



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **31ST DAY OF MAY, 2006** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard, Saltzman and Sten, 5.

Commissioner Adams arrived at 9:41 a.m.

Mayor Potter was excused to leave at 10:43 a.m. and Commissioner Sten Presided.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Gary Crane, Sergeant at Arms.

Item 709 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
699	Request of Charles E. Long to address Council regarding a fitting tribute to a remarkable lady - Rosa Parks (Communication)	PLACED ON FILE
700	Request of Bruce Broussard to address Council regarding Portland schools (Communication)	PLACED ON FILE
701	Request of Joe Rastatter to address Council regarding fair wages at Civic Stadium and PGE Park (Communication)	PLACED ON FILE
702	Request of Richard L. Koenig to address Council regarding ongoing negotiation of settlement claim (Communication)	PLACED ON FILE
703	Request of Eliana Machuca to address Council regarding fair wages at PGE Park (Communication)	PLACED ON FILE
TIME CERTAINS		
704	TIME CERTAIN: 9:30 AM – Declare the week of May 31-June 11, 2006 to be Great Blue Heron Week in Portland (Proclamation introduced by Mayor Potter)	PLACED ON FILE

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705	TIME CERTAIN: 9:45 AM – Portland Rose Festival Association update (Presentation introduced by Mayor Potter)	PLACED ON FILE
706	TIME CERTAIN: 10:15 AM - Amend Operating Agreement for PGE Park between the City and Beavers PCL Baseball, LLC to implement the City Directed Wage Program (Ordinance introduced by Mayor Potter; amend Contract No. 52570)	PASSED TO SECOND READING JUNE 7, 2006 AT 11:00 AM TIME CERTAIN
CONSENT AGENDA – NO DISCUSSION Mayor Tom Potter		
707	Reappoint Scott Fernandez, Deborah Lark and Frank Ray to the Portland Utility Review Board for terms to expire May 31, 2008 (Report) (Y-4)	CONFIRMED
708	Appoint Brook Drew to the Portland Utility Review Board for term to expire May 31, 2008 (Report) (Y-4)	CONFIRMED
City Attorney		
*709	Extend expiration date in regards to sidewalk obstruction to November 30, 2006 (Ordinance; amend Code Section 14A.50.030) (Y-4)	180194
Office of Emergency Management		
*710	Authorize an Intergovernmental Agreement with Regional Emergency Management Group for development of a management program (Ordinance) (Y-4)	180174
Office of Management and Finance – Human Resources		
*711	Authorize an Intergovernmental Agreement between the Bureau of Human Resources and the Portland Public Schools, School District 1J to facilitate the City of Portland Summer Youth Employment Program (Ordinance) (Y-4)	180175
Office of Management and Finance – Revenue Bureau		
712	Amend contract with Scan One, a CorVel Company to extend time and provide for additional funds for document imaging of the Multnomah County Personal Income Tax Program (Second Reading Agenda 668; amend Contract No. 35088) (Y-4)	180176
Office of Management and Finance – Risk		
*713	Pay claim of Khoa Dinh (Ordinance) (Y-4)	180177
*714	Pay claim of Ruth Klein (Ordinance) (Y-4)	180178

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*715	Pay claim of Vickie Matthews and Asia Matthews, a minor (Ordinance) (Y-4)	180179
Office of Management and Finance - Treasurer		
716	Adopt City of Portland Investment Policy (Resolution) (Y-4)	36415
Commissioner Sam Adams		
Bureau of Environmental Services		
*717	Extend contract terms and increase not-to-exceed limits with three consulting engineering firms for design related services for sewer, wastewater treatment and pumping, drainage and water quality facility projects (Ordinance; amend Contract Nos. 36210, 36211 and 36212) (Y-4)	180180
718	Authorize contracts with seven firms for On-Call Phase II Environmental Site Assessment and Hazardous Building Materials Survey Services in support of Combined Sewer Overflow and other capital projects (Ordinance)	PASSED TO SECOND READING JUNE 7, 2006 AT 9:30 AM
719	Authorize an Intergovernmental Agreement with Multnomah Education Service District for crew revegetation services for the Watershed Revegetation Program (Ordinance)	PASSED TO SECOND READING JUNE 7, 2006 AT 9:30 AM
720	Extend Intergovernmental Agreement with Oregon Department of Environmental Quality for a Portland Harbor Stormwater Source Control Coordinator (Second Reading Agenda 676; amend Contract No. 35587) (Y-4)	180181
721	Authorize Intergovernmental Agreement with Oregon State University to evaluate potential adverse impacts from deep subsurface development in Portland (Second Reading Agenda 677) (Y-4)	180182
Office of Transportation		
722	Authorize contract with Lloyd District Transportation Management Association for \$165,000 to provide transportation-related services to employers in the Lloyd District (Ordinance)	PASSED TO SECOND READING JUNE 7, 2006 AT 9:30 AM
723	Authorize an Intergovernmental Agreement with Metro for \$120,000 to provide Congestion Mitigation and Air Quality funds for the CarpoolMatchNW project (Second Reading Agenda 681) (Y-4)	180183
724	Authorize an Intergovernmental Agreement with Oregon Department of Transportation to construct safety improvements on NE Sandy Blvd between NE 37th and NE 57th Ave (Second Reading Agenda 682) (Y-4)	180184

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Commissioner Randy Leonard

Bureau of Development Services

- *725** Authorize an Intergovernmental Agreement with the State of Oregon
Department of Consumers and Business Services, Building Codes
Division to provide the services of Lori Graham to complete work on the
2007 Oregon Structural Specialty Code and the 2007 Oregon Mechanical
Specialty Code (Ordinance)

(Y-4)

180185

Commissioner Dan Saltzman

Parks and Recreation

- 726** Authorize an agreement with Portland Public Schools to provide support for
TLC-TnT summer camp program (Second Reading Agenda 688)

(Y-4)

180186

Commissioner Erik Sten

Bureau of Housing and Community Development

- *727** Amend subrecipient contract with JOIN by an additional \$8,500 for a total of
\$128,500 and provide payment for services for chronically homeless
adults (Ordinance; amend Contract No. 35687)

(Y-4)

180187

- *728** Amend subrecipient contract with JOIN by an additional \$70,000 for a total of
\$361,600 and provide payment for services for chronically homeless
adults (Ordinance; amend Contract No. 36369)

(Y-4)

180188

REGULAR AGENDA

Mayor Tom Potter

- 729** Appoint Michael McCloskey and Margot Barnett to the Portland Urban
Forestry Commission for terms to expire January 2008 (Report)

Motion to accept the Report: Moved by Commissioner Adams and seconded
by Commissioner Saltzman.

(Y-5)

CONFIRMED

Office of Management and Finance – Bureau of Technology Services

- 730** Amend contract with Buth Systems LLC to assist in the migration to Oracle
Collaboration Suite (Ordinance; amend Contract No. 36144)

**PASSED TO
SECOND READING
JUNE 7, 2006
AT 9:30 AM**

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Commissioner Sam Adams

Bureau of Environmental Services

- 731** Revise sewer and drainage rates and charges in accordance with the Fiscal Year 2006-2007 Sewer User Rate Study (Second Reading 662; amend Code Chapters 17.32, 17.35 and 17.36)
(Y-4)

180189

Office of Transportation

- *732** Authorize the purchase or lease of parking pay stations for the Portland Office of Transportation and provide for payment (Ordinance)

**CONTINUED TO
JUNE 7, 2006
AT 9:30 AM**

- 733** Authorize the purchase of SmartMeter receipts and related services for the Portland Office of Transportation and provide for payment (Ordinance)

**CONTINUED TO
JUNE 7, 2006
AT 9:30 AM**

- 734** Authorize an Intergovernmental Agreement with Oregon Health & Sciences University to provide for allocation of operating costs and management of the operations of the Portland Aerial Tram (Second Reading Agenda 695)

**PASSED TO
SECOND READING
JUNE 7, 2006
AT 9:30 AM**

Commissioner Randy Leonard

Bureau of Development Services

- 735** Amend fee schedule for noise control, land use services, electrical, site development, zoning and certain construction permits (Second Reading Agenda 659)
(Y-4)

180190

- 736** Establish fees in several bureaus to provide expanded process management and plan review of projects in the Major Projects Group Program (Second Reading Agenda 660)
(Y-4)

180191

Water Bureau

- 737** Authorize the rates and charges for water and water-related services during the fiscal year beginning July 1, 2006 to June 30, 2007 and fix an effective date (Second Reading Agenda 661)
(Y-4)

180192

Commissioner Dan Saltzman

Office of Sustainable Development

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738 Revise residential solid waste and recycling collection rates and charges,
effective July 1, 2006 (Second Reading Agenda 663; amend Code
Chapter 17.102)
(Y-4)

180193

At 11:05 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.

