such a fine musician and teacher and friend of Brian's how quite. Through his efforts we have implemented a Brazilian style percussion group and we have marched in the Junior Rose Parade for the last five years, and we have the blue ribbons to prove it. The school community has worked with Mr. Marsh over the years to be a good neighbor. We have mostly through our wonderful school secretaries, they have dealt with many phone calls, we have cut his lawn, trimmed his branches, given him ear plugs, checked for bees' nest and met with him a couple times. We even gave him -- met with him to talk with these dates as early as February and January of this year. This has become the junior -- the band has become a rite of passage for our fifth graders, because they work in it together. It's a terrific bonding experience for them, and the sense of unity they get and the sense of pride as well as the knowledge they get of other cultures is invaluable. It has proven to be successful time and again. Our community has supported it with great enthusiasm. I have parents asking me when they're going to practice so they can come watch and enjoy. I know of no other marching band in the city that applies for noise variance orders, so I feel like we have a worthwhile program. And I didn't introduce our principal, who is Elizabeth Cason-Taylor.

Leonard: Good morning. Further testimony?

Elizabeth Cason-Taylor, Principal, Ainsworth Elementary School: The only thing I would like to add is that my request is that we respect Mr. Marsh's dignity and I was concerned about this news media yesterday, because we have really tried to build a relationship with him as a neighbor. I'm a new principal there this year, and we have done, as Ms. Wright has mentioned, we've done lots of things for Mr. Marsh. He also uses our school as a safety place to come with his concerns about the smoke from his neighbor's wood stove, and we've allowed him to come sit in our school with us, and I walk him back when he's ready to go back. And I want to continue to have that relationship with him. I think that the issue of community building that this band provides our students and the neighbors is very special, and it has -- as Ms. Wright mentioned, it's been going on for several years, so it's not something new to our community, so I would appreciate that you take into consideration both Mr. Wright's issues as well as ours as a school.

Leonard: Thank you.

Brian Davis: I'm Brian Davis, I'm a local musician with the group Pink Martini. The adult version of what we're talking about, you've heard of us, we've dealt with noise variance before. Is this an issue? Are you guys really going to consider shutting down these kids, or do you want more testimony? I would love to say a few things. One is that we have gone to Mr. Marsh years, for years, since about 2000, with pictures, signed cards from all the kids saying thank you for your -- his mother, who passed away a couple years ago was a huge fan of us. And I agree that I don't want to single him out, and I'm really disappointed the media, after years of press releases from me to come see kids in action, arts in action, they finally show up when there's something negative. And they haven't before. It's appalling.

Adams: That darn media.

Davis: Gee, thanks. And there's a ton of stuff I could say about what they learn. It's more about learning how to bang on drums. They learn about the culture of Brazil, I bring Brazilians to Portland, Oregon. Last week they were with an incredible world renowned -- a man from Rio, he

May 11, 2005

spent an hour with them talking about his life, playing with them, giving them pointers, walking in the middle of them. As far as the noise decibels, i've been standing in the middle of them and in front of them for several years now, and three beyond that with and a couple years in rio where there's 500 drummers, and I am not deaf. I'm talked with mr. Marsh on his front porch with his headphones, and he can't hear me speak. I'm going, you have to take those off so you can -- so we can give you this card. So he's complaining for issues for -- I can go on --

Leonard: I don't think I need to defend the appellant, but I don't think tinnitus -- what he has is a condition aggravated by loud noise.

Davis: I don't think we're in a position to aggravate. If he's got ear plugs and headphones, he can't hear you or I speak at this moment. I've been in front of him saying what i'm saying to you, and he couldn't hear me. Yet he says it's too loud. These kids get exposed to -- I bring musicians from both the bands I work with and the Oregon symphony, and brazilians from their local community come meet with these kids and talk about their culture and play music, and I think it's too huge of a thing to deny them because of one person. Again, I don't want to torture that one person, the rest of the neighborhood comes out and cheers when we walk down the street. I don't want to get it unbalanced by one guy. I don't know what else to say. Hopefully you guys will think in favor of the kids.

Leonard: Thank you.

Adams: Having fun? Is this fun for you --

Davis: Is this fun for you guys?

Leonard: This is not our definition of fun. Do we have other folks signed up?

Moore: No one else signed up.

Leonard: Anyone in the audience who wants to testify? You do? Come forward.
Thank you.

Adams: Thanks very much.

Leonard: Good morning.

Mary Strayhand: Good morning. My name is mary strayhand, I am a city of Portland employee but I am here on my own time. But I also have a daughter in the fifth grade at ainsworth elementary school. Since I get the agenda by email, I notice the time certain was on the agenda so I felt it important to be here. My daughter is one of the students, we live in northeast Portland. She is in the spanish immersion program and has been there since kindergarten. This is such a right of -- rite of passage for them. She has since third grade been excited to be part of the band. I don't know anything about the appellant or anything like that. I just wanted to speak on behalf of a parent of a student in the program that this is an excellent opportunity for them to be part of not only the junior rose parade, but also an opportunity for them to learn about the brazilian culture, about -- she's given me the names of all the instrument that I can't even pronounce, and this is a great opportunity for her to learn about the different instruments and I happen to be at the school yesterday when the kids were practicing, and it was great to see the kids so excited about being able to play these drums and play these instruments, and learn how to do it correctly and get excited about it. So on -- I think i'm the only parent here, but I want that in no way to mean that ainsworth parents are not involved. When ainsworth parents come out and know about something, they come out in force. And we'll show -- will show support for their kids. But I just wanted on behalf of some of the parents of ainsworth school to just encourage you to give our kids this opportunity to practice and to learn more about the culture so they can be part of the rose parade this year.

Leonard: Thanks for coming. Any other testimony? If not, is this much like a land use case? We - - do we go through the same process of affirming --

Harry Auerbach, Chief Deputy City Attorney: Take a motion, you could take a motion to deny the appeal or either grant the appeal or deny the appeal.

Leonard: Ok. Council discussion? Action?

May 11, 2005

Adams: I would move that we deny the appeal.

Saltzman: Second.

Leonard: It's been moved and seconded to deny the appeal. Discussion? Please call the roll.

Adams: I'm going to vote to deny the appeal. I want to acknowledge the work -- I want to acknowledge the work that the principal has done and the school has done to try to be good neighbors. I do care for the welfare of Mr. Marsh. We got an email this morning from Pamela Settlegood that mentioned that a neighbor down the street offered to drive him to church at least one of the days of the week, and I think potentially if you could facilitate an offer for more days of the week, that might be a useful way to continue the good neighbor work you've already done. So I vote -- I also think it's a great program, so I appreciate the work of the noise control officer to try to come up with a working agreement and the school for their efforts. I vote aye.

Leonard: I do tend to give the benefit of the doubt in these kinds of cases to those who are in their home trying to live peacefully. I appreciate that desire. I am very encouraged, as is Commissioner Adams, by the principal's willingness notwithstanding, but this is caused probably a little heart ache for the school and the kids to continue working with the neighbor. I appreciate -- any of us should begrudge anybody their rights to use the process as he has done. I certainly do not, and I would encourage you to please continue working with him and attempting where it's possible to accommodate his needs. Aye.

Saltzman: Aye.

Sten: It's a great program, and just state -- to state the obvious, there's conflicts in your ban areas, and I don't doubt that he's -- it's bothering him, and I think it's reasonable for him to bring the complaint. We have to in this case pick a side, and I think it's reasonable to ask the neighbors to live with this amount of noise. I also receive quite a few emails from people who are offering some community compromise, and hopefully we can work on those as well. So I vote aye.

Leonard: Motion passes. [gavel pounded] appeal denied. Thank you. Item 452.

Item 452.

Leonard: Do we have anybody here to -- Commissioner Sten?

Sten: I think it's just our budgeted contract with this group.

Leonard: No discussion? Karla, please call the roll.

Moore: It's a nonemergency.

Leonard: I'm sorry. Passes to second. Item 453.

Item 453.

Leonard: Thank you. We have our esteemed director Carl Simpson here.

Jeff Baer, Interim Director, Purchasing: Good morning members of city council. My name is Jeff Baer. I just wanted to do a quick introduction of the request before you today to talk briefly about the selection process itself. This is -- was a complex process to put together as part of the homeland security grants and the grant that was funded through the Portland office of emergency management. This involved a number -- seven different public agency 9-1-1 call centers, and as a result of that, we used their expertise in developing and writing the R.F.P. We had 40 -- 41 different companies that had received copies of the request for proposal, 12 were received in, and they were evaluated and based on the merits of the proposals and strength that we are here before you to request approval to award the contract to online business systems itself. So with that, I'll turn it over to Carl to talk more about the project itself.

Carl Simpson, Director, Bureau of Emergency Communications: Thank you. Good morning, council. I'm Carl Simpson, the director at BOEC. I get to describe a pretty cool project to you. One of the most important tools to any dispatcher in any com center in any state is C.A.D., it really becomes a lifeline between the dispatcher and the first responders. It is -- with the telephone, with the radio and C.A.D., those are the three pieces we absolutely positively need to do our job. We use it to keep track of location of first responders, we use it to enter 9-1-1 calls for service from our

May 11, 2005

customers, and we use it to add information to the calls. So the first responders are able to receive it in a timely manner. As I said, it is our most basic tool. In Portland, we have a most reliable c.a.d. system, and really talented people working on it behind us. So we're very fortunate. In other -- other com centers feel the same way. It's what he learned on, it's what they dispatch on and they equally have a relationship I guess they do have a relationship with their c.a.d. system. We ask any fire chief, ask any police chief what are there issues with c.a.d., and their issues with c.a.d., computer added dispatch, is that their systems from one agency to the next. And in most communities, they don't talk to one other. The c.a.d. systems do not communicate with one another. And this is a huge problem. So ultimately it would be best to have us all on one c.a.d. system. That's the ultimate solution, to have all of these counties on the same c.a.d. system. My off the cuff guess to do that would be about \$30 million to make sure that it works right. And that's not a reasonable -- that's not feasible, and that somebody is going to have to give up their c.a.d. system, the c.a.d. system they love, the one they're trained on, the one they're used to using, they would have to give that up and start over with retraining. So this project is if next best alternative. If you can imagine the com centers we're talking about, we have clark county across the river's involved with this, columbia county, clackamas county, Washington county, lake oswego, port of Portland, and odot, the state Oregon 9-1-1 center, or their dispatch center. So it's a huge partnership. And we've been working on this project for about two years. Sometimes it feels like it's been going on longer than that. But collaboration isn't always easy, but it's definitely the right thing to do. So what's going to happen is, this black box will actually allow dispatchers to work in their environment, the one they're comfortable with, and send messages to send data, send call information to other com centers without changing their work flow. When information goes into this black box, the information will be changed and reformatted content will remain the same, but it will be changed to the language and the for mat of the receiving dispatch center. And that's what enterprise integration is all about. So we're not necessarily changing the work, but we are changing the ability of the com centers to talk to one another. So this is a huge project. It couldn't be done without partnerships. You hear a lot of talk in the press about silos at the city of Portland. I don't see it. I see a huge partnership with jeff and his team. They've been fabulous. We have an awesome relationship with the matt -- with matt and his team. They've bent over backwards to help us with this project. The folks at the city attorney's office have been very help f there's been a lot of people at the table making this happen. So when done, this federally funded project will connect all seven regional 9-1-1 centers with the state of Oregon. And everybody gets to keep their own c.a.d. System. We have selected a vendor with a proven track record of enterprise integration. And we're going to have an encrypted and secure data backbone that will further enhance our public safety connectivity. So it's a very fun project.

Leonard: Thank you, carl. Questions? Does this pass to second?

Moore: This is a report.

Leonard: So we don't need to take any action?

Auerbach: You need a motion to accept the report.

Sten: So moved.

Saltzman: Second.

Leonard: Please call the roll.

Adams: Aye.

Leonard: Thank you for another example of outstanding work. Aye.

Saltzman: Aye. **Sten:** Thank you very much. Aye.

Leonard: Passes. [gavel pounded] item 455.

Item 455.

Jeff Baer, Interim Director, Bureau of Purchases: Jeff baer with the bureau of purchases. I just wand to do a quick introduction of why we're here before council asking for an exemption from the

May 11, 2005

competitive bidding process. Under Oregon law, it's required to provide findings to exempt any public improvement project from a low-bid process, and to do an alternative contracting method, which in this case we're asking to do a construction manager general contract process to select the contractor by way of a competitive request for proposal process, which allows for us to utilize more than just low cost approach and have additional evaluation criteria in the r.f.p. itself. So with that i'll turn it over to ron to talk about the project itself.

Ron Bergman, Director, Bureau of General Services: Thank you. Ron bergman, general services director. As jeff indicated, the reason for doing this is to continue a competitive process in the selection of a general contractor construction management assistance, but to use other criteria besides just costs. Cost still will be an issue, but we want to be able to look at things as better utilization of mwesb, help in achieving the lead standards we want for this particular building as well as cost control. By utilizing this approach, we bring the contractor in much earlier in the process. There are team member in terms of the design, they work very closely with the design people to bring their construction expertise to the design process to give us a better product at a better price. We have reviewed this proposal with our station advisory committee that has helped with issues on the station itself, and they are supportive of this effort. We reviewed it with the bond oversight committee that oversees all of the construction activity on all of the bond projects that we have, and they've been encouraging of this particular process, as well as the 10-member staff oversight committee, or advisory team that we put together on this project are supportive of it. We also I think in the record have letters of support from o.s.d. and from p.d.c. Who are the funding -- partial funding agency at p.d.c. on this project, because of the relocation. In fact, our agreement with p.d.c. really speaks very heavily of utilizing this construction management general contractor approach, and that agreement was approved by council some time ago. With that, we'd recommend that you approve this exception to the purchasing process.

Leonard: Thank you. Questions?

Adams: What are our targets for mwesb participation through this cgmc process?

Leonard: For those at home that is --

Adams: Minority women, small business --

Bergman: Let me bring up dick ragland, the project leader on our team, and he can deal with that.

Dick Ragland, Bureau of General Services: We don't have a specific percentage in the rfp at this time. That's something we could take a look at. As far as the draft of the request for proposal, we've included fairly substantial languages in there that we're expecting the contractor to provide as much effort in meeting the targets that we set together as a team, and that's one of the criteria that we'll be using. With a low bid process, you really don't have any control. They have to perform a good faith effort. This gives us the advantage of getting competitive bids in from subcontractors and then being able to select a subcontractor to meet not only the price targets, but also our mwesb goals.

Leonard: Do you look at the work force as well?

Ragland: And that includes work force training, yes.

Adams: So would you be willing to -- would you be willing to embrace the p.d.c. targets?

Ragland: I'm not sure what they are, but we can look at that.

Adams: Since they're paying for half of it.

Ragland: Just over the last seven years of the bond program, we've had an average for all our projects that we've bid competitively of a little over 8%, some of the projects have been substantially higher than that, and so I think we could -- i'm not sure what the p.d.c. target is.

Adams: I'm sorry, I don't know what they are off the top of my head, but they're higher than that. I think we could achieve that, yes.

Adams: Ok.

May 11, 2005

Leonard: Is that it? Other questions? Comments? Thank you. Does this pass to second?

Moore: Does anybody want to testify on it?

Leonard: Does anybody want to testify?

Moore: It is an emergency. We can vote.

Leonard: Roll call.

Adams: With the record noting that they are seeking to achieve the mwesb and work force targets by p.d.c., I vote aye.

Leonard: Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Passes. Thank you. Item 456.

Moore: 455?

Leonard: I'm sorry, 455.

Item 455.

Jeff Baer, Interim Director, Bureau of Purchases: Busy day for purchasing. Jeff baer with acting director for the bureau of purchases. You have before you a request to approve contracts with four suppliers for asphaltic concrete, and this was part of our strategic sourcing initiative. We -- we undertook last summer in which we hired a company to come in and really go through the city's data to find where the city spends money and look for opportunities of savings that existed where we could consolidate and look at perhaps restructuring certain contracts. This is the first of several action that's will be coming up over the next few weeks where we found a number of cost saving opportunities in asphalt concrete, and we expect to have a substantial savings resulting from this in upwards of about \$178,000 annually for these different revised and renegotiated contracts. And we sought proposals from each of the suppliers in the region that provide through Portland department of transportation asphalt concrete, and also part of the savings resulted from, we found going through the actual invoices comparing it against the contracts so we had established with them where they had actually -- some of the suppliers had overbuild the city, so we've recouped that overbilling as part after cost saving measure, so it was a way to go through each of the invoices in detail and I call it mining the data so they were able to find those pockets or this one particular pocket where we had been overbilled, so we're here to request approval to execute these contracts with these four suppliers as part of the pdot program for paving streets and what not.

Leonard: Thank you. Questions?

Adams: What -- jeff, I really don't like to waste the council's time by asking very similar questions every time an item is before us, but I thought i've said before, maybe it was to general services and not you, I think we should have standardized information on the certification status for all of the vendors that you're seeking our approval for.

Baer: What sort of certification --

Adams: Minority women or emerging small business.

Baer: If they are themselves certified firms?

Adams: Right, and a percentage. It gets complicated, the percentage of the award that is forecasted to go to them. So what is the certification status of these four companies?

Baer: I don't believe any of them are certified as minority women or emerging small business.

They've -- they're all local businesses in Portland, and I -- that's the first time i've had that request.

Baer: So i'll be sure that's included as far as any kind of report.

Adams: This is a nonemergency?

That's correct.

Adams: So if you could -- i'd also be interested to know who was on the selection committee, if there are any minorities or women on the selection committee, and --

Baer: This was all part of the silver oak solutions group who brought in their team to review the actual responses and help craft and suggest how the city could redo their contracts. So they were the ones who were really responsible for that part of it.

May 11, 2005

Adams: Then I guess the last question I would have is, if this represents in terms of asphalt procurement, does this represent an elimination of any minority suppliers in the past?

Baer: No. We actually had the same contracts with the same suppliers previously. We went back and renegotiated with them. These to my understanding these are the only four suppliers in the Portland area that provide asphalt concrete.

Adams: Thank you.

Leonard: Further questions? Anybody signed up, Karla?

Moore: I didn't have a sign-up sheet. Does anybody want to testify?

Leonard: No testimony, we'll have a roll call. No, passes to second. Sorry. Item 456.

Item 456.

Leonard: Good morning.

April Bertelsen, Office of Transportation: Greetings. Good morning. My name is April Bertelsen with the office of transportation, this is John Gillam, also with the office of transportation. As you just heard, we're here before you to request authorization to apply to the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development for several transportation and growth management grants in the amount up to \$750,000 through adoption of a resolution. To briefly go over the background, the TGM program has been around for 12 years, and we've been applying for grants for quite some time. And it's a biannual application -- biennial application process, so we're back again to apply. I want to highlight that this has been a cooperative effort between city bureaus, specifically the office of transportation, the bureau of planning, and P.D.C. and bureau of environmental services more recently. We've been collaborating on the project selection as well as preparing the applications, and as in the past we'll partner on the planning -- planning process throughout the projects. There will be a lead bureau for each of the projects partnering with the other bureaus. The -- our project selection has been reviewed with the pedestrian -- pedestrian advisory committee and the bicycle advisory committee. Specifically the project that we're applying for are Inner Powell Boulevard, Powell Boulevard from the Ross Island Bridgehead to I-405. There's a study in there that says to look more closely at Inner Powell. Outer Powell Boulevard will be a right of way plan, and that's from I-205 to city limits. And that is in response to a metro study of Foster Powell Corridor with a recommendation to the city of Portland. And then our East Side MAX Stationary Planning Project, which will be looking at station areas along the existing line including 60th, 82nd, Parkrose, 148th, and 162nd. That will be a combined planning and transportation effort looking at connections to the station and the development of the station area around it. Finally, our Central Sandy Boulevard Main Street Plan, which is phase two, you more recently saw phase one of the Inner Sandy. This will be Sandy from 54th to 102nd Main Street Plan. And in the memo that you would have received earlier, we indicated to 82nd, and upon further discussion with the bureau of planning, it was agreed we would extend that to 102nd. Which will overlap nicely with the station area plan. And just a highlight, this -- while it also is identified in our transportation system plan, it being previous orphaned highway, but also there has been strong community support for doing something in this stretch that the Roseway Community independently went for a T.G.M. grant to hire a consultant and develop a vision plan, so that will be a starting point for this planning project. And that would be the four. I just want to also stress, we're working with community groups to gather letters of support to go with the applications. I'll take questions.

Leonard: Thank you. Any questions? Anybody signed up to testify?

Moore: I didn't have a sign-up sheet.

Leonard: Any comments? This is a resolution. Karla, please call the roll.

Adams: I just want to thank you for the great work and the teamwork between planning, P.D.C., and PDOT. I think the projects that you've selected are incredibly worthy, and look forward to hearing more about them. If we receive the grant. Thanks for your work. Aye.

May 11, 2005

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

Leonard: Aye. Passes. Thank you investment second readings, item 457.

Item 457.

Moore: This is a second reading.

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

Leonard: Fastest. [gavel pounded] item 458.

Item 458.

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

Leonard: Passes. [gavel pounded] item 459.

Item 459.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Passes. Item 460.

Item 460.

Sten: Thanks, mr. President. This is a second reading, but I think there's still a little bit of discussion to be had, so i'm going to ask the auditor to take a seat up here. I won't go into great length. I think everybody is quite familiar with this proposal at this point. Looking at the audience I think they're all people working on this. This is an actual second reading and vote on what we're calling voter owned elections, which I believe will be a dramatic and groundbreaking and I think exciting new way to approach election financing. And Portland would become the first city in this country, not the first place, because there are two states, maine and arizona who offer public financing of elections. It's a voluntary proposal, i'm just stating the basics for those who may have tuned in for the first time that would allow a candidate to opt into the system. If they do so, they would have a very large bar to get over, which is 1,000 \$5 for a city council seat. If they got there, they could choose to take a chunk of money from a public financing fund coming from the voters, and in return for not raising any private money. So I won't go on and on, I think it's people's well-known belief, it's my well-known belief, I had laryngitis yesterday, which is a real hard one for me - I just believe that the amount and escalation of financing for campaigns is really the number one thing I think hurting public policy in the entire country. I don't think it's a Portland issue, I don't think it's Portland is corrupt, but the influence of large contributions has I think diverted in some case corrupted in other governments just about every political discussion across the board. And I think this is a chance to make an affirmative statement that there's a better way to do it and the proposal is, we're going to have a conversation about the way -- to try it for several cycles and then refer it to the voters. And I personally think this is a new enough and different enough proposal that although it's more politically risky to say we're going to try it than it so to refer it, by giving the voters to see it, by appointing citizens commission to help refine it, we'll have a much better result down the road. And we'll also be able to see how this works. I think it will be very exciting. So let me turn it over to my good friend and really the person i'm so thankful joined me on this, because he's been personally responsible for figuring out all of the many, many, many important details on how to make this work. Auditor gary blackmer.

Gary Blackmer, City Auditor: Thank you. Members of council, from my perspective, I -- we've already started thinking about what are the steps we need to put in place. One key one is a citizen campaign commission, which will be a body of citizens appointed to oversee the operations and look for ways to improve it. We think that we have a good system here, but we want to have some reviewers as the process goes forward so they can enhance it and add those things that they need to correct. If a thousand signatures is too high or too low, that's something that this citizen campaign commission can deliberate on and make a recommendation to council to change the code. So there's flexibility built in here, and from my perspective, in listening to the kinds of questions that we've heard over the last two-plus years in developing this, there's a lot of fear of the unknown out there that this is a very different system than we are accustomed to, and I think it will fundamentally

May 11, 2005

change the way that city officials campaign for office, and the way they interact with voters.

There's a lot of promise to it, but at the same time, I think there are a lot of ways that we can spread a concern and a skepticism in something like this, and it's not perfect, but I think what we've got is a great system that cannot only hit the ground running and operating well, but has a mechanism for improvement. So to that extent we've committed to doing as good a job as my office can, and in putting all these pieces together and anticipating all the problems, but at the same time we're certainly open for any ways that we can improve. So one of the first things, if you approve this, is we will be soliciting applicants for citizens to be on this commission. We want a great group of really interested, unobjective, unbiased citizen who's are willing to come in and see the way that's they can make this the best system in the country. And a great example for other jurisdictions.

Leonard: I have just one observation. I entered this discussion conservatively, and after thinking about it, I just believe in giving the benefit of the doubt to my colleagues where they're proposing something. So in thinking this through in december, I communicated with commissioner Sten that if a couple of changes could occur, I could get myself to the place where I could support it. One was the concern that I had that has been addressed of candidates running improperly coordinating a campaign was I don't think an unrealistic concern of mine. [laughter] it was addressed in the ranks, and I appreciate that. The other was that there be a referral. Initially I said in my communication to commissioner Sten -- i'm sorry?

Saltzman: I have an amendment that speaks to that.

Leonard: Yours doesn't really speak to that, as I understand it. Yours is a sunset.

Saltzman: No. It's a new amendment.

Leonard: Ok. Well, maybe I should wait.

Sten: Mr. President, procedurally I wanted to mention that this is a second reading, so we don't necessarily take public testimony at a second reading unless there are amendments. So I was thinking as a procedural matter it might be a good idea to have the council discuss whether there are any amendments likely to have supports, and if there are, we should take testimony on those amendments. I don't think -- I would not recommend general testimony at this point.

Leonard: I am interested in commissioner Saltzman's proposal.

Saltzman: Ok. I think probably where commissioner Leonard was going, I am prepared to support the voter-owned election system proposal, but I do feel we have made a commitment that this be voted on by voters after three cycles. And there's nothing in the ordinance that says that. There's a lot of discussion in the legislative history by auditor Blackmer, commissioner Sten and others, that this should in fact be referred to the voters, but there's nothing in the ordinance to do that. So i'm proposing an amendment that will do exactly that. It whether refer this provision to -- i'll read the language. The provisions of Portland city code 2.10.010 through section 230 are referred today to the voters as a charter amendment at the november 2010 general election. So this council is taking the action today to place it on the ballot at the november 2010 general election. I've checked with our counsel, that is well within our purview to do. With respect to the noigs that perhaps these sections of the Portland city code will be revised by the commission over time, that still works, because any changes subsequent made to the code can be made, but the whole section, the whole voter-owned election section will still be voted on in the november 2010 general election. And I think that speaks to what we've all said we want to see happen, and I think this provides it in the code section of the ordinance and does it in a way that allows the basic ordinance to change and get better, but still honor I think the commitment that many people expect, and that is to have an opportunity to vote on this.

Leonard: Before you make the amendment, actually move it, that item has come up in discussions, and I fail to understand why we would wait three cycles. I thought the reasonable thing to do was to have all the seats on the council have to exist under that proposal once, which would be two cycles, which the one coming up and the one in 2008, what I have talked to commissioner Sten

May 11, 2005

about and the proponents is having that election be after the second cycle. Which would be in the may of 2009. And I thought hi agreement -- 2008, you'd have the second cycle of going on, and then the election, and then the election to decide on it.

Sten: Two full cycles, is the theory on 2010. A full cycle of six and then --

Leonard: But you'd have three cycles.

Sten: 2½ you if you --

Leonard: I'm saying at the end of two cycles, everybody -- every seat on the council have experienced the new system, and that would be a -- it would seem to me to be the appropriate time to make a decision by the voters. And I have -- that is an issue i've discussed with the proponents and commissioner Sten.

Blackmer: I guess if I could -- what i've seen like in arizona is that there's an incremental change over the years as the system gets in place and candidates start seeing the potential. So I don't know that this immediate cycle coming up here, the may 2006 and november 2006 are going to be the best example. The next cycle could be, from my standpoint, I would see a little longer time would really provide more opportunity. We're going to try and get everything up and operating by september 1 for this year. It's going to be real difficult for candidates to be able to go through the training and understand how it really plays out on the first time. Second time I don't know what seats come available that would kind of invite people to think about it in the new -- in a new framework. So I guess even a third one I think would be the best judge of it. It's five years away.

Leonard: Just to put this in its proper context, my initial position was I wanted this referred immediately, when I communed -- I wanted part of what we're voting on to actually go to the voters first. But again, i'm trying to get to a place where -- i'm only one vote here, I don't know that you need my vote, but i'm trying to get to a place where i'm trying to give the benefit of the doubt to the proponents on the one hand but on the other, I do think it's important, and I don't feel like this on all issues, but this is one that I do, that the voters have an opportunity to weigh in, and in the interest of compromise, I was willing to allow the two systems, for my vote, to -- the two cycles to exist under this proposal. I just think three is too many. If we have problems with the system, I want -- the council can know there's a deadline they have to meet after two cycles, and let's fix them and put that in front of the voters.

Sten: I -- I don't feel passionately about the question. You're talking about the difference of one more primary. Two primaries, two generals under any scenarios the difference in timing is one primary more. So I would I -- I do think we need to make sure of the legality of a referral a few years out. That's the only reason it wasn't in there. I was opposed to a sunset clause, which is different than a referral.

Leonard: I'm not popping --

Sten: I'd like to take some testimony on this before we vote on the amendment. My maybe we can have the public testimony focus on --

Leonard: To be clear, i've been very consistent about this point that i'm talking about with the proponents and others that i've met with, and I feel like i'm doing everything I can to get to the place I can support this.

Harry Auerbach, Chief Deputy City Attorney: Mr. President, I think I need to clarify the advice that we gave commissioner Saltzman. What commissioner Saltzman asked us is whether the council today to refer something to an election in 2010. Which you can do. But with the question that we weren't asked, so we haven't had an opportunity to talk about, because we -- I didn't understand that he was proposing an amendment that was different from the one i've seen on the paper, is what happens to the effectiveness of the ordinance while you're referring it. Typically an ordinance that's being referred is not effective until the voters vote on it and decide whether to adopt it or not. So if your intent is to have something in place subject to a required referral later on, I think what we would recommend is that you first of all adopt the ordinance, and direct the auditor

May 11, 2005

to prepare a measure to be referred to the voters to bring back to you and refer it. You can refer it any election you want, but you're going to want to do something a little out of the usual, which if you're going to have it in effect pending the referral. That is to specify you're adopting it and then refer a charter amendment to make it to the voters at a time that you direct. Do you understand what I'm saying?

Leonard: I think so, but are we unwittingly doing anything that would prevent the citizenry of exercising referral rights if we were to have that -- of the ordinance if it passed if we were to have that --

Auerbach: No, because it's a nonemergency ordinance, the voters in the next 30 days could refer it on their own.

Leonard: But does us deciding we're going to have a referral of it in some election in the future doesn't technically stop the ability of a referral --

Auerbach: Correct.

Leonard: -- citizen initiative referral?

Auerbach: That's correct. And it doesn't stop the council in the interim from amending or repealing it or doing anything it wants to.

Blackmer: Could I raise one other issue? Commissioner Saltzman was referring the code to the voters for incorporation into the charter. If we have a short time span for getting the kinks worked out on it, I'm a little concerned about the code itself. I guess normally in charter it's a more broad intent kind of language with a general framework that can refer to code. So I guess that would be one thing that I would like to at least suggest, is that language be that the subject matter be proposed to the citizens to incorporate into the charter without actually locking everything in, because ultimately we may want to come back and raise the threshold of the number of checks and we'd have to go to the voters in 10 years to ask them to make an adjustment.

Saltzman: I think my amendment envisions the ability to fine tune this, whether it's two cycles or three cycles. It's the act of us today saying it will be voted on either in November 2010 or November 2008. That's the concept I'm after.

Blackmer: As long as it's not the code itself that's voted, but the concept.

Leonard: 2009 is what I was envisioning that we'd have a period between the last cycle, any changes recommended, and the actual proposal being voted on. So 2009 --

Saltzman: May of '09?

Blackmer: Actually, that isn't an election year. May of '9. We'd have to pay for a special election.

Leonard: How about November of '09.

Blackmer: No.

Sten: Why wouldn't we be able to join the school board ballot? That would be May of '09. We'd have to pay a share, but it wouldn't be --

Susan Francois, Elections Officer: We would have to pay a share. It could be between \$200,000 and \$400,000. The election you were elected for would have cost about \$400,000 because there was a state measure at that time, it cost us about \$250,000. But we do not have any regularly scheduled elections in odd-numbered years.

Leonard: But we can do it, we would just have to pay for it.

Francois: We would just have to pay for it, yes.

Saltzman: Getting back to the two or three cycles, if you have a November election on the substance of this measure itself --

Blackmer: That's what we --

Saltzman: There would be candidates that would be able to avail themselves of the financing through November of that year.

May 11, 2005

Blackmer: That's what we talked about in the report, having it in november of 2010. Three primaries and three generals, and they would be voting in that final general on --

Saltzman: So they'd still be able --

Leonard: I wouldn't have a problem with that.

Adams: I look forward to public testimony on this issue, but I would like to just sort of describe where i'm at, leaning at this moment. I would like to preserve the right of future city councils to decide how they want the review this issue. And I don't like the idea of an automatic referral date set today. I'm concerned about those that don't necessarily want to give this a fair hearing and a fair shot, knowing that a lot -- it will automatically go to the ballot to potentially use that fact that we've established it so far ahead of time and that don't want to give it a fair shot to have the opportunity to manipulate situations in a way that they wouldn't have if we preserve our options. I lean towards, you know, at some future date today of having the voters have an opportunity to vote on this directly, but I don't want to set that date today. I would support some sort of -- something built into this to make sure that the issue of council review has to come up, but i'm very concerned that we would be setting a very I think -- would be taking a real gamble by setting an actual day and a referral this such -- so far out on a new initiative. And an initiative that I think has the opportunity to do so much good.

Leonard: I respect that, but I -- in a related discussion we had recently, I made the observation that I do trust, but I want it in writing.

Sten: Just to confuse things even more, I had prepared an amendment that was I guess the alternate approach, and I think will have am things on the table which would say, the citizens campaign commission is directed to bring a measure to the city council to provide for voluntarily campaign finance system to the voters at the november 2010 general election. So the difference between that and commissioner Saltzman's is I think it's -- I think this is -- would have the same result, it just doesn't say what the measure would be in terms of specifying the code. You could argue that this doesn't have to happen, but in the same vein could you say this ordinance that this referral, this council is putting in place does not bind that council that could change that so they both depend on the will and spirit of that council and the clear intent of this. It gives a little more room as a different way to approach it. I probably prefer that, but i'm pretty close to supporting any of these pieces, because I have pledged from the very beginning that I thought a referral after a test scenario was a reasonable and smart way to go, so I think i've got to support that.

Saltzman: I guess we can sit here and debate until the cows come home what future councils will do. That's why I think we should take it into our own hands today to say this is what we're going to do. Obviously whatever action we take today, if we set a date, it doesn't prevent future councils, but i'm concerned about what this council has said in terms of its content. That's why I think it has to be part of the ordinance today. I think there's a dynamic in the version commissioner Sten has proposed that kind of says, ok, the review commission can look at it, they can refer the measure to council, but council may not refer that to the voters a future council. And I think all of us had talked about this is an experiment, at some point we want the voters to weigh in on this, and I think at least my amendment this, clearly gives us a date certain, where this council, the four us of of us today said we want to see this voted on, and I think it fulfills the intent --

Sten: It is possible commissioner to merge or two amendments to give -- to make it as certain as your language makes it, but allow the citizens economics to make a recommendation on the language itself? I just --

Saltzman: As long as we can set the date today of when it will be voted on, I think we can -- I think this council, we can always speculate about future councils, but the four of us here today can make a decision that binds us, and speaks to I think the intent that we see this be voted on, and we see this language in the ordinance we're about to pass. So I think there's a way --

May 11, 2005

Leonard: That was actually my intent of the may 2009, you'd have a period that you could make adjustments to whatever it was you referred to the voters.

Sten: I'm open on the date. I like the may '09. Given the extra cost, I could argue for using the existing elections, because that's not an insubstantial cost, and if we're going to use the existing election i'd prefer 2010, because i'd like the full cycles before we see the results of the full cycles before we vote. But i'm ok with an '09 spring as well, and i'd like to attempt to merge the language.

Leonard: And i'd go to '08 or '09, but I couldn't go '10.

Blackmer: There isn't a lot of difference between may 2010 and something in 2009.

Leonard: Other than it's another cycle.

Blackmer: It's part after cycle.

Leonard: I just feel -- I -- again, I -- this is just me talking, I started out thinking before this was implemented the voters should vote on it. And i've been able to get -- stretch myself to the place where every position here should experience that, and then the voters should vote on it.

Sten: I don't think may 2010 makes sense, i'm just thinking out loud.

Blackmer: You're right.

Sten: If it gets repealed you've got a set of candidates that decided to get into the business based on public financing and they're halfway through it. I think it should be before or after a full -- you don't want to change the system in midyear.

Blackmer: I was thinking about it, from a cost standpoint the net isn't that much different.

Sten: I would actually make the suggestion that we take whatever testimony is here on this amendment and then see if we can get to a council consensus in the unlikely situation that we find ourselves in a 2-2, mayor Potter has asked it be set over until next week. That's a I don't know we have an odd-numbered council.

Leonard: From the discussion i've heard so far, i'm not sure that will be.

Sten: I think we can get to a 4-0. It may take a series of votes.

Leonard: Sam may vote no.

Sten: It may take a series of decisions on date and approach to get there.

Auerbach: Just to be clear, you're not going to be able to actually refer anything today because you don't have a ballot title. And a measure. But you can direct the auditor to prepare those for you. And subsequently refer it.

Adams: And when would those come back to us?

Auerbach: Whenever you tell him to.

Leonard: Are you saying they would have to be two separate measures?

Auerbach: I'm saying in order to refer a measure to the voters, you need a ballot title and an act. And so those have to be prepared for you in order to form --

Leonard: Is that part of what we're going to be voting on within this?

Auerbach: It isn't right now. Your choice would be to --

Saltzman: I'd have to change my amendment to direct the auditor to bring it back to us --

Auerbach: How you do it is up to you except that you need to have -- before it can formally be referred, you need those items we don't have yet. You can enact it now and direct him to come back with that for you to formally refer it to the voters, or I suppose you could defer final adoption of it until there's an amendment that has a formal --

Saltzman: I think we'd want your first suggestion, if we pass something today saying it's going to be on the '08 or 2010 election, setting that date certain, but directing the auditor to bring back the package in time to get it on the ballot, that allows the citizens commission to work with the auditor and fine tune it.

May 11, 2005

Leonard: But again, I just want to be clear, what i'm suggesting is I want the concerns I have and what I think commissioner Saltzman is articulated within what I adopt. What I vote to adopt. Are you suggesting that will not be?

Sten: We won't have the referral language, we'll have a direction to bring it back.

Leonard: Does it have the power of the referral?

Sten: Just as much power, because ultimately the new council is going to have to do this.

Leonard: When would we actually vote on the referral?

Auerbach: Whenever you direct the auditor to come back with that package. So it could be two weeks or however long --

Leonard: I misunderstood. I thought you were suggesting we'd wait until the citizens commission was formed and make recommendations.

Saltzman: I think we'd set the date, wallet election date is going to be, november 2010 or november 2008, but the actual language it will be, that section of the code. It could be fine tuned by the citizen commission between now -- I would suggest that as long as the auditor brings us back a package that refers the section on the date we specify in a timely manner.

Leonard: Ok.

Auerbach: And you can vote on that any time between now and your deadline to getting it on the ballot.

Leonard: What he just said concerns me. I don't want to wait until the deadline to get it on the ballot in 2008. I want to vote on something if not now, with a week from now.

Saltzman: I'm trying to work out something that allows the citizen commission to work and fine tune it, but gives us the ability --

Leonard: We can have a referral in it and it can be amended any time up to the date that the deadline is for the referral.

Saltzman: That's my original amendment.

Sten: You want a placeholder referral.

Leonard: What I vote on, I want to include that -- a compelling factor of a referral.

Saltzman: And I think that's what my amendment --

Leonard: I'm hearing two different things. I'm hearing what you're saying, but i'm harry say something a little different. I'm hearing harry say we could wait up to the deadline --

Auerbach: Well, right. You could refer it -- you could refer it -- if you direct the auditor to come back with a resolution referring it to next week or two weeks, you can vote on it then. That's the -- the start time of when you do that is measured only --

Leonard: Can the referral be contained within what we vote on as an ordinance for the --
[inaudible]

Leonard: In any event it has to be a companion piece.

Auerbach: I think that's right.

Leonard: And I guess i'm saying, i'd want to just direct the auditor to develop that and vote on that at the earliest possible time. That's next week.

Auerbach: He can tell you how long it will take him to put it together.

Leonard: I just want to be clear i'm not agreeing to wait to 2008 for the council to vote on the referral. I think that's what you're saying.

Saltzman: My amendment would accomplish the referral today for 2008.

***** No.

Leonard: Except they are saying it must be in a separate --

Saltzman: That's news to me. We have this language, my language, previous language was reviewed and we were told it could be in the ordinance.

Leonard: I think we need to have our attorneys huddle for a second and answer this.

Sten: We could start taking testimony.

May 11, 2005

Leonard: Can you figure that out?

***** Right now this minute?

Adams: Yeah.

Leonard: This minute. We're going to take testimony. Do we have a sign-up sheet? On the proposal to have a referral within the ordinance and the date that that might be.

Moore: We have people who signed up for amendments only.

Elizabeth Callison: Elizabeth callison. Both amendments proposed today did not go far enough in modifying the blackmer ordinance for either for fairness or its cost effectiveness. The amendments need to be further expanded. I also think the council should hold over this agenda item until the mayor is present to vote on it and the amendments to it. Today's amendment is -- amendments are insufficient to address the problem that the Portland -- in that the Portland electorate are being denied the opportunity to vote on its enactment. Also I believe there are better options and they're listed in the written testimony that I provided you. Council has never considered a lower cost alternative. The discussion such as it is has been focused on the sten blackmer plan alone. Not surprisingly, according to page 19 of the report, nearly all the advisors to the scheme were professional political consultants who stand to benefit greatly from its enactment. The overriding problem as I see it for most alternative candidates for city hall positions is simply that they usually lack the financial resources to communicate their message to the large Portland electorate. I think we're all agreed on that. The newspapers choose their favorites and usually ignore everyone else. However, the city could be a great source to assist candidates in communicating their message. For example, five times per election cycle the city could produce and mail out each candidate's statement to voters, responses to issues, etc., authored by each candidate's campaign and sending them all out in one packet, as a trifold type of for mat. These would be authored by candidates and guide by current election laws. The cost for this would be about \$50,000 per mailing citywide or \$250,000 total for all candidates together. Roughly one-quarter or less the cost of the sten blackmer scheme. Another idea that's been floated around has been modifying council from an at large system to representative districts, which would cut campaign costs since electoral areas would be much smaller. The blackmer scheme is unrealistic in that will are accountability gaps that were never considered, for example, the problem of the auditor auditing himself. I won't go into that because there isn't time right now. I would just like to summarize though that I believe the likely outcome of the sten blackmer proposal is that large wealthy organizationless promote Multnomah medical candidates while taking advantage of the public funding to dominate the city elections process. There are sufficient loopholes in the sten blackmer scheme as written now that city bureau employees, activist churches, business boosters and similar organizationless dominate the process with multiple candidates. The auditor has no way of tracking whether this is occurring. Also the auditor's costs may rise uncontrolled for enforcement and investigation of fraud and the only way the auditor has of controlling his costs is to limit essential enforcement, thus inviting abuses. At a minimum the sten blackmer ordinance needs substantial revision and real public discourse before it's even counted. Thank you.

Chris Smith: Chris smith, here today wearing two hats, as prone on behalf of city club and as a spokesman for the broader coalition of proponents. So let me separate those two. First my city club hat. The city club position, this is good policy, you should do it. Just do it. City club has not preferred -- just do it. Speaking for the proponents and the coalition, we appreciate that the proposal from the auditor and commissioner Sten included the idea of referring to voters, we support that. We are what we prefer november 2010, we are flexible on that point and if commissioner leonard, that's sticking point, we're fine with two cycles versus 2½ cycles if you can figure out how to schedule an election to do that. We're willing to bend on that. With regard to all the logistics, I think our chief concern is that we get this enacted, so perhaps one scenario is you go ahead and provide a second reading adoption of this and then figure out your referral language and

May 11, 2005

bring it back next week and do that so we get this adopted. We don't want to be here for two more weeks of amendments --

Leonard: You want me to buy a car - -[inaudible]

Smith: Since the four of you will buy the car, provide the car will also provide the promise, I think I'm ok with that. The proponents do have a real problem with a sunset, and I think a sunset is off the table if you put it back on the table in today's discussion I'd like the opportunity to address why that's a bad why. Commissioner Leonard had a chance and I had a chance to go into that into a blog last night. I think we hashed through that. So we believe that referring today for 2010 or 2009 was not legal, so if the city attorney has a different view, we're open. That is the intent to get it out to the voter in that time period. So if you have a legal vehicle to do that, I think we're supportive. When you get more specific maybe I'll have more to say.

Janice Thompson: Janice Thompson. We also support the election -- the voter owned election ordinance as is. And to echo Chris's comments, certainly don't want this last suggestion to hang things up. All this work kind of starting almost two years ago really I think illustrates why it is important for the council to take the first step. What we're trying to get at is the appropriate balance between legislative decision making and elected officials stepping up to the plate. That's why we elect them. But to balance that with input from voters, and I think as part of that balance is why at my organization I think some of the others in -- are supportive of Auditor Blackmer's approach of having, you know, the time line where people can check it out. And to avoid having the dynamic of just having only kind of a sound byte campaign really dominated as we see in Oregon ballot measures, kind of big money. In terms of the timing, it seems like just to recap, it seems the three options are November 2008, I'm going to argue it would need to be in November, not May, to avoid the problem Commissioner Sten, of stopping things in mid cycle. The other options, May 2009, which sounds like your preference, I guess there's a cost factor, but if we moved -- I think like for Smith I would prefer November 2010, and again, if it was in 2010, it would need to be in November, so it doesn't get popped in the middle. But just to kind of try to help me sort out those are the timing options. And I think I would put my hat in the ring for November of 2010. And I have to kind of agree with Commissioner Adams' concern that there be clear direction. We're trying to get at this appropriate balance between the legislative process and popular vote and representative democracy. The version I saw earlier, so I had more of a chance to think there from Commissioner Sten, which in the ordinance would give this whole issue of -- in the ordinance not being able to bind some future counsel -- I know they're all working on that, but it does seem really clear that what could happen is that the amendment could tell the body that's already in, created, the Citizens Campaign Commission, to kind of given the task to work with the Auditor and the Council in reviewing things, the specific job of developing the referral. And in that way, get away from what was troubling about the sunset, something definitely is going to prepare this referral and it's going to get waved in front of your face. So just would want to toss that out as one reason to go with Commissioner Sten's amendment as written, and it seems to kind of echo for the -- reflect the flexibility I think Economics Adams was trying to toss into the hopper as well.

Leonard: Thank you very much.

Moore: We have one more.

Norm Turrill: Council president and members of the council, my name is Norman Turrill, I'm here representing the League of Women Voters of Portland, believe it or not. [laughter] and --

Leonard: Glad to see they've become inclusive.

Turrill: The League supports Commissioner Sten's idea that would charge the Citizens Campaign Commission with forwarding a charter amendment referral to the city council after voter-owned elections have been tested for several cycles. We would prefer this referral be to the 2010 election, since that would give two full cycles without any in-businesses for testing the idea. We certainly support the idea of referring it to the voters ultimately anyway. This adheres to the prohibition

May 11, 2005

against binding future city councils to specific actions, but ensures that a referral will be considered. Taking this approach, it's consistent with the council's desire to allow the voters to determine whether they are satisfied with the new approach to electing their representatives. Further would ensure the council takes an active role in shaping the conservation. The community looks for you to lead -- looks to you for leadership, especially on something this fundamental as the way we elect our city officials. And I appreciate the opportunity to have spoken to you this morning, and would take questions if you're interested.

Leonard: Thank you. Further discussion?

Saltzman: I don't know where they are, but I think I can explain it.

Auerbach: Jeff cogan and auditor blackmer are all huddled trying to figure out -

Saltzman: What they're working on, i'll at least outline, I think it's --

Auerbach: Our basic concern, our basic uncertainty is that we're in this unusual position of wanting to have something in effect before it's referred to the voters. So I think what they're going to come back with is a recommendation that you direct the auditor to come back at the beginning of 2008 with that referral. For any election you choose after that. But I haven't seen the language yet.

Leonard: There's no way around that?

Saltzman: I think the issue is -- we could direct the auditor to come back in two weeks, but if you give him or her until 2008, january 1, that would give time for the citizen economics to also have a chance to look at this --

Leonard: But I thought I understood you to say we could actually pass the referral now and obviously between now and then the council or the city commission or anybody can propose changes.

Auerbach: This is a very unusual situation, and we don't have a whole lot of guidance on it. The normal way that these things happen is they're either referred before they're effective or they're put in place and then some kind of repeal or alteration of them is later referred. And so what we're looking at is something that's procedurally unusual, which is not to say it's a bad idea, it's just different from what we have much guidance on, and we're trying to figure out a way to get you what you want that's really going to get you what you want. And our best advice, particularly since there is the likely -- it's contemplated you're going to make refinements of the ordinance between now and whenever it gets referred. That as a -- has a certain other complication because it calls into question exactly what it is you're referring ultimately to the voters.

Leonard: Can't you refer to this section, section whatever gets referred on --

Auerbach: She's working on that.

Saltzman: I think what we're trying to get at is the certainty of us setting the election date now, but -- and that section of the code being what gets voted on, but allowing that section of code to have some changes between now and 2008 when we'd actually say, this is the ballot language. But we would be -- this council will be determining the date of november 2010 as the election date.

Sten: And i'm prepared to support that. If this amendment does that, I support it.

Leonard: Ok. So I think we should be able to do it.

Auerbach: I'm hopeful they'll return --

Sten: November 2010 --

Saltzman: November 2010 general election --

Leonard: No.

Saltzman: We differ on the dates.

Leonard: I've been very consistent about this. I wanted it to be after two cycles. I think it's fair to have every position go through the process once, but I also think that stretches fairness to the edge and the voters need to weigh in at that point, after everybody position has been through this process. And that is a compromise from where I started.

May 11, 2005

Auerbach: Here they come.

***** What is the date you've decided you want to have this --

Leonard: I'm ok with 2009, may.

Auerbach: Ok. The language our panel of experts has returned with is to direct the city auditor to prepare a resolution, measure, and ballot title to refer the publicly financed campaign system to the voters at the -- at the -- fill in the date, election and return such resolution measure and ballot type to the city council by June 1, 2008. Or whatever date it is you want.

Leonard: That doesn't do it for me. I want it to be part of what we vote on. I'm hearing everybody agree with that here, so I don't know why we just don't do that.

The only --

Saltzman: We have to fill in that blank on the date.

Auerbach: The other effective way to get where you want is through the sunset clause, which is to just provide that the system sunsets unless it's affirmatively approved by the voters. There is I gather some unhappiness about that idea, but --

Leonard: Is that procedurally easier to do if you draft it that way?

Auerbach: Yes.

Sten: But you don't have the votes to do that, so --

Leonard: Oh, ok.

Blackmer: Can I weigh in on the date a little bit? One of the issues is really to give the voters a good look at how the system operates. I understand several of you or maybe all of you are talking about not taking public money or limiting -- of setting a limit on what you would actually raise in a next race if what happens in the next two cycles is all the cycles incumbents don't participate in the system, to a certain degree I don't know that voters will have an opportunity to see how it really operates.

Leonard: That's the nature of the system. We aren't compelled to --

Blackmer: You aren't compelled, but my sense is it's a way to limit the incumbents, and how much money they're spending.

Adams: Do you have --

Blackmer: I don't know if that is really what's being contemplated by the incumbents.

Adams: Do you have something in writing knowing the date might be wrong, that we could be looking at? It sounds like it's been maybe a full discussion, and we could vote on --

Saltzman: Jeff has two alternatives for you there.

Adams: Do we have maybe some motions to see where we're at?

Leonard: This would go in the ordinance this, language.

Auerbach: You'd make your amendment and you could vote on it next week. Just depends --

Leonard: Let me see.

Leonard: What happens if the council, a different council at that point, they can vote no.

Adams: Correct. But a different council can also revisit this issue at any time.

Sten: Council at any meeting can cancel the ordinance.

Adams: Cancel the referral.

Leonard: In other words, what we adopt isn't a referral, then, we're adopting language to vote on a referral on June 1, 2008.

Auerbach: That would be correct.

Adams: To a certain degree the practical reality is we really can't bind council. Any one of us at any time in the intervening years can introduce an ordinance or resolution to make changes to anything as we all know. I understand that positioning in terms of a sunset versus having to -- something automatically going on the ballot versus requiring council to consider referring it in the future, those are all sort of different positioning, but I think the point here is that we all agree that

May 11, 2005

there should be a point in time in which we approve that -- approve a referral, we just don't know exactly what the language is, or you can sunset --

Leonard: Is that accurate? I thought your earlier comment to commissioner Saltzman's query was we could include language that had a date for referral in the measure.

Auerbach: Which in essence you would do that under the provision that -- under the amendment that's been suggested, you would provide for when that date is. The actual mechanics of referring it require having a formal package adopted. Our concern about that is if you do that at the same time you're adopting the ordinance, how that affects the effectiveness of the ordinance while that referral is pending. So I think commissioner Adams is correct, there's nothing that would prohibit the council two weeks from now from revisiting it three weeks from now, four weeks from now, any time you want you can -- you can alter the status quo, because you've got the votes. So --

Saltzman: We can set a date. That's what I hope we will do. There's nothing that prevents a council next week, next year from coming back and changing that provision to this ordinance.

Leonard: That's not what I'm talking about.

Adams: Could I ask a clarifying question? Do you know -- how certain are you in your legal view that if a referral were an -- were enacted right now, as part of a companion resolution, let's say, that it would limit the implementation of the ordinance.

Auerbach: I am not certain. I believe that if you included a provision that says that this ordinance will be in effect pending the decision on the referral, that will probably be valid, but, again, that -- within the next 30 days, somebody could refer it immediately and then it would be held up pending a vote on it. That's the best advice I can give you. Right now.

Sten: I guess at this point my sense is that the intent of everybody is the same. The mechanism is different, and the mechanism is important. So I'm not trying to downplay that discussion, but I understand the choice well enough that I'm prepared to either figure out where there's three votes today and move forward, or figure out it's 2-2 and hold it until the mayor returns next week.

Saltzman: I'll move the language that was just produced, direct the city auditor to prepare a resolution, measure, and ballot title to refer the publicly financed campaign system to the voters at the November 2010 general election and return such resolution measure and ballot title to the city council by June 1, 2008. I'm sorry, 2010.

Sten: Second.

Leonard: Discussion?

Adams: I support that.

Leonard: You get to say that in a second. Roll call. [laughter]

Adams: He seconded. Aye. What date are we voting on?

Auerbach: 2010.

Adams: Aye. **Leonard:** No. **Saltzman:** Aye. **Sten:** Aye.

Leonard: So the measure has been amended. And -- it moves to second reading next week. Ok. All right.

Sten: Because it's amended we can't vote on it.

Leonard: This goes until next week. It will be voted on as amended. Thank you. [gavel pounded]

Adams: We have another item.

Leonard: 461. Second reading.

Item 461.

Moore: There is -- there was an objection last week to it that I believe we need to make a decision on.

***** Was that not voted on last week?

Moore: To my understanding it wasn't.

Auerbach: Normally you overrule the remonstrances.

May 11, 2005

Moore: They didn't make a decision on it last week.

Sten: We have more information.

Adams: We got it.

Auerbach: Then you might want to entertain a motion to overrule the remonstrance and then vote on the ordinance.

Adams: So moved.

Sten: Second.

Leonard: Discussion. Roll call.

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

Leonard: Council is adjourned.

Moore: And we need to vote one more time.

Adams: That was the remonstrance.

Leonard: Roll call.

Adams: Aye. **Leonard:** Aye. **Saltzman:** Aye. **Sten:** Aye. [gavel pounded]

Leonard: Passes. Yes adjourned until -- do we have a schedule tomorrow?

Moore: No, that's it.

Leonard: Until next Wednesday. Thank you.

At 11:52 a.m., Council adjourned.