



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22ND DAY OF NOVEMBER, 2006** AT 9:30 A.M.

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

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

Item 1522 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1542 Request of Freedom Child to address Council regarding police misconduct and the Independent Police Review process (Communication)	PLACED ON FILE
1543 Request of Ashtar Sang to address Council regarding police training (Communication)	PLACED ON FILE
1544 Request of Woody Broadnax to address Council regarding changing Peninsula Park to Rosa Parks Park (Communication)	PLACED ON FILE
1545 Request of Lee Iacuzzi to address Council regarding police and animal control (Communication)	PLACED ON FILE
1546 Request of David Yandell to address Council regarding bikes for kids distribution (Communication)	PLACED ON FILE
TIME CERTAINS	
1547 TIME CERTAIN: 9:30 AM – Commemorate and acknowledge Portland Community Media’s 25 Years of service to the Portland community (Resolution introduced by Commissioner Saltzman) (Y-5)	36458
CONSENT AGENDA – NO DISCUSSION	
1548 Statement of cash and investments September 21, 2006 through October 18, 2006 (Report; Treasurer) (Y-5)	PLACED ON FILE

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Mayor Tom Potter

City Attorney

<p>*1549 Extend expiration date in regards to sidewalk obstruction to January 15, 2007 (Ordinance; amend Code Section 14A.50.030) (Y-5)</p>	180600
Office of Management and Finance – Business Operations	
<p>*1550 Extend contract with Epsilon Engineering, Inc. to provide additional electrical engineering consultant services (Ordinance; amend Contract No. 33498) (Y-5)</p>	180601
<p>*1551 Pay claim of McMenamins Brew Pub (Ordinance) (Y-5)</p>	180602
<p>*1552 Pay claim of Mitchell Hergert and John Russell (Ordinance) (Y-5)</p>	180627
Office of Management and Finance – Purchases	
<p>*1553 Authorize an Intergovernmental Agreement with the Housing Authority of Portland for the City Workforce Training and Hiring Program (Ordinance) (Y-5)</p>	180603
<p>*1554 Authorize an Intergovernmental Agreement with the Housing Authority of Portland for the City Technical Assistance Program (Ordinance) (Y-5)</p>	180604
Office of Management and Finance – Revenue	
<p>1555 Amend the Business License Law to allow businesses to donate to the Work for Art program (Ordinance; add Code Section 7.02.830)</p>	PASSED TO SECOND READING NOVEMBER 29, 2006 AT 9:30 AM
Office of Neighborhood Involvement	
<p>*1556 Amend contract with Northeast Coalition of Neighborhoods for program operations to provide for FY 2006-07 funding (Ordinance; amend Contract No. 34248) (Y-5)</p>	180605
<p>*1557 Authorize the Director of the Office of Neighborhood Involvement to approve and sign grant agreements on behalf of City projects that receive funds for Neighborhood Small Grants (Ordinance) (Y-5)</p>	180606
Police Bureau	
<p>*1558 Authorize an Intergovernmental Agreement with the State of Oregon, Department of Public Safety Standards and Training for an October 2006 Detective Academy (Ordinance) (Y-5)</p>	180607

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Commissioner Sam Adams

Bureau of Environmental Services

- 1559** Authorize Intergovernmental Agreement with the East Multnomah Soil and Water Conservation District to partner on the Naturescaping for Clean Rivers Program (Ordinance)

**PASSED TO
SECOND READING
NOVEMBER 29, 2006
AT 9:30 AM**

- 1560** Authorize two loan agreements in the amount of \$6,591,365 with the Oregon Department of Environmental Quality under the State Revolving Fund Program for water quality enhancement projects (Second Reading Agenda 1515)

180608

(Y-5)

- 1561** Extend term and increase not to exceed limit for contract with CMTS, Inc. to supply qualified construction management, inspection and project support personnel (Second Reading Agenda 1516; amend Contract No. 35674)

180609

(Y-5)

Office of Transportation

- *1562** Authorize contract with Dye Management Group, Inc. to provide Transportation Capital and Operating Management Practices and Strategic Planning services to the Portland Office of Transportation (Ordinance)

180610

(Y-5)

- 1563** Amend Intergovernmental Agreement with the Oregon Department of Transportation for the 92nd Ave - SE Powell Blvd to SE Holgate Blvd Sidewalk and Bike Lanes Project to reduce the Transportation Enhancement Program grant to \$900,000 (Second Reading Agenda 1518; amend Contract No. 52531)

180611

(Y-5)

- 1564** Approve application for loan from the Oregon Transportation Infrastructure Bank for advance construction of the 102nd Ave Street Improvement Project Phase One (Second Reading Agenda 1519)

180612

(Y-5)

- 1565** Amend ordinance to set fees for Bureau of Transportation System Management permit activities to include in Portland Policy Documents (Second Reading Agenda 1520; amend Ordinance No. 180445)

180613

(Y-5)

- 1566** Accept a \$100,000 grant from the Oregon Department of Transportation to develop and implement specific efforts to improve traffic safety on high crash corridors with specific focus on SE/NE 82nd Ave (Second Reading Agenda 1521)

180614

(Y-5)

Commissioner Randy Leonard

<p style="text-align: center;">November 22, 2006</p> <p style="text-align: center;">Water Bureau</p>	
<p>*1567 Authorize Intergovernmental Agreement with Tualatin Valley Water District for Home Water Assessment Pilot project (Ordinance)</p> <p>(Y-5)</p>	180615
<p style="text-align: center;">Commissioner Dan Saltzman</p> <p style="text-align: center;">Office of Cable Communications and Franchise Management</p>	
<p>1568 Accept report of Mt. Hood Cable Regulatory Commission finding substantial compliance with West Portland Cable Franchise requirements and extend franchise term from December 31, 2007 to December 31, 2010 (Resolution)</p> <p>(Y-5)</p>	36457
<p style="text-align: center;">Parks and Recreation</p>	
<p>1569 Authorize an agreement with Police Activities League to provide payment for operational support to youth programs (Second Reading Agenda 1524)</p> <p>(Y-5)</p>	180616
<p style="text-align: center;">Commissioner Erik Sten</p> <p style="text-align: center;">Bureau of Housing and Community Development</p>	
<p>*1570 Authorize Intergovernmental Agreement with Multnomah County to allocate alcohol and drug funds to support a collaborative project for homeless women (Ordinance)</p> <p>(Y-5)</p>	180617
<p>*1571 Authorize subrecipient contracts for three projects totaling \$700,000 to provide services in support of the 10-Year Plan to End Homelessness and provide for payment (Ordinance)</p> <p>(Y-5)</p>	180618
<p style="text-align: center;">REGULAR AGENDA</p>	
<p>1572 Accept bid of Dunn Construction Inc. for the Summerplace water mains project for \$1,386,860 (Purchasing Report - Bid No. 105968)</p> <p>Motion to accept the Report: Moved by Commissioner Leonard and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	ACCEPTED PREPARE CONTRACT
<p>1573 Accept bid of Western Energy System for two Digester Gas Fueled Engine Generators for \$2,543,327 (Purchasing Report - Bid No. 105969)</p> <p>Motion to accept the Report: Moved by Commissioner Adams and seconded by Commissioner Leonard.</p> <p>(Y-5)</p>	ACCEPTED PREPARE CONTRACT
<p style="text-align: center;">Mayor Tom Potter</p>	

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Bureau of Planning	
1574 Improve land use regulations through the Regulatory Improvement Code Amendment Package 2 (Second Reading Agenda 1537; amend Title 33) (Y-5)	180619
Office of Management and Finance – Business Operations	
1575 Amend contract with Lango Hansen Landscape Architects to provide additional landscape architectural services for public space improvements at the Police Bureau North Precinct (Ordinance; amend Contract No. 36269)	PASSED TO SECOND READING NOVEMBER 29, 2006 AT 9:30 AM
1576 Authorize contract with Gazley Plowman Architects and provide for payment for architectural and engineering services for the Meter Shop Relocation project (Ordinance)	PASSED TO SECOND READING NOVEMBER 29, 2006 AT 9:30 AM
1577 Authorize contract with Michael Willis Architects and provide for payment for architectural and engineering services to construct Fire Station No. 18 (Ordinance)	PASSED TO SECOND READING NOVEMBER 29, 2006 AT 9:30 AM
Office of Management and Finance – Technology Services	
1578 Authorize an Intergovernmental Agreement with Multnomah County for rebanding of 800mhz Radio Frequencies (Ordinance)	PASSED TO SECOND READING NOVEMBER 29, 2006 AT 9:30 AM
Commissioner Sam Adams	
1579 Amend Regulation of Lobbying Entities and City Officials to clarify definitions, scope and exemptions (Second Reading Agenda 1501; amend Code 2.12.020, 2.12.040, 2.12.050, 2.12.070) (Y-5)	180620 AS AMENDED
Office of Transportation	
*1580 Authorize an agreement with Portland Streetcar, Inc. for project management and vehicle engineering services for production of a domestically manufactured streetcar (Ordinance) (Y-5)	180621
1581 Vacate a portion of SW Lowell Street between Bond and Moody Avenues, subject to certain conditions and reservations (Second Reading Agenda 1533; VAC-10033) (Y-5)	180622
Commissioner Randy Leonard	
Bureau of Development Services	

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1582 Authorize agreement to allow movement and temporary storage of the historic Ladd Carriage house (Second Reading Agenda 1541; waive Title 33 and Title 29) (Y-5)	180623
Commissioner Dan Saltzman *1583 Amend the FY 2006-07 budget to appropriate \$650,000 to Portland Parks and Recreation for immediate repairs to maintenance facilities (Ordinance) Motion to accept amendment to add a directive D that says “By July 1, 2007 Portland Parks and Recreation shall provide a report itemizing how these specific funds were expended: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5) (Y-5)	180624 AS AMENDED
Office of Sustainable Development *1584 Adopt a Waste Reduction Program and authorize an Intergovernmental Agreement with Metro to receive Metro Waste Reduction Challenge Funds in the amount of \$242,696 in FY 06-07 (Ordinance) (Y-5)	180625
Parks and Recreation *1585 Authorize Purchase and Sales Agreements and deposit of Park System Development Charge funds in escrow accounts to secure opportunities to purchase certain real properties (Ordinance) (Y-5)	180626

At 11:27 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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<p><u>WEDNESDAY, 2:00 PM, NOVEMBER 22, 2006</u></p> <p>DUE TO LACK OF AN AGENDA</p> <p>THERE WAS NO MEETING</p>	
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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] * * *

NOVEMBER 22, 2006 9:30 AM

Potter: Welcome to the Portland city council. Before we begin our regular meeting, we start off with a discussion about our children. And in many parts of the community when adults greet each other, instead of saying hello, how are you, they say, hello, how are the children? Because they know when the children in a community are well, that the community is well too. So we invite people in to speak to us about issues of concern. And today we have four young people from the ethos music center's hip hop class. Please go ahead and have a seat. Thank you very much.

Potter: It would be hard to hip hop sitting down, wouldn't it?

Justin Ewell: My name is justin.

Shadea Stewart: Shadea.

Antwoine Thomas: Antwoine.

Anael Jeannis: anael jeannis. We are once again, we're from the ethos Portland music center. And we'd like to perform a quick song about some issues we created together, put together about us -- by us about some issues in the community. [applause] ♪ ♪ ♪ ♪ ♪ ♪ ♪ [applause]

Potter: Thank you very much for being here. We really appreciated that. [gavel pounded] city council will come to order. Karla, please call the roll. [roll call] i'd like to remind folks that prior to offering public testimony to city council, a lobbyist must declare which lobbying entity he or she is authorized to represent. Let's begin communications, please read the first item.

Item 1542.

Potter: Please state your name for the record. Have you three minutes.

Freedom Child: My name is freedom child, and I live in st. Johns. Good morning to you all. When I last appeared before you on october levy provided each of you with a file that contained copies of the police misconduct complaint I filed with the independent police review division. The two police reports filed by the officers who attacked me and the i.p.r.d. decision letters and I asked you to please review those documents. Today i'm going to tell you about my experience with the iprd police complaint process. On september 4, 2003, four weeks after I was attacked at my home by Portland police officers, harris and done on the evening of august 6, 2003, I filed a police misconduct complaint with the iprd that described what happened to me. I naively trusted the iprd complaint process would be conducted in a fair and impartial manner. I fully expected my complaint would be investigated that the two officers would be found acted wrongly and they would be held accountable. At the time I filed my complaint I had not yet read the police reports and was unaware the police had deliberately lied and filed false police reports in order to cover up their misconduct and create an after the fact justification for violently assaulting and illegally arresting me. Consequently the complaint I filed with the iprd did not address the issue of police lying. On december 3, 2003, three months after I filed my complaint, I received a decision letter from captain darryl schenk of the internal affairs division declining my complaint. Apparently captain schenk read my complaint and read the police reports which are two completely different versions of the same event. Without even bothering to contact me to ask me one single question,

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captain schenk unquestioningly and blindly accepted the lies written in the police reports to be the truth of the matter and issued his decision based on those lies. In his decision letter, captain schenk goes to great lengths to minimize, trivialize, and euphemize the allegations in my complaint while he completely justifies and vindicates the violent and illegal actions which the police committed against me as being within police bureau policy. I was deeply disturbed by the inherent and fearness And -- unfairness in having a police captain issue such an overtly bias decision in favor of the police and especially without bothering to conduct any investigation at all. I did not understand why the police version of events were automatically given more weight and assumed to be the truth rather than my version of events. Furthermore, captain schenk reduced my complaint to a service complaint which automatically barred it from being heard by the citizen review committee. This demotion of my complaint to a service complaint was done without my consent and was completely against my will. I did not file a service complaint. I filed a legitimate complaint about police brutality and misconduct. Thank you.

Potter: Thank you.

Item 1543. (did not show)

Item 1544.

Woody Broadnax: Good morning, gentlemen. First I want to say I really appreciate the fact that rosa parks way has been created. And the fact that what we're talking about here are legacies. As I look at each and every one of you gentlemen I recognize that in your particular profession, your particular bureaus, you are creating a legacy. And certainly the mayor in his stand against homeland security, created a legacy preserving our civil rights in the city of Portland. So today i'm reminded that in the movie "troy," the little boy Asked, that's an awful big man you're about to fight. I would be afraid to fight him. And achilles said that's why you'll never be remembered. So as we lated to rosa parks, we're looking at the dynamic of rosa parks way that is a great, great opportunity for the northeast community to come together. We want to take it a little bit further. We want to take peninsula park and change it to rosa parks freedom park. We have the rose garden, we have all the amenities for the community to come together and become one. If we could erect that statue within that park, then it would allow people who come to the park to not only look at the statue, but to read the ledge end as the legend exists at the convention center, for those who wish to read it. A park is a living entity. It deserves the respect of representing a woman whose efforts in the civil rights struggle has affected each and every one of us. So i'm saying this -- we will be creating a tourist attraction with information that will go out throughout the united states, because never before has this been done in the state of Oregon, and also the fact that there are only several independence parks, freedom parks in the united states. So we have an opportunity to generate tourism, we have an opportunity to give information to young people that sat here a moment ago to discuss in their songs what is affecting them. The park is so significant for each and every one of us, we go, we relax, we enjoy ourselves, we play ball, but what if that park had an identifying icon that talked to each and every person that civil rights and the legacy of civil rights is so important, that it transcends into every ethnicity. So today i'm asking that we take the bold move and not only change Portland boulevard to rosa parks way, but also peninsula park into rosa parks freedom park.

Potter: Thank you.

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

Item 1545.

Potter: Thank you for being here. Please state your name for the record. You have three minutes.

Lee Iacuzzi: My name is lisa iacuzzi, and I am not a good queer.

Potter: Please proceed.

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Iacuzzi: Thank you. On July 19, I attempted to finish my masters project where did I three years of research on heterosexism on education. Hi not been on campus for a year and a half. After being profiled by campus police, where I asked the rose parade on June 2005 to say happy gay pride day, which they refused on gay pride day. They told me that they would have to have meetings well in advance to say happy gay pride day, and asked if sexual orientation was in their mission statement. Of course they said yes. I went to Portland rose festival security, told them I was an activist, that if they couldn't announce happy gay pride day I would do it. The security guard at the rose festival assaulted me, I called campus police, asked for help, they refused to help me. I didn't come back on campus for a year and a half. Which delayed my masters degree. I came on campus July 19. I had my dog tied to a bike like, I went down to a computer lab where my dog, which is the only building my dog cannot go to, i've been on campus since 1999, with my dog. Comes to find out when I was arrested I had animal control on a bicycle, Portland police on a bicycle, a campus police cruiser, and two campus safety officers. For a dog not being on a leash. I then went to animal control and did some research and found out the animal control was working with the central precinct to eradicate homeless people from downtown. But the problem is, some of these homeless people had dogs. So they worked a program together which happened to be on Wednesday, which was the day that I was arrested. Now, I have to ask myself, would I have been arrested if Portland police were not working with animal control on Wednesday out of the 350 days of the year, 351 days of the year I just happened to be at the wrong place at the wrong time? The animal control officer has lied on the report. I have not read the police report which i'm sure is also a lie. I have three witnesses. I have recently sued p.s.u. For harassment, and probably and most likely will take legal Action against animal control and the Portland police department for their policy on profiling homeless people, and I think it's pretty low to try to take somebody's dog. I think you can't get any lower in society than doing that. Thank you.

Potter: Thank you.

Item 1546.

David Yandell: David Yandell, radio cab foundation. The reason I came, i've been very successful in the last couple years bringing different areas of the community into schools. And I got firemen -- I got 300 brand-new bikes going on, and firemen distributing at one school, policemen at another. I thought it would be pretty neat to try to talk you guys collectively, get you to do a school. I already have a commitment commissioner Saltzman's people. And basically what you do is be down there, distribute the bikes, help the kids with the helmets and I think it would be a good message, bringing you guys into the schools.

Potter: Are you waiting for a response?

Yandell: Yeah, I was hoping so. I was hoping you might be interested in this project. I've also heard from commissioner Adams' people also, and i've sent a number of emails to commissioner Leonard and commissioner Sten with no response up to this point. I just think it would be a great project.

Saltzman: Maybe you should describe exactly what it is you want us to do at the school.

Yandell: Once you're there, I do a Little oration, get you guys to talk about what it is you do, and help the kids with the helmets, hence the personal interaction. I've been creating projects for the Portland police for a couple years, bringing them into things, and it's been pretty powerful. The firemen are all over this, and the school I was hoping you might want to do would be Boise Elliot over on North Fremont. I created tools for schools five years ago, now being run by Schoolhouse Supply. This year 18,000 kids got a year's worth of school supplies. They took what I created and grew it. With radio cab turkey project, we're going to do over 1,000 families. Commissioner Adams was involved a couple years ago before he was elected. That's also a really powerful project. 100% of the money we bring in goes right to the project. Nobody gets paid. If you guys came down to the school with some of your staff, it would be fun. It's really neat. And it would be

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great for them to see you guys and -- how many of the little guys know what the city council is? Probably not many. So wouldn't that be cool to bring you guys down there? I suppose I have to talk to your schedulers as i've found out.

Adams: They're very powerful people.

Potter: Have you met with the school district?

Yandell: The school district? Yeah, they know who I am.

Potter: In terms of coming to, like, boise elliot.

Yandell: Absolutely. I talked to all the principals. The schools I choose are because of the principals I like, because they have passion for their kids. I find a lot of dispassionate people out and around. The principals are actually the sole arbiter of the need in terms of who gets the bikes. They make that decision. And a lot of these kids have never had a brand-new bike. After this winter, we will have done 800 brand-new bikes in the last four years.

Potter: Tell us about the radio cab foundation.

Yandell: Well, it was created about a year ago, a year and a half ago to facilitate some of my projects, because i'm getting bigger, my projects are getting bigger all the time. Now it's in-house. I was one of the only if not the only cab company in the united states that has a foundation. It's a community company, so I bring the guys in and we do community projects. When people see us out and around, I want to see us do good kind of things. The bike project was created by a guy named john mathis and I four years ago, and we run it through the radio cab foundation there's one company that bought 100 brand-new bikes, I got -- another company bought 50 brand-new bikes. It's a really -- we might go above 300. I just think it would be neat. I know your schedulers, Because -- thursday the 14th is when it was confirmed for yourself, and I thought one's better than none, but two or three or four would really -- would be better. I don't want to underestimate the one, I don't mean it like that. [laughter]

Sten: There are four of us.

Yandell: The hope would be you might want to bring some of your staff into it also. It's a beautiful kind of a thing. I'm sure the kids would love to meet you guys. They love the police, they love the firemen, firemen show up with their trucks. It's just bringing different areas of the community into the schools. I think it sets a really good message. And a fun one.

Adams: We're looking at it on my schedule. I've actually been twice to your other giveaways.

Yandell: I know you have, and it was very much appreciated. And you did it kind of undercover.

Leonard: You're going to have to prove that.

Yandell: Oh no Sam did before he was elected, and was absolutely fantastic.

Leonard: Undercover? That's just not sam.

Yandell: The tricky project, I brought this down for the heck of it, but the people we're trying to get to with that, Portland's unemployed there. Will be a day on the 16th that people show up with an unemployment stub, the last couple years we've done over 400 Of the thousand that way. Right now I got people -- we have radio cabdrivers going throughout the city delivering those. I think my time reace up. Who would you suggest I talk to --

Potter: I think contacting the schedulers. Do you have anything in writing we could look at that outlines the programs? Do you have any, like, letters from any of the principals? Have you been there to some of these?

Adams: Mine have all been the turkey giveaways at the cab company.

Yandell: We don't have anything from the principals themselves. I talked to them on the phone, they -- I have times and dates. I do have things on the turkey project, however.

Yandell: Are you saying talk to the schedulers and pray for the best?

Adams: We have to talk to our schedulers as well.

Potter: Communications?

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Moore: That's all.

Potter: Let's move to the consent agenda. Commissioner Saltzman has asked to pull item 1552 and we'll hear that at the end of the regular agenda. Please read the 9:30 time certain.

Moore: Do you want to take the roll call on --

Potter: Excuse me, you're right. Please call the roll.

Moore: Any other pulls on the consent?

Potter: Anybody wish to pull any items? Please call the roll.

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

Potter: Aye. [gavel pounded]

Item 1547.

Saltzman: Members of the council, mr. Mayor, i'm happy to introduce this resolution today acknowledging 25 years of community service by Portland community media. This council helped give birth in 1981 to the organization known for many years as Portland cable access. Over the years the mission of Portland community media has broadened to include not only programming produced by citizens and groups who are not well served by commercial broadcast media, but also in providing important media training and services to our schools and the children in our community. Including many at-risk youth who learn some of them for the first time, they truly do have a voice in the community, and Portland cable media helps provide that voice. Not least it should be mentioned that p.c.m. provides openness and transparency to this council and our city government as a whole by carrying live coverage of our council meetings and also by providing generous coverage of many other meetings, including our community budget forum, mayor's bureau improvement plan process, and other critical city functions and services. I'm very happy to bring forward this resolution acknowledging all the good work that Portland cable media, community media has done over the past 25 years. Work that continues to benefit all Portlanders and continues to keep our city government open, accessible, and accountable to all. For a brief presentation on this occasion I would now like to introduce karl, the executive director of Portland community media, and jeff, the president of Portland community media's board of directors. Welcome.

Jeff Bissonnette: Good morning, mr. Mayor, members of the city council. My name is jeff, i'm the board chair of the Portland community media board of directors. We're here basically today to say thank you. We've been saying thank you a lot to our vendors and people we work with who are our community partners that help us generate all kinds of hours of community programming that otherwise would either get short shrift or not covered at all. The Portland area is pretty unique nationwide for the relationship that we have with the city council and particularly with mt. Hood cable regulatory commission, apparently chaired by norm -- currently chaired by norm thomas. The relationship is really a source of envy across the country of other people engaged in this work, and it's recognized nationally that there's a special relationship between the community and community media and it's -- while we don't always agree, we definitely operate in a spirit of collaboration and dialogue rather than Confrontation and that's pretty unique. I'd also like to -- a big part of that is the staff of the cable regulatory commission headed by david olson with his deputy mayor and staff members. Also today in the audience is my predecessor on the -- as chair of the board, cole haver, who has transitioned into a much more important role as a key supporter of both the board and the organization, and we appreciate his time. The mayor started off with the usual question of how are the children, that's something that we have been asking through our youth voices initiative, specifically featuring youth programming on our channels, working in the schools, working with different community organizations. And that is a question that we help -- we hope to continue to amplify over the course of the next several years. With that to hear more about p.c.m. And some of the programming we brought here today, I turn it over to karl. Thank you.

Carl Kucharski: Good morning, commissioners, i'm the executive director. When we began thinking about our anniversary, mary beth, the deputy director of the cable company asked us how

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do you know if you're being effective, if you're making a difference? She took it upon herself to find out, and she did a very smart thing. She talked to the people that use us. She talked to the community and they asked them whether or not they are effective, whether we are effective. And they -- she produced this short video in conjunction with a member of my staff, so we'd like to roll for you right now the program piece that we call "making a difference."

*****: Isn't technology great? Whether it's a d.v.d. player, or commute.

Leonard: It's reassuring you too have those problems.

*****: Every day. Every day.

*****: I was going to say this was the first time ever. Ever. Here we go.

*****: I want to become a director. I want to make my own movies. I want to be the next spike lee.

*****: I probably first time saw on t.v.

*****: I happen to be driving by southeast foster, 1983.

*****: I was completely new to Portland and --

*****: Stopped by, got the information.

*****: At that time we were -- the community needed the media in their own language.

*****: "my iran" is the name of it. It's a show that includes news, commentary. I'm going to say I spend close to 20 hours a week on that. Most of it on late nights.

*****: We have spent quite a number of hours, years here. We have all of our film from 1983.

*****: Many times you have to cross cultural backgrounds. Whatever it is that happens in your life --

*****: It's very well known, I don't think -- it's known all over.

*****: Usually unless we get together and talk about it, we Do not understand that. It's all about youth and schools, it's about housing, jobs, health care.

*****: It's involved with the tango about the culture and even the attitude and especially being in that close embrace. Tango allows that space for the people that never met, and at that moment they have that close embrace, and they have that feeling of being connected to another human being.

*****: My organization southeast uplift started a program called the pathway project. Which stands for public awareness transforming homelessness. And the whole idea of that is Portland has this plan, it's called the 10-year plan to end homelessness, yet it looks great on paper, the politicians are talking about it, but when we just talked to everyday people, like do you know about this plan, nobody was really aware of it, nobody was engaged in it. We came up with a campaign to say, we really need to build public awareness about the issue of homelessness. P.c.m. Was the answer for us, in terms of we have a great idea, great project, we have no background or skills necessarily in digital film making, so the partnership pretty much for us was the perfect answer and we have the project help us make it happen.

*****: We have people in africa, we have people in asia, we have people all over the country.

Why can't we help americans in america in save america. We've been saving all the other countries.

Save america. How are you going to clean up somebody else's back yard when you can't clean up your own back yard?

*****: I think Portland community media for me is pretty much defined as democracy. The reason being, you arrive here and you just -- you can get a variety of perspectives, you can hear from all types of people. When I turn on other channels I don't see those people, I don't get those viewpoints.

*****: So, what part of Portland do you live in?

*****: I live in the west hills.

*****: That's a nice area. I wish I lived over there.

*****: Why do you say that?

*****: You try hanging out in northeast and find out for yourself.

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*****: Why don't you show me?

*****: Sure, why not.

*****: All right, cool. It's a date.

*****: It's a date.

*****: My family and friends come down and see what it's like, and this is a place where that voice can be heard, to know p.c.m. Was here.

*****: In closing we'd like to thank you once again and i'd like to finally introduce the managing director and susan, the development director. We'd like to share with you a commemorative pin we had commissioned by a local artist to commemorate our 25th anniversary. And you are the first to receive the pin, and some literature. Thank you for your long-term support, thank you for your help, and thank you for the Opportunity to present this information to the community and the opportunity to be here this morning.

Adams: Keep up the good work.

Kucharski: Thank you. [applause]

Adams: That's beautiful.

Saltzman: Is anybody signed up to speak on this?

Moore: No one signed up.

Saltzman: I just want to thank karl and jeff, and all of the staff of the office of cable and franchise management for their hard work. Mary beth, I didn't know you had such good production skills. That was great video. I also want to recognize norm thomas a member of the troutdale city council, and the incoming chair of the mt. Hood cable regulatory commission. With that I would urge report for the resolution -- support for the resolution.

Adams: Thank you for 25 years of helping bring -- level the playing field for access to cable. And thanks for all the wonderful times that you have provided for the city council, all the great services that you provided the city council in helping to get our work out there, even if four or five people watch it, it's still worth it, it's a key part of our transparency and decision making, so thank you for all that. Aye.

Leonard: I had the pleasure of leading the bureau for a couple of years, and it was a lot of fun. I was particularly honored to dedicate the new building, the are model of the new building, That was deeply fun. I think more than three or four people watch council, because I hear often after particularly spirited meeting, I see you and commissioner Saltzman are still getting along. [laughter] for example.

Potter: Are you sure that's channel 30?

Leonard: Actually, could it have spilled over to other media outlets, but I think it's channel 30. But I think it's a very popular channel. Thank you for all your work. Aye.

Saltzman: I appreciate all your work over the last 25 years, and I do think you've really helped to make government truly more accessible to everybody. I do think a lot of people as commissioner Leonard said who watch channel 30 and watch the public access channels in east Multnomah county as well, as a result I think they're better informed about what's going on in government and you do some great programming too, as we just saw from your video. Thank you again. Aye.

Sten: I think it's very powerful and I admire all the volunteers as well as the staff to keep pushing and keeping in going. I know it's not easy. I've had the pleasure to be liaison at times, and there's -- it's a lot of work, and there's always a lot of challenges, even if it's trying to decide who can be nude on t.v. and how. As well as all of the public. I had a talk show once myself, so i've really -- i've used it as well as enjoyed it, and I think that it's not only I think critical the free speech in this day and age to have access to television, you really don't have free speech if people can't get on to the medium that everybody is looking at. It's also I think really -- you're particularly kind of the soul of Portland, so I think it's very important on a bunch of fronts, and it makes us a lot richer. Keep up the good work. I admire it. Aye.

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Potter: I want to thank you folks too. I think you're very important helping create transparency for government, and we really appreciate that. Norm, congratulations on taking over the leadership. We look forward to your leadership with the organization, and it's a real benefit to our community. I wasn't sure besides my wife and I who watched you folks, but almost every single day I hear people remarking about watching something on p.c.m. So thank you for doing that, thank you for making government just a little bit more transparent. I vote aye. [gavel pounded]

Potter: We're going to go to the regular agenda.

Item 1572.

Jeff Baer: Before you is a purchasing agent report requesting permission to execute a contract with dunn construction on behalf of the water bureau in the Amount of \$1,386,860. You'll note on here that there are -- it's a fairly low mwesb subcontract participation, and primarily response we received from the contractor is that they're going to self perform the majority of the work. However, we continue to work with them through the beginning of the project and through the life of the project to try to increase those numbers. I'll answer any questions you have that I can answer.

Potter: Questions from the commissioners?

Adams: I have a question. The city council established a policy for all these things coming forward with the level of confidence attached to them. How are we doing it, implementing that policy, and what's the level of confidence for these two items?

Baer: This item in particular is level, the confidence of optimal, and you'll note that in fact we went back and looked and found it was not being included in our report. You'll find most a.f.l. Our reports, because we have contracts ready to execute, they'll primarily be at apartment mall range.

Adams: I want to clarify that, when we're getting a contract in, their ability to go over the contract will be what, does it depend on the individual contract, or do we have boilerplate language that allows a certain amount of contract overage without coming back to us?

Baer: Under city code we have the ability to execute a contract and it's 25% of the original Contract amount, that can be executed without coming back before city council, and I think commissioner Saltzman's portfolio of bureaus have executed a smaller amount than that so they go through the commission's -- commissioner's office for permission to approve. That's what we currently have.

Adams: Regardless of the size of the contract that's still 25%?

Baer: Correct.

Potter: What percentage do you think, jeff, actually go above the original contract price?

Baer: It's actually a fairly small amount. We generally find that they're within a 5-10% range. We've done some analysis on that in previous, looking backwards to see where we fall. A lot of them come underneath and some come above, but there's those anomalies that spike up that throw the averages out.

Adams: We have a policy that we adopted from commissioner Saltzman's as well. I just want to for the record clarify for my colleagues that even though at apartment mall you can still go 25% over a project amount.

Potter: Other questions? Did anyone sign up to testify?

Moore: Did I not have a sign-up sheet.

Potter: This is a report. We need a motion to accept.

Leonard: So moved.

Saltzman: Second.

Potter: Please call the vote.

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

Potter: Aye. [gavel pounded]

Item 1573.

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Jeff Baer: Before you is a purchasing agent report for the purchase of these two gas fueled engine generators on behalf of the bureau of environmental services. These -- you'll note on the report there is no mwesb activity because we're buying these outright. They're two large generators that we're purchasing. And we have a bureau rep here if you have any questions about the project.

Leonard: I have not so much a question about the project as I do the engine. When you say gas fueled engine, do you mean gasoline or natural gas?

Baer: I believe -- actually, let me ask gary. I think he can answer that question.

Gary Ott: This is methane gas a. Byproduct of the breakdown of the bacteria, so it actually is a gas, it's like natural gas, it's about -- .

Leonard: I'm sorry, somebody was talking in my ear. I didn't hear quite what you said. Did you say it was augmenting natural gas? It.

Ott: Has about 60% of the energy value of natural gas.

Leonard: It's going to exclusively run off the methane gas?

Ott: That's correct.

Leonard: That's even better than where I was going.

Potter: It's actually using --

Leonard: I won't even bore you with where I was going to go.

Adams: It's so much better than biodiesel.

Potter: I've seen a digester in tillamook, Oregon, the hooley digester, named after darlene hooley. Right now they use about a quarter of the cow material. It using that's own material.

Leonard: This is the same principle?

Ott: Right. It's a gas and it's -- right now it's a --

Potter: It fuels itself, which is interesting. Any further questions?

Adams: Thank you for your work.

Potter: Is there anybody signed up to testify?

Moore: Did I not have a sign-up sheet.

Potter: Is there anybody who wishes to testify on this matter? Folks? Can we just hang on? I need a motion to accept.

Adams: So moved.

Leonard: Second.

Potter: Please call the vote.

Adams: We're going to have a contest to name the digester. No, i'm kidding. I'm totally kidding. Aye.

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

Potter: Aye. [gavel pounded]

Item 1574.

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

Potter: Aye. [gavel pounded] Please read item 1575.

Item 1575.

Jim Coker: I'm with the office of management finance facility services. This amendment increases landscape architects contract by \$3,165 due to some delays and additional work on the north precinct public space project. I would be happy to answer any questions.

Potter: Tell us briefly what the project does.

Coker: The space on the front of the north precinct right now, a short while ago it was in very bad condition. It was a hazard. So we went through and redesigned the space, make it more usable for the public. Designed kind of an amphitheater like area out there as well as a better flat area for people to gather and sit. Mainly it's concrete flat work, some steps, that kind of thing.

Potter: Questions from the commissioners? Thank you.

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

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Potter: Anybody wish to testify on this matter? It's nonemergency, moves to a second reading. Please read item 1576.

Item 1576.

Coker: Jim coker with the office of management and finance. The office of management and finance facilities assisted the water bureau through the purchasing process of this contract architectural engineering contract, and I will let mike ross, the water bureau's project manager, describe the contract to you.

Michael Ross: This will involve seismic upgrades to the building, new Water meter test benches, new facilities to prepare -- to repair water meters, and basically just move it to an unoccupied location that will improve the services to the shop.

Potter: Questions from the commissioners? Thank you, folks. This is -- do we have anybody that wishes to testify on this matter? It's a nonemergency, and moves to a second reading. Please call the next item.

Item 1577.

Stephen Keller: Steven keller, I work for office of finance and management as the project manager. I'll be managing this project. The contract before you is to -- is approved by ordinance the design purposes by michael willis architects for a new building for fire station 18 at 10229 southwest barbur boulevard. I provided you a plot there just for your convenience. The contract for these services is in the amount of \$210,000. Funding for the project is available through the bond proceeds passed by voters in 1999. The total cost of the project is estimated at \$2,493,000. There's a station advisory committee made up of several neighborhood groups that assisted with the siting of this particular station. Those groups will continue as a partner on a project as we move through design development. Deverse evaluation committee was convened and evaluated four proposals for the design work. Michael willis architects team was selected by unanimous vote By that committee. And the project is anticipated to be completed by august 2008.

Potter: Does it have a community meeting room?

Keller: It will have a meeting room, yes.

Saltzman: Is that vacant property currently?

Keller: It is vacant. There's a new storage building being constructed next door. It's not far past capitol highway on barbur.

Saltzman