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WEDNESDAY, 2:00 PM, MAY 31, 2006

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

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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.

[The following text is the byproduct of the closed captioning of this broadcast. The text has not been proofread, and should not be considered a final transcript.] * * *

MAY 31, 2006 9:30 AM

Potter: This is the Portland city council. We always begin each Wednesday City council meeting by asking the question, how are the children? And the reason we ask that, in many communities around the world, when adults greet each other, they ask, how are the children, rather than "how are you," because they know when the children are well, the village is well. That's why we ask the question. We have experts come in and talk with us, and today we have three experts. Kiana, andre, and jackie. So could you please come forward? Kiana goes to benson high school, andre to roosevelt, and jackie to madison. So thank you for being here. Whichever one wants to start, please do so.

Kiana Penson: Hello, good morning, you guys. My name is kiana. I attend benson high school. I'm 16 years old. I'm a jeanier, and i'm majoring in the radio broadcasting, slash, communications program. First of all, I would like to thank mr. Saltzman and mr. Sten for being -- for writing the letters and congratulate you guys on being reelected as commissioners. We're here today to talk about the next generation of leaders program that we're all involved in. Also known as the teen summit. We all get together and talk about politics and there's a -- all of us are african-american, and we're getting together and talking about different issues in our communities, the mission is to develop grass-roots leaders who can influence, institutions and reshape dominant cultural -- culture to promote racial and economic equity. Also to inform community members on legislation and policies of -- that are affecting them.

Jacqui Pattterson: My name is jackie, I attend madison high school. I have a 3.8 g.p.a. and i'm involved in the ignite program, the gen "x" general -- next generation of leaders, and i'm also a member of the speech and communications program. I am going to tell what you we've done so far in this group and what we plan to pursue. We have our own t.v. show every other saturday on channel 22, but has been postponed until july. The t.v. show gives us an opportunity to talk about issues in our community, such as the gangs, and the teen pregnancy, and things like that. We've had three t.v. shows and they consist on racial slurs, how the media portrays african-american people. We're planning to do a campaign to promote more students because we don't have enough african-american males in the group. We have a lot of females, and the reason being because a lot of african males are involved in other things and don't have time for this, and that's what we're trying to change. We're trying to get them to be a part of this institution, because so far we have learned so much. Also, we're having the aids awareness concert and t.v. show next month. A performer from a group is coming to talk about aids awareness and safe sex. And through mr. Kruse and mr. Ingram, we have been able to establish a family within this community. All the youth we have that go to different high schools, they're very dedicated, and we've been hard to get people to come out. We're going to go to a couple different high school and see if any other students are willing to take part in this program. And I also want to thank erik Sten for being reelected. It's helped a lot.

Andre Pierce: Good morning. Andre pierce, I attend roosevelt high school. A little thing about me, i'm in the club, african central rites of passage program that promotes african-american males to go to college. I bring that resource to teen summit, and i'm the newest to teen summit. I just joined

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saturday. Three reasons why I joined teen summit, it gives me a voice in the community to talk about issues that are facing you, like teen pregnancy, gangs, the rosa parks issue, should we make it a street, and I feel that we should. And then of course education, because that's facing us, you know, because every year we're changing different things. And then my second reason why is because it gives me opportunity to talk to the mayor, talk to other political leaders in our community and talk about what's the issues, and come up with some results, because that's what we need to do. And then the third reason why I joined is because i'm in speech and debate and I love to talk, see. [laughter] it gives me an opportunity to express myself in words, and then teen summit can help me with my speaking skills. And that's why I joined teen summit. Yes. Thank you.

Potter: I'm not too sure you need more encouragement in speaking skills. Actually, all three of you are just excellent. Any questions from the commissioners?

Saltzman: Good job.

Potter: Thank you for being here. I'm really glad you're involved in those programs. It sounded like they're really making a difference in the community.

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

Potter: City council will come to order. [roll call] please read the 9:30 time certain.

Moore: Do you want to do the consent agenda?

Potter: Excuse me. Yes. I've been asked to pull item 709, the extension of the sidewalk obstruction ordinance, and it will be heard at the beginning of the regular agenda. Do the commissioners wish to pull any other items from the consent agenda? Anybody from the audience wish to pull any item from the consent agenda? Hearing none, Karla, please call the roll.

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

Potter: Aye. [gavel pounded] now we'll start with the 9:30 time certain.

Item 704.

Potter: Is someone from the parks bureau here? Please come forward. Mike, bob salinger.

Jim Sjulín: I'm jim with Portland parks city nature north zone manager and sitting in for david mcallister, city nature manager this morning. This is our annual event here at council, opening up with -- opening up great blue heron week with a proclamation. We couldn't have a week without a proclamation, so we've done that again for the 20th time, right, mike? So this is an event that highlights natural areas and trails around the city. That's an important part of our park system. It also marks a time when we can acknowledge how city bureaus work together to protect natural resources. There's been a great tradition within the city of doing that, with the planning bureau, the parks bureau, environmental services, and the water bureau working together to manage and protect natural resources.

Bob Sallinger: Good afternoon, mayor Potter, good morning mayor Potter and city commissioners. Thank you for declaring great blue heron, the 20th annual great blue heron week. I think it's very easy to take these things for granted as we enter the 20th year of this event. My name is bob sallinger, urban conservation director for Portland audubon society. I think it's easy to take these things for granted as we enter the 20th year of this event. I think we need to remember what a good call thing it was 20 years ago for the city to declare an initial wild bird. That's -- that was a unique thing at that time. Something that put us way ahead of the game. Other cities are catching up. 209 of the species use the city for migration or nesting. But nationwide we're losing that diversity. Out of 6500 species, 61% are found in cities and 31% are found only in cities. So we have a very important role to play in protecting our biodiversity. The mayor opened the day by what are we -- asking what are we doing for the children. One thing we do is protect that biodiversity. It's critical that children have access to nature, that they can hear robins in their backyards, falcons and bald eagles flying over their city. Without that we would not be able to create another generation of conservationists. What is the stings of a condor that's never known a wren? Are we doing enough to preserve the nature of our cities so people will have wrens in their backyards? I've said before I

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think the city council hit a home run this year on the environment. With the passage of the watershed management plan, and with the funding of the plan and the related watershed investment fund. I think you have an opportunity before you this year to hit a grand slam. You've already done a lot, but there's more that could be done and should be done. Two things I want to bring to your attention. This year's great blue heron week is dedicated to passage of the green space bond measure. Many of the events being featured will occur in green space that's were protected in the 1995 bond measure will be protected in the 2006 bond measure. The city of Portland has a tremendous amount to gain from this bond measure. Up to \$15 million will be dedicated to the city of Portland to purchase natural areas in parks, and the opportunity fund that's included in this bond measure, which is a new feature, will allow \$14 million in grants that we -- to be dedicated to undernated neighborhoods like cully, king neighborhood, that do not have real access to nature. Those grants will go toward providing opportunities for people that don't have quick access to nature to have that access. So this is a great thing for the city and for the children of this city. The second thing is to bring ross island into public ownership. There's no site in Portland that better conjures the spirit of the great blue heron or the spirit of wild in the city than ross island. It's long overdue to come into city ownership. We recognize there are some impediments to doing that, but we urge you to move aggressively toward bringing it to public ownership. We'd like to invite you all to attend some of the events. We have a lot of great events scheduled this year, particularly the ross island paddle should be a huge thing. We expect probably close to 5100 people in their canoes to go around ross island, so we greatly appreciate your making this proclamation and encourage you to participate. Thank you.

Mike Houck: Mayor Potter, commissioners, mike hauck, i'm here representing the urban green spaces institute. Bob stole my line regarding the impact of this effort on the children. I want to echo that this is not only about trying to preserve biodiversity in the city of Portland and the region, but to provide access to nature for children and for adults. And to that end, I would like to reiterate bob's comment and invite you along on some of these tours, especially june 11. It's always fun to see anywhere from 50 to 100 canoes and kayaks launched from willamette park, and basically do a critical mass across the willamette river going around ross island, into the lagoon where of course you know great blue herons end, bald eagles are nest can on ross island. The herons moved up because the eagles moved into their turf. It was 20 years ago, by the way, it didn't occur to me until we were printing the brochure, 20 years ago former mayor bud clark had given a talk and mentioned herons numerous times, he loves to canoe, and we got together afterwards and said, we really do need an icon for the city of Portland, representing our commitment to environmental protection. And that's when the great blue heron became Portland's official city bird. I would like to end my comments by reading a poem. This is what I look forward to most every year. In 1987 william stafford came to city council and read this poem that he penned specifically at our request to honor great blue heron week, and I think it's always nice to inject a little poetry into the event. The title is "spirit of place." out of their loneliness for each other, two reads, or maybe two shadows, lurched forward and become suddenly a life lifted from the dawn to the rain. It is the wilderness come back again, a lagoon with our city reflected in its eye. We live by faith in such presences. It is a test for us that thin but real undue lating figure that promises, if you keep the faith, I will exist at the edge where your vision joins the sunlight and the rain. Heads in the light, feet that go down in the mud where the truth is. Hope to see you out there in the field with us. Thank you very much.

Potter: Thank you all. I have the proclamation to read. Whereas 2006 marks the 20th anniversary of great blue heron week, the city of Portland's annual official recognition that healthy natural ecosystems in our urban environment are critically important to fish, wildlife, and people. And whereas, this coming november, citizens of Portland and the metro region will have an opportunity to choose to protect water quality and natural areas through a regional natural areas parks and streams bond measure, and whereas the natural areas, parks, streams, and bond measure will protect

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land along the columbia slough, along johnson creek, along the willamette river greenway in and around forest park and in the marquam and terwilliger area and along creeks in southwest Portland.

Whereas the metro bond measure also provides funds for trail improvements, natural resource restoration, land for neighborhood parks, and reintroduce nature into nature deficient urban neighborhoods, and whereas great blue heron week also celebrates the collective efforts parks and recreation, the bureau of environmental services, the planning bureau, and the bureau of water works to protect and enhance water quality and natural resources in this great city. Now therefore I tom Potter, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim may 31, june 11, to be the 20th annual great blue heron week in Portland and encourage all citizens, civic leaders, city employees and elect the officials to participate in walks, bike rides, and paddles occurring this week in honor of the great blue heron. The symbol of our commitment to create an ecologically sustainable city and metropolitan region. In particular, I encourage all of you to participate in the june 11 paddle around ross island, which will soon be Portland's newest urban wildlife refuge in the heart of the city. Thank you, folks.

Sjulin: Thank you, mayor.

Potter: Please read the 9:45 time certain.

Moore: Did you want to do the communications next? Maybe the rose festival?

Potter: Let's get the rose festival.

Item 705.

Potter: Please come forward. Good morning, rita.

*******:** Good morning.

Potter: I notice you have some people standing behind you.

*******:** We do. We have a wonderful group of individuals behind us. We'd like you to welcome 2006 rose festival court. [applause]

*******:** We're the 2006 rose festival court. And we'd like to introduce ourselves and give a preview of this year's rose festival.

Jeanette Jamison: I'm jeanette. I love to play volleyball and next year [inaudible] in speaking of giving back, I love to volunteer with big brothers and big sisters. It takes over five of 5,000 volunteers to put on the rose festival event each year. The rose festival [inaudible] April.

April Cheek: I'm april from central catholic high school. I'm a member of the yearbook staff, key club, future business leaders of america, and one of my favorite things to do is hang out with my friends. 13 of my closest friends and I will be hang august round at the grand floral parade where one of us will be crowned. Come see us 8:30 a.m. On saturday.

Anvi Bui: I'm from benson high school. I started and teach a new program at my school called dam celts in defense that teaches of -- teaches self-defense. An extravaganza of all types of bands, featuring one more time around again marching band. The excitement happens at p.g.e. Park on friday, june 9.

Maggi Simpkins: I'm maggie from grant. I love to dance and travel and have a talent for clothing designing creations. Some of the most beautiful creations this year's rose festival, the grand floral parade. The magical floats, the spectacular marching units and the world class marching band make this parade one of the top in the nation. It hits the street saturday june 10, or can be seen on kgw northwest news channel 8.

Chelsea Williams: Aloha. I'm chelsea from marshall and I love sports. I'm a member of the national honor society and president of the asian pacific islander club. I have a passion for cultural dances and i'm excited for the cultural and family activities planned at this year's pepsi waterfront village. So come ride the thrilling rides, teas some good foods and visit the all around the world cultural plaza, june 1, tomorrow, through the 11th. So come on by at waterfront park.

Kelly Edwards: Hi, i'm kelly from franklin high school. I'm captain of my volleyball team, love scrapbooking, cooking and writing and plan to become an elementary school teacher. If you love

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kids like I do, you don't want to miss out on the cutest parade around, the fred meyer junior parade, the oldest and longest, all-kids parade in the nation and it marches down sandy boulevard on wednesday, june 7.

Treauna Jackson: Hello, i'm trianna from jefferson. I plan to get my masters degree in business administration and major in accounting and I love to spend quality time with my mom. We would be -- on saturday, june 3, we'll be downtown Portland when rose festival's Portland general electric starlight parade presented by southwest airlines. This parade features illuminated floats.

Grace Neal: I'm grace from cleveland. I love to write and plan to go to the university of Oregon next year to get a degree in journalism. My free time.

> I enjoy sports, especially running. So if you're an athlete, would you have enjoyed Portland's downtown duathlon. This event supports life works northwest and happens on one of the last sundays in may, so hope to see you next year.

Alix Sandbothe: Hello, i'm alex from david douglas high school. In my time there i've been involved as the theater program, the orchestra program, and the we the people program. However, when i'm not in the classroom, I love to get out and get dirty and enjoy this great northwest. I love to go camping, fishing and crabbing. So if you enjoy the outdoors as much as I do, you will not want to miss this year's sister city association dragon boat races. They are held on your very own willamette river june 10 and 11.

Julia Mayfield: Hello, i'm julia from lincoln high school. I'm student body vice-president, editor of my yearbook and I love to read historical books. History is in the making as the Portland rose festival gears up to celebrate its centennial in 2007. Next year the festival turns 100 years old, and all of us hope that you will be there to help us celebrate Portland's premier civic celebration.

Katrina Holland: Hello, i'm katrina from madison high school. I enjoy public speaking and use my love of singing and acting as a venue to get people involved. All of you can get involved with the rose festival by attending our fifth annual foundation dinner and auction on october 7. The evening will be the kickoff of our centennial celebration with the theme of hats on to our hundredth.

Asia Washington: Hi, i'm asia from roosevelt, the captain of my cheerleading squad and I play varsity tennis. I plan to attend Portland state university to major in business. If you like sports like I do, don't miss the region's most exciting amateur racers strut their stuff at the rose cup races. It happens at the Portland international raceway june 9 through 11.

Beth Ford: Hi, i'm beth from wilson. I love to tell knock-knock jokes, i'm a counselor at a special needs summer camp, and I love making jewelry. The most eclectic and creative jewelry will be at the Portland arts festival this open air celebration is free to the public and in the south park blocks near Portland state university june 16 through the 18th. The festival features the region's finest arts, crafts, music, and food.

*****: Thank you for having us today.

*****: It was great meeting you. [applause]

*****: Good morning. Thank you for allowing us this time this morning. Tomorrow we officially open our 99th rose festival.

Potter: State your name?

Rita Bladow: I'm rita, the president of the rose festival association. It's hard to imagine that those visionary leaders in 1907 could have anticipated how their dream would flourish and that nearly a century later Portland's biggest party would annually generate an estimated \$80 million for our local economy. Last year we took a hard look at our organization as well as the festival itself and spent a great deal of time building a new strategic business plan that will reinvigorate our events and our financial reserves so heading into our centennial we're making plans to be around for the next 100 years. Internally we made some positive changes to our own will see are the changes we've made to our product line, or the schedule of events that we present to the community. Our 2006 festival

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will feature more than 50 diverse events. It will be an exciting change this year will be our step back to the future as we move the queen's coronation from opening day of the festival to the morning before the grand floral parade inside a place that hasn't been for over 30 years, the historic memorial coliseum. Also, we just heard about the new event, the new band event, concert at the park, and the pepsi waterfront village designed to be the premier children's entertainment event, will feature exciting entertainment and interactive exhibits. As we reflect on our past today and all of those who went before us to establish this one-of-a-kind civic celebration, we're reminded that we are truly stewards of that celebration, and we must continue to work to both honor the past and build for the future. For us, thank goodness, the weeks of planning are nearly over, and now it's time for the fun part. All we need is our combined energy and a little help with the weather, and we plan to present to the city of Portland one of the best community events Portland has ever seen. As we sit here a year away from our 50th continual celebration, i'd like to leave you with a quote -- the rose festival now ranks as a permanent institution, having survived a generation, a depression, and two global wars. It is made of durable ingredients. Flowers wither each season and the scepter of the queen must pass from hand to hand, but the grand floral parade will probably roll on as long as men pay tribute to beauty, as long as good soil endures and sunlight and showers fall gently on roses that bloom in Oregon on behalf of the Portland rose festival association, thank you for your support and being -- and for being part of our continued success.

Potter: Thank you.

Jeff Curtis: Jeff Curtis, executive director of the Portland rose festival association. As you just heard, the festival is about to begin, and we have a great celebration planned. Such a significant celebration I want to make a note that on May 19, msn.com listed the Portland rose festival as one of the top 10 things to do in the summer. All across the country, top number 10. We're extremely proud of that. What vision the festival creators had in 1907 that it would be what it is today. I want to remind council of a couple of important things that drove their decision to have a festival, and those decisions drive us today. The first thing was they wanted a festival that put Portland on the map, gave it an identity and drove business to the region and drove economic commerce. We certainly do that today, that's a major factor in what we do, producing the festival. The second thing is creating community. A celebration for all where people can come together and celebrate what's good about living in this wonderful place we call Portland. Those two things drive the festival. Portland is very unique in its ability to be sustainable in its commitment to the environment. As you know. And the rose festival association has been a leader in this effort in our industry. 10 years ago we started a program called the cleanest and greenest festival which was a parade clean-up program of which the maintenance bureau is a major part of it, working with solv and p.g.e. To develop a parade clean-up program. It's been tremendously successful. Today i'm here to announce a new program with our commitment to the environment. The pepsi waterfront village this year will be powered by p.g.e. Renewable energy. The bright lights of the rose festival's waterfront village will shine especially clean this year thanks to power supplied by new wind farms in Oregon and Washington. This, in addition, our parades will be paced by hybrid technology from Ford Motor company with hybrid vehicles. Those two efforts combined with our parade clean-up program that's been in existence for 10 years, along with our recycling efforts at waterfront village where an estimated seven tons of trash will be recycled over 11 days, puts the rose festival in a class like no other and consistent with this great city's commitment to the environment and sustainability. As you heard, next year is the centennial. We have the largest and most significant festival planned, and i'm here today to let -- put it on your calendar, i'll want to be here, you'll have a role, it's a significant celebration. Specifically June 7-10 of next year, though it will be a year-long campaign to promote it. We have a lot of plans in store, and it's a lot to look forward to. But specifically I wanted to announce this morning about a project that has begun. We started a project, we announced it to our board of directors a few weeks ago, and that has to do with not an event, but an

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actual product that will live on as a legacy to the rose festival and certainly it will capture the energy of what was in Portland and what is today, and that's a film project. A documentary that we are going to produce and we've begun work on that. This film project is unique in a lot of ways, but what is unique is it will be produced by students, a student film project, Portlanders. Wayne to take a brief minute to play just a segment of what our plans for the student film project will be.

*****: It's interesting, because a film project was something we had been brainstorming internally and really wanted to create something that was innovative for beyond a coffee table book for our centennial. We had been speaking internally about a documentary that would be cutting edge and more like a movie, something you'd see on the history channel, kind of we thought that was a big vision. And ironically, as we were having those conversations, some kid named ira flowers called us.

*****: One of the exciting things that we're looking forward to doing is launching a student film project that will give up to 20 students the opportunity to have hands-on experience in the film industry.

*****: From start to finish, from scratch, from script to screen, this is going to be a local project. Local crew, local artists, local actors, doing something for the community as well as showing off their wares.

*****: We've been looking for a long time to do a documentary. Some way to capture the living history of the rose festival in a way that would be new and exciting. Something that would be memorable and could last. What better way to do that than through the eyes of kids. Rose festival is about kids. It's about making memories with kids. And if you've got 16, 17, 18-year-old kids looking at rose festival through the eyes of a lens, I think you're going to get something special, because you're going to get perspective of youth, on a festival that's 100 years old, and that's going to make a product that people are going to be able to remember, and that people are going to be able to be proud of. Rose festival is about contributing to the community. Not just in intrinsic ways, in memories, and in beautiful celebration, but in hard dollars that make a difference to people living in this town.

*****: We want to create a film that really embodies the met a for, the essence of what the rose festival is about, and kind of reintroduce people to the old nostalgia of 1907, and get them looking to the future, and getting people to realize civic pride is really important.

*****: To make sure that we're around for another 100 years, and to celebrate and commemorate the last 100 years.

*****: The rose festival really epitomizes what we already think is true, which is that Portland is a special place, with special people. And the rose festival really is a celebration about that.

*****: I think that's a real responsibility that we carry, and that everyone that gets involved in this project see that's spirit and just -- the rose festival was innovative in its beginning. It was something that wasn't expected, and we want to do that again. We want our forefathers to be proud of the fact we were here doing that again 100 years later, and this is certainly not a project people would have expected the Portland rose festival to be involved with. And that's exactly our intention.

*****: Thank you. I just want to close by thanking council and thanking the hundreds of employees that helped produce the rose festival. It's truly a cooperation, it's been a cooperation with the city from the start, and it is today. All the different bureaus involved in the variety of different ways, and truly are the front lines to the public. And I want to thank you for your leadership, and we look forward to working with you. Thank you very much.

Potter: Thank you. You folks do a wonderful job to promote Portland, but also to promote our young people in a way that's great for them and great for our city. So thank you very much. Council clerk has remind me i've skipped an important step in our proceedings, and that is the communications. Could you please proceed with the communications.

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Item 699.

Charles E. Long: My name is Charles Long. One of the students that spoke here this morning mentioned his desire to have a street named for Rosa Parks. If there ever was a street in Portland designed to be called Rosa Parks Way, it is Ainsworth Street, especially from North Albina to Northeast 37th Avenue. Bus number 4 traverses Albina, a culturally mixed community. Peninsula Park at Albina and 18th Avenue was dedicated in 1913, the year Rosa Parks was born. Peninsula Park with its stunning sunken rose garden spouting fountain, and charming gazebo like bandstand was the site of the Portland Rose Show a number of years. Ainsworth traverses Alberta Park with its basketball and tennis courts. The Concordia neighborhood with its well-kept homes and Concordia University, and meets the spacious rolling lawn at Turn Hill Park at Northeast 37th. With its extra wide, tree-lined parking strip, and a 20-foot-wide grassy, shade-tree-lined parkway that did I individuals east and westbound traffic from 37th Avenue to Martin Luther King Jr. Boulevard, it is the loveliest parkway in Portland. It is inspiring to see the young students come before the city council each week, but the younger generation needs role models such as Rosa Parks brings. When they ask why you are changing Ainsworth Street to Rosa Parks Way, you can tell them that the legacy that Rosa Parks gave to this nation, civil rights, her way was also the way of Dr. Martin Luther King Jr. The way of a just purpose, the way of peace, the way of persistence, and the way of persuasiveness. Her way is the right way to promote peace and justice in a troubled society. Rosa Parks Way. Thank you.

Potter: Thank you.

Item 700.

Bruce Broussard: Bruce Broussard. Mayor, commissioners, it's always a pleasure to be here. I've taken the opportunity to be here and taken advantage of the citizen participation, and I'm really excited about it, the fact that the city gives folks, citizens the opportunity to come before you here publicly. And then as I'm sitting here listening and looking at Mayor and how he recognizes the young folks at the beginning of city council, I think that's very, very exciting. I don't know if too many city councils around this country that does that. So I want to thank you very much for doing that, you and the commissioners. But the other thing I'd like to talk to is as I listen to the Rose Festival Court and the like, just really get excited, and they've got a neat director in Jeff and in Mark, I had the opportunity to meet with them on the Buffalo Soldier situation a couple years ago. We're not going to be participating this year, however we are going to be involved in the hundred-year aspect of this piece. So I commend them, I think it's really a jewel in this particular city, and would be very supportive and hopefully everyone else would be supportive of the Rose Festival, and actually participate. I noticed the court, listening to a comment of one of the first that group -- group that came up, there was a concern that making sure young African-American males were involved. Kind of tough, but not just African-American males, but young males across the board. We're having tough times. Since we're look at the hundred-year anniversary of the Rose Festival Court, maybe they might start thinking about the possibility of having a prince and princess, so meaning that they have young men involved in this process. Therefore we'd have a king and queen in our future Rose Festival. It's just a suggestion, Mark, just a suggestion. But I think it would be a neat idea to -- because a lot of our young people are struggling, especially the young males in our city, and so since the Mayor has been -- and the council has been so inclusive about making sure that all citizens participate, I think it would be something that would be very, very unique for our city, and all these kids coming from Portland public schools, these are our future, there are some young men running around here too. A number of them are in the Marine Corps, like I have been, and my dear friend Randy, but thank you very much, appreciate it, and again, keep up the good work, you're doing just great. Thank you, sir.

Item 701.

Joe Rastatter: Good morning, Mayor, city commissioners. I'm Joe Rastatter, I've worked as a vendor at Civic Stadium since 1966. I'm here to talk about the fair wage ordinance at P.G.E. Park.

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It's a remedial program. When civic stadium was remodeled into p.g.e. Park, the union was busted and their benefit and wages of \$9-\$13 were replaced with an offer to return to work for free hot dogs, free tickets and \$7.50-\$8 wages. When council voterred to -- voted to support the ordinance for a second time, workers voted for the \$9.50 per hour fair wage. Last december council voted for the third time for those of you who are counting to reinstate the fair wage now being called the directed wage program into the new operating agreement. When I found out from dave in january that another vote would be needed, four, I repeatedly asked him and others in city government, what are the appropriate ways to communicate to the affected workers so they could move this process along, and I never got an answer. On opening day march 31 this year, after my work shift, I distributed a few flies to workers informing them of the fair wage program and urging them to get involved by contacting council offices. My subcontractor boss said he would fire me if I distributed flyers like that again. I accelerated my appeal to city sources to find the right way and last month as this deal was delayed, I verbally urged workers to contact nancy hamilton. At one of the briefings before a game the ushers were told not to talk to me, to each other, or the mayor's office about the fair wage or they would be fired. When I found this out I informed all of your offices expecting you to be alarmed and responsive. So today's 10:15 time certain hearing was set just a few days ago, nancy and ingrid carpenter did facilitate cooperation with p.g.e. Management with partial success. Our jobs promise informed are several works to attend and testify this morning. Ingrid also facilitated having some of my questions about communication ground rules and employers' abuse of workers' rights forwarded to the city attorney. In my view, the attorney's office response to me was not very friendly, it wasn't to the point, and it was in part inaccurate. It also resulted in the city attorney's office claiming the need to pull this hearing off today's agenda because the legal questions I posed uncovered some legal questions that will need an indefinite time to resolve. I really feel sabotaged here. This is an ordinance that was in effect three or four years ago, and the finance department and city attorney's office has had 5½ months to get it right again. What a mess. I believe there's a strong need for changes in the culture around here at city hall. We need more people who know and care about free speech, and the difference between \$8 and \$10 per hour. And the sad part is today the workers aren't going to get the money they really need and we aren't going to hear their stories, which made me ask, we got the word to moist of them it was cancelled, but a couple are here if you would be willing to expand this communication to give them a chance to speak. I'd suggest that. Peace. Thank you.

Potter: Please read the next communication.

Item 702.

Richard L. Koenig: Good morning, Portland, city council, mayor. Good morning rose festival. It really an honor to be here today. And i'm pleased to share with you, i'm going to have to go around the scheduled event, but yesterday the attorney general's office posted this letter to me. It was a response, i've been asking around and I was asking the state police if they would concur with the findings of city attorney david worboril. The state police were kind of at a loss, and they asked the attorney general, or caused the attorney general to respond and indeed, the attorney general has declared in this little missive that the general laws of Oregon, the motor vehicle laws of 1911, which regulated drivers for hire, has never been amended to regulate anyone else. And i'm honored to be able to share that with you folks today, and congratulate dave worboril on his incisive missive earlier. He put that on the record I guess november 15 of last year. And of course you folks were congratulated on having such an astute young man as dave worboril on the staff, i'm hon are ored to be here, i'm honored to be a part of the history of the unfolding history of Portland, and i'm looking forward to a lot better times in the future. I hope I can get a chance to work with some of the young people that i've been introduced to here through the mayor's wonderful program of asking how the children are. Thank you -- oh, and i'm going to make this available to you. I didn't have time, I just

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got this in the mail this morning. So I will make photo copies and have this distributed. Any questions? Thank you.

Potter: Thank you for being here. When you speak, please state your name for the record. You have three minutes.

Item 703.

Eliana Machuca: Ok. Eliana machuca. Hello mayor and commissioners. I'm a Portland resident and organizer with jobs of justice. In my position I work in collaboration with community organizations, workers, their representatives to secure a living wage, access to health care, the right to organize, and favorable working conditions. During amanda -- a mandatory work meeting, management at p.g.e. Park asked workers not to speak to city officials about the passing of the addendum that was supposed to be on the agenda today. Lest they be fired. This didn't make sense. What was management afraid of? Not only is this confusing to me, but it's also illegal under section 7 of the national labor relations act. It is my understanding that management has nothing to lose. While it's true if passed workers would be getting a wage increase, that increase would be paid for by the city and not the contractor. But this is only part of the reason why i'm here today. I have prepared to come to urge you to vote yes to pass the addendum that was pulled from the agenda. Not because I or jobs with justice fully agree to the type of precedent this sets, but because we believe that ultimately these workers need an increase in pay. For those making less than 10.28, this pay increase would help to alleviate some of the burden of a working family. We also believe that in the future when the city negotiates operating agreements with outside companies, those companies should be held accountable to our city's leaving wage principles and negotiated in front of the agreement. Because the item was pulled from the agenda, i've come to ask why. When we first learned that the hearing would happen on the 7th of june, we thought, that's good, there would be enough time for workers to plan to come and testify. Then late last week we got the word the hearing would be moved to today. That was going to be tough. It gave little time for workers to come and address the city and encourage your vote. Despite the hostile work environment, some of them were prepared to come. Only to find out just yesterday that the hearing was postponed indefinitely due to some legal questions. As I understand it, this is not the first time that the city council has voted and passed an addendum.such as this one. But more importantly, the longer this goes on, the longer the workers are earning less than a fair wage, even by most conservative standards. It's very difficult for workers in their busy schedule, balancing work, life, and families, to come here and address you. I hope these questions can be addressed as soon as possible so that a new date can be set. Thank you.

Moore: That's all the communications.

Potter: Let's please read the 10:15 a.m. Time certain.

Item 706.

Potter: The city attorney's office has asked to have this pulled, and she is here to speak to that issue.

Linda Meng: Good morning. I'm sorry this had to happen in the way that it did. We do try to catch everything and all the legal issues that arise with respect to everything that comes through our office, and sometimes we don't see them initially. What happened here is that this was done before, it had been instituted. It was considered part of the operating agreement in the initial operating agreement in 2001. This was a reinstatement of that, and it was treated as a fairly routine matter. On friday afternoon because there was some other questions raised, they ended up going to one of our labor lawyers who recognized that there is an issue in collective bargaining law relating to joint employment. And the fact that the city is under this program directing the amount that would be paid and in fact paying that amount to these workers raises a question that we felt, I felt that we needed to investigate to determine what the repercussions of that would be. It was not an issue that I was aware of when this went forward before, and I believed that there are issues that we need to

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look at to determine so that you can know all of the ramifications when you make your decision on this. So I ask that this be delayed so that we could look at the issues that arise of whether the city paying these wages would raise issues about the city being an employer of these workers.

Leonard: When you say collective bargaining law, what specific law are you referring to?

Meng: Under the public employees collective bargaining act, there's a doctrine called joint employer. We had an issue with that, and this lawyer was familiar with it with respect to some park bureau -- some --

Leonard: These are public employees.

Meng: They're employees of another entity that work for the city, and there was claim made in that procedure that because they worked for the city and the city exercised a certain amount of control over them, even though they were employees of an outside private entity, that they were considered -- could be considered joint employees of the city, and entitled to certain rights under the bargaining act.

Leonard: But they aren't union employees, in any event, right?

Meng: They were asking to be clarified into a city union.

Leonard: They're officially not now union.

Meng: They are not now. But there's --

Leonard: It applies to organized public employees, so I see two problems. One is that they're not -- if they were to bargain right now, if they were to form a union, they couldn't form a union under the state collective bargaining law, they'd have to form a union under the national labor relations act.

Meng: The joint employer doctrine is applied under pecba, and it could result in these employees being considered to be public employees.

Leonard: Give me one example of where that exists.

Meng: I have some case law. I didn't bring it --

Leonard: Do you know a group that works for a private sector firm that are considered public employees for the purposes of this? Do we have a group?

Meng: We don't have one in Portland. There have been some decisions that were made in other jurisdictions in Oregon that considered that they were joint employers, both the private entity and the public entity were joint employers. And therefore, the employees had certain public -- certain rights as public employees. That's what we're trying to investigate. I don't know the answer, i'm not saying that's the case here. This came up suddenly, it came up friday afternoon late in the day, and when I looked at it more closely yesterday, I believed that we needed to have a chance to review it to determine what the impact would be. And i'm not saying I know the answer.

Leonard: But in any event, correct me if i'm wrong on this, but my understanding of the public employee collective bargaining act that governs public employees in Oregon is it applies to organized labor. That only exists where have you a public employee union, and these folks even if you assume that there is this relationship, this tangential relationship because they work for a private sector firm that works for the city, they're not -- they wouldn't fall under pecba anyway, would they?

Meng: The claim was made with respect to some employees of an employment agency who do work for parks that because the city exercised control over them, even though they were nominally employed by this private agency, that they had a right to be clarified into a city collective bargaining unit.

Leonard: That was a claim.

Meng: And we prevailed on that claim because of the way the agreement was set up and the lines of control between the two --

Leonard: Have these folks claimed that?

Meng: Not that I know of. I'm talking -- I believe if they would have a right to claim that, the council ought to know that as they go into this. And that's what I thought we ought to look at.

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Sten: This is something -- this has nothing do with what happened friday, but I am personally embarrassed by. This I voted three times, and the reason we have a living wage ordinance is because we're dealing with people who don't -- they can't make their bills. And we're asking them to go months and months past what the adopted policy is, so it's not a situation where somebody is making \$100,000 a year and we're playing around with \$500 they might need. This is a big deal. And the mistake the council made, and i'll say it at the council level, was this should have been negotiated into the operating agreement from the very beginning. And just like we do on the security guards, the parking attendants, what we say is when you get this contract from us, you're going to have these wages. So they bid on the contract and it's built in. That's the way it should be done. We missed up, and so now we're trying to do it this other way. So I think we need to pass this ordinance today and put in some kind of clause that says, a, it will be implemented in back pay through the whole season, so the workers know it's coming. I can't loan them the money, but they can plan on that. And b, it will be done with whatever legal things you can work out. There's a way to work this out with the employees and the vendors so they wave whatever right they have. There's a way to do this legally, but i'm not comfortable with the council putting this off yet again for an undetermined date. These folks were promised this money by the council because we have a living wage ordinance, which I think is at the heart of what kind of community we are. And i'm not going to go on and on, but I can't sit by and have this thing go again for yet another sort of -- the season's well underway.

Leonard: I appreciate your responses. I understand why you're taking the position you do. But personally it's a risk i'm willing to take given some of the questions you've raised. And I would agree with commissioner Sten would I not like to see this pulled and passed, notwithstanding the concerns you've raised.

Saltzman: Isn't it possible that each affected employee could sign some sort of a waiver of rights to a certain -- to certain claims?

Meng: I don't know that answer.

Leonard: I am here telling from you what i'm listening right here, that's just a nonissue. I've never heard of --

Sten: There's a lot of ways to fix this. The operator has said they don't want to raise the wages because they don't want a particular pay scale. Well, maybe we need to go back to the operator and say, ok, I get that, but we need to do something here. What i'm saying is, the council -- this is not a council level debate. The debate the council has passed three times and our staff has not implemented is we pay the living wage. I want to vote today that the living wage is going to be paid for this entire season and somebody is going to work out these trivial issues. I'm not saying they're trivial if we get sued, but they shouldn't be rising up halfway through the season on a policy we adopted first in 2001.

Potter: If you were to take it back, how much time would you need to look at it?

Meng: I would hope we can have it back and have it heard next week. Though we would spend whatever time we need -- I would like to say in addition to pecba, if for some -- in some other context these employees were considered to be city employees, there could be other ramifications. And I don't know -- i'm not trying to say there's huge ramifications, I just don't know the answer to that and I felt like that we ought to take a look at that so you would know what those issues are when you made your decision.

Adams: We can't vote on it today anyway, it's a first reading.

Potter: By next week you'll have us the information.

Meng: Yes.

Leonard: I think we should have the hearing and then next week have the -- have the vote as scheduled. If you find some substantive reasons that we need to take into account, i'm open -- I was open to it today, but I frankly -- I don't obviously have the familiarity you do with pecba, but I have

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some familiarity with it. I'm not having the concern that your labor attorney does over some of these issues.

Sten: I'm pushing to say, i'd like to -- I can work on amendment, maybe it's not necessary, but i'd like to see a majority of the council give the city attorney's office a clear direction that says we're going to pay the wages, so you figure out how, so the organizers don't have to go out and -- these are busy people who have had this voted on three times. They don't need to organize another hearing, and they're not going to feel certain until this council affirms for the fourth time they're going to get the wage.

Potter: This is a nonemergency and we don't vote on it today.

Sten: I'm responding to the idea it was going to be pulled indefinitely.

Potter: So is there a consensus from the council to not pull it, to have the hearing, and then provide the information from the city attorney's office next week when we would regularly vote out?

Adams: That would be my preference.

Potter: Ok.

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

Potter: So we're going to complete the hearing. We'll have this other information provided on the 6th.

Leonard: Thank you. Is there staff to testify?

Moore: It was their understanding this item was not going to be heard today, so they might not be here. And also we have told the public we wouldn't be taking testimony, so there may be confusion on that.

Potter: We'll also take testimony next week because of the unique circumstances. Thank you, folks.

Sten: Are we going to take testimony today?

Potter: Yes. If there are people here who would wish to testify, do you have a sign-up sheet?

Moore: We didn't expect the testimony to be heard.

Potter: Who is here to be heard on this matter?

Joe Rastatter: We did put quite a bit of effort in getting the word out to people it had been cancelled, at p.g.e. park and at the rose garden. Two people were here wanting to testify, and I think they left. I'm sorry about that. I'll look for them.

Leonard: I'm sure you'd rather have it pass than testify, right?

Rastatter: The citizen involvement is a big piece.

Leonard: If you want, we'll postpone it.

Potter: We'll have the testimony next week.

Rastatter: That's good. So we don't need to pursue this any more now. Right. Thank you.

Adams: I would -- i'm not an attorney, my advice would be to go ahead and take any other testimony in the room that wants to testify just on so we keep this as a legal -- as legal at first hearing as we possibly can, and I think your suggestion, mayor, to have testimony at the second hearing is also a good one. This is always been, having been involved at the very genesis of this issue, this has always been a complicated issue. And joe, you ask good questions of the process all the way along. I know the city attorney has a fiduciary duty of the best interests of the municipal corporation at heart and I know the sentiment of the council is to do right by the workers. My preference would be to have the hearing today, have another hearing next week, i'd like to hear from the city council, because what I don't want to do is an unintended consequence of screwing up the workers. So I think we can make this happen over the next couple of weeks.

Potter: I think that since neither the citizens wish to testify or the appropriate city employees are here, if we just put this to next week rather than just moving to it a second hearing, we'll just move this forward another week and have a complete hearing at that time. That way all the parties who wish to testify are required to testify --

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Leonard: I think at a second hearing you can -- we could have the formal hearing today, have the second hearing next week and it's up to us to allow people to testify. So would could vote then too. I don't know that there's a reason.

Potter: Today?

Leonard: In a week.

Adams: It gives us more flexibility to have the hearing today and next week.

Potter: Would you contact david lawson to see if he's available to testify?

Moore: Next week?

Potter: Now.

Leonard: What i'm saying, we could have the whole testimony next week and vote then too. And this could be formally the first reading.

Sten: It it's unanimous we could also put in an emergency clause. I just want to see it done.

Leonard: We don't need to postpone our time line, we can just allow all of the hearing to occur next week.

Adams: We don't need to hear from david today, just if there's anyone in the room that wants to testify.

Potter: I've asked that. And this gentleman came forward.

Adams: Then we've done our job. We will have --

*****: [inaudible]

Leonard: This will move to a second reading.

Moore: Do you want to give it a time certain? It would be at 11:00 a.m. On june 7. We'll move to the regular agenda. Items 732, 733, and 734 have been requested to be pulled by commissioner Adams. Please read item 729.

Items 732, 733 and 734.

Adams: They'll be continued to next week.

Moore: We should read those when their numbers come up.

Potter: Ok.

Moore: All these are being continued to next week.

Potter: Those have requested to be pulled. Hearing no objection, we'll pull those. Until next week, on the three --

Adams: Yes, please. Please read item 729.

Item 729.

Saltzman: Thank you, mr. Mayor. We have before us, I see one of them, two excellent appointees to the urban forestry commission, which is a volunteer citizen group that is incredibly important to the natural infrastructure of this city. Portlanders can find the commission meeting on the third thursday of every month at 7:30 a.m. In the lovejoy room in city hall. The urban forestry commission discusses and adjudicates the future of our tree canopy and tree health and incredibly important job to our tree-filled city and everybody in the city dearly loves their trees. Michael mccloskey is one of our new appointees and he bring as wealth of experience and knowledge to the commission. I met michael last summer at the hillsdale farmers market. He's been the executive director of the sierra club for over 15 years from 1969 to 1985, and chairman for over a decade, 1985 through 1999. He understands the link between our natural environment and citizen activism, and he's a true professional that will help the commission move forward. I will invite michael up and see if he wants to say a few words, but I want to describe our other appointee, margo barnett. She's familiar to many of us for her outstanding volunteer work and commitment to Portland parks and recreation. As the cochair of the marshall park neighborhood association in the late 1990's, and treasurer of the tryon creek watershed council, she will bring the unique perspective of a volunteer who has firsthand knowledge of how the city's regulations and requirements are working. And not working in our neighborhoods. Her recent efforts of digging into our tree code has been lotted by --

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lauded by citizen and city staff alike, including myself, and I look forward to working with her in the commission on this important project to make a more holistic tree preservation code for the city of Portland. Michael is here, I don't know if you want to say a word or two.

Mike McCloskey: Members of the council, mike mccloskey, I am a native Oregonian, and have been living in Portland since my retirement in 1999 with my wife in the hillsdale neighborhood. I'm loving living here and very interested in the future of this city, and certainly its trees and tree canopy, and a tree lover among many things, for many years, and looking forward to this service, and glad that i'll have a chance.

Adams: If you were a tree, what kind of tree would you be? You don't have to answer that.

[laughter]

McCloskey: At one time it would have been a coastal redwood tree, but today it's western red cedar.

Adams: Very good. You have my support, man.

Potter: Thank you, sir, for taking this on. We really appreciate it. I need a motion to accept.

Adams: So moved.

Saltzman: Second.

Potter: Please call the vote.

Adams: Again, thank you for your willingness to do this. Aye.

Leonard: Aye.

Saltzman: Appreciate your coming on board and margo as well. Aye.

Sten: Terrific. Aye.

Potter: Aye. [gavel pounded] I have a 10:45 excused absence so i'll have to turn this over to the president of the council to finish up.

Adams: El presidente. Peti Sten. Senior pete.

Sten: Item 730.

Item 730.

Sten: Would people like background? Are there questions?

Leonard: Do you want me to vote yes?

*******:** Yes.

Leonard: Don't give me the background. [laughter]

Adams: How confident are you on the cost estimates?

Matthew Lampe: Quite confident. These all end up as fixed-price pieces.

Adams: On a scale of 1-10.

Lampe: I'd say 9.

Adams: Ok. I'm satisfied.

Sten: Never give a 10.

Lampe: It's i.t., never give a 10.

Sten: Thank you, matt. Is there anybody in the audience who would like to testify on item 730?

The not, this will move to second reading. Item 735.

Moore: Item 731.

Sten: I'm sorry. Please read item 731.

Item 731.

Sten: This is second reading. Roll call.

Adams: I want to thank jim hagerman and his team for all their work on this. I had no idea all the work that goes into setting rates. Aye.

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

Sten: I have some idea and i'm very glad you're take it on, commissioner Adams. Aye. That item passes. Could you please read item 735.

Item 735.

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Sten: This is second reading. Roll call.

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

Sten: Aye. Item passes. Could you please read 736.

Item 736.

Sten: Also a second reading. Roll call.

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

Sten: Aye. Item passes. Could you please read item 737.

Item 737.

Saltzman: Second reading on the water rates. Roll call.

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

Sten: Aye. Item 737 passes. Please read item 738.

Item 738.

Sten: This is also a second reading. Roll call.

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

Sten: Aye. That ends our agenda today.

Moore: We have a pulled item, 709.

Sten: That is right. Please read item 709.

Item 709.

Moore: Extend expiration date in regards to sidewalk extension to november 30, 2006.

Sten: I do not believe this item has a new date. Is that right?

Moore: I think we have some people that wanted to testify.

Sten: We're going to take that. I just wanted to clarify. Do we have a date to hear this item in the future?

Moore: This is an emergency ordinance. It was going to be voted on today on the consent agenda. But we had public request to have the item pulled.

Sten: So we're going to take a vote today.

Moore: We could, after public testimony. I don't know if they're here.

Sten: Would anybody like to testify on item 709? And there is -- is there a presentation from the staff?

Moore: Did staff want to address this first?

Sten: Is there any staff here?

Moore: Did you want to address it, dave?

David Worboril: David worboril with the city attorney's office. By way of explanation, the current obstructions as knew sans code was set to expire by action of a sunset clause. The middle of this moment I think the 15th of june. The mayor's office has started a public process to revisit the issues of sidewalk obstruction and also wanted to talk about street disorder citywide. And the full -- to fold that all together in legislation. The process that they anticipate will take them through the summer and into the fall, and they ask the city attorney's office to draft this ordinance, extending the deadline, or the sunset clause to the end of november.

Carmen Rubio: As you know, the resolution was passed last week to establish the work group and part of the plan was to extend the ordinance through november 30 to give usa time to come up with an alternative to that.

Sten: Questions? Is thank you very much. We'll open this up to public testimony.

*****: [inaudible]

*****: Hi: Hi mom: That's a joke. There you go, sam. Ground to major tom. No. [laughter]

Adams: You got my number, don't you?

*****: Moving right along.

Veronica Bernier: Safe streets. We're all concerned about them. As a concerned public health person, we really need to get serious about that. Pedestrian safety and panhandlers on the streets

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and docks on the streets, I spoke about this last week. And of course we had some diverse opinions.

But last time I talked about great danes, this time i'm going to talk about aggressive panhandlers and skateboarders and people on bicycles. Now from my point of view, I belong to the b.t.a . I can ride a bike fairly well. I don't jump to 10 speed because that would be too big. However, something about the derailleur in me, I only got a c-plus in french, and the derailleur always throws me.

However, i'm more in the coaster brake set, being over 50. But what I was going to say is this. The old coaster bicycles worked better. The point of the matter is this. Sometimes the pedestrian safety laws aren't strict enough, and I think that sidewalks and safety are really important. Public health tries to encourage and promote access to pedestrian safety, and protect people from safety hazards. And we work to that end by just advocating people not to run into crowds of people or drive bicycles through people or take skate boards into the customers when they're going to the department store. That type of thing. So that's important. As it relates to dogs, the o.l.a. Rules, the off-leash area rules in parks I think should apply to dogs on the street. I've had dogs lung at me and I think that's big thing. And my biggest latest pet peeve is this -- those little red or blue things you press and the dog expands out that way on the leash. You know, I think there's a little tiny remote device that can make the dog attack. That's just my opinion. But I don't think that's totally true. But I don't know this for sure, but I think when they press the red button sometimes the dog lunges forward and it's not a nonverbal cue, but i've seen them do it. So we need to be safe. Thank you for listening. Try to walk safely and you don't have to carry a big stick. Thank you.

Genny Nelson: Genny nelson with sisters of the road. Good morning to all of you. Sisters of the road and crossroads believe the city of Portland does not need an obstructions as nuisance ordinance, not now, not ever, and not even an extension of one. Portland currently has a pedestrian obstruction ordinance, a disorderly conduct statute and an offensive physical contact ordinance. These lawless protect you if someone tries to block or interfere with you as you're walking along the sidewalk, if someone threatens to cause you physical injury or if someone grabs ahold of you or tries to grab ahold of you. So we -- I can't tell you how disappointed I am that we're here yet again on this issue, but -- because I think this -- the obstructions as nuisance ordinance as we've known it unfairly targets people who are homeless. I think that we try mightily in the city and sisters has been at that table on this issue always to consider everybody's perspective and come up with something that makes sense for everyone. And I think most people would say I think the police department, I think the business community, I think folks on the street, and I think that advocates and service providers if you will would tell you that this ordinance was not effective. There were very few people who were cited and given some kind of punishment, and what I fear with ordinances like this is on the face of it, so you look at the outcome and you go, well, if I were sitting in your place i'd say, well, 11 people I think roughly in that range, received this punishment, and maybe we don't need this ordinance. I think that what it is is a mirror for our own fear in the city, and our desire to move people along that some of us don't want in the downtown area. So I just want to say that out loud. I wish the mayor was here, because we also wanted to make sure that he understood that we're happy to participate in the street access for everyone, peace, and try to find community-based conclusions -- solutions for all concerned. Thanks.

Monica Goracke: Good morning. My name is monica, and I am a staff attorney with the Oregon law center. My work focuses on legal issues faced by homeless people. Although I was not personally involved in the creation of the object constructions as nuisances ordinance, I am aware that it was the result of a political process involving many community stakeholders, from police, to business owners, to ordinary citizens, including homeless people and their advocates. The street access for everyone work group you created last week states an intent to continue the community involvement in finding fair and workable solutions to downtown problems and I applaud this intent. I think it is important to be aware of the Oregon court of appeals case of state versus robison, decided in october 2005. The court found that the ordinance lacked an intent requirement that is

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language requiring proof that the person being cited under the law intended to violate it. Without an intent requirement, the court held, the ordinance is preempted by state law on disorderly conduct. Preemption means the law cannot be enforced. It's true the court was considering an earlier version of the ordinance, it's still lacking an intent requirement today. Also the defendant had refused to move from the sidewalk after she had been warned by a police officer. The court did not find her refusal to move constituted the necessary intent. The court instead made it clear the ordinance had to incorporate an intent requirement so as not to conflict with state law. I mention this case not to insist that you cannot extend the ordinance, but to make a broader point that efforts to simplify the ordinance by eliminating its safeguards are misguided. If anything, it should include this additional protection. Protection such as a warning, an intent requirement, and limited hours of enforcement are crucial because they support and animate the basic premise that sidewalks are an important public forum that individuals' constitutional rights must be respected and that our lives should not be so vague and broad that they should be used to target and punish people by their appearance or actual condition of poverty. Finally, I acknowledge that there are legitimate concerns about behavior on sidewalks and other public areas. And I support your decision to address them in a way that respects all people in the community and focuses on root causes of problems. This ordinance is not an appropriate mechanism to deal with public drinking, aggressive panhandling, intimidation and harassment or low-level criminal activity. These behaviors are for the most part already illegal and the laws prohibiting them need to be enforced. Nor should this ordinance be used to clear the sidewalks of poor and homeless people because others don't like the looks of poverty. That would be both illegal and unworthy of our thriving, diverse, and democratic community. And I want to thank you for your time and attention to my comment and to this issue.

Teresa Teater: Teresa teater, i'm a downtown citizen advocate for homeless issues, and other issues. I've been observing for about 19 weeks now every saturday the fur protest in downtown Portland. They've now come out with t-shirts last week. The thing is, they emphasize it's a street party. I have nothing against the protest itself, but I have now been the target as well as the gentleman by the name of richard hernandez who is a disabled citizen in this town that attends the fur protest. Two weeks in a row the Portland police have observed him being attacked verbally by citizens and citizen petition gatherer person who is stating he's a pedophile because he's up there with these children who are minors with their tops off. Apparently we have an ordinance that says it's ok to have your top off as a female in this town, but with what's going on with dateline nbc on pedophilia, catching every wednesday night, which is tonight, there's broad state laws to protect minors that are being photographed in this country. Apparently not in Portland, and i've gotten in with cell phones taking photos of these girls, and I go up and tell them, if this shows up on a website, and i've told the department of justice to watch, and i've given them a copy. Melinda schumacher held up that poster. That was the butt of a 15-year-old and it went out on cable t.v. In your chambers. That's against the law. So you have some grounds against schumachers for photographing these children in states of undress.

Sten: I think you have to hold tighter to the ordinance.

Teater: You need to address these things in the ordinance. They're clear up against the building within one foot of the door, the police have repeatedly asked them to step off of. So people can get by. I'm asking that you put something in your ordinance for protests or so-called street parties where you can't block entrances, you've got to be six feet from the door. People in wheelchairs have been trying to get up. When you're on a corner going across that intersection in a car, you can't see down the max line because they're out to the curb. You've got to have them back from the curb so far, etc. You need to define your ordinance for protest gathering, etc., refine it. I'd like to see these minor children have their rights protected when strange men are taking photos of them going by, and deliberately showing upper saturday. This is just not relevant in my lifestyle in this

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town. I'm sorry, I don't appreciate it and I don't think their parents are particularly aware of it. Thank you.

Sten: Would anybody else like to testify on this ordinance?

Moore: There was a John Scott who had signed up.

Sten: Is Mr. Scott here? Looks like he may have left. This is an emergency vote, we're going to take a roll call.

Adams: I'm going to vote in favor of the extension and I look forward to -- the extension and I look forward -- I've long looked forward as a staff person, I look forward as an elected official to have a robust and in-depth discussion of this issue. And I appreciated the testimony this morning. I especially liked your testimony about looking at what tools currently exist, looking at how effective or not they are to deal with legitimate sidewalk and public space concerns, potential break -- when laws are potentially broken. I'm interested in a full briefing on how the current rules and regulations related to the sidewalk obstruction have worked or not worked, who's been impacted by them, how often they've been enforced, how are they enforced, under what circumstances. I think everyone up here on the council is committed to coming up with something that is fair and compassionate as possible. We put a lot of new local money into homeless and housing, and I'm the first to recognize it's still not enough, given the need. But we're trying, and have you my commitment to try to come up with something that is good and workable and compassionate. Aye.

Leonard: I too am concerned about the safety of the streets downtown, but I think I've shown one being put in the position of having to balance the interest of the individual versus that of empowering society with more laws. I'll give the benefit of the doubt to the individual every time. So I look forward to this upcoming process and I hope it does find that right balance that I can support. Aye.

Saltzman: Aye.

Sten: I supported this approach, but without feeling there were great alternatives. It's my opinion despite some reasonable efforts on many sides, it hasn't really worked. And we have a classic situation where the side that seems to think an ordinance is going to solve the problem and the side that does not both agree this ordinance isn't working. So the reason I'm going to support the extension is simple. I believe Mayor Potter has committed to a very good faith process to try and work on this with the right people in the room, and he's basically said it will make his success at this more likely if we give him another six months, so I'm willing to do that, though I'm personally somewhat skeptical. A couple of things I wanted to mention. I think that the elements of actual success are going to have to include some changes from a bunch of the parties, and I will be looking from them to get my support on another round of votes. First the police, I think we're going to need to find a way to have foot patrol, people walking. I think the idea that we're going to pass law that's are going to do anything to clean up the streets with the paltry level of actual community policing going on on the streets is not realistic. You can pass any law you want, but if you're not walking pioneer square or walking the blocks by Meier & Frank regularly, it's not going to matter. I think this is more of a community policing issue than an ordinance issue. I think there are ordinances on the books that block every crime that people are concerned about, but we don't have a presence enforcing those laws. We need to address as a council our prissing -- policing approach to this. I don't think it's adequate. We also need to support an access center downtown. If we're going to clean up the streets we have to have some place people can go during the day, and historically there's not been support from the development community to have a physical place where we can send people and I think it's time to do that. Old town businesses are supporting that approach, and it won't be particularly easy, but I think we've got to have a place where we can constructively say to somebody if you're doing community policing and asking somebody to move along for legitimate reasons, there's some place they can go, that does not exist right now downtown. I think those will

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be the element that's are there, and I would potentially support a revision, revised addition if it made more sense, but if it was part of a holistic piece. Without it I think it's really false work by the government trying to say we're going to fix an intractable problem by a simplistic solution, and I will not support anything past this extension if those pieces don't come together. With that I vote aye, and I believe we're adjourned. [gavel pounded]

At 11:05 a.m., Council adjourned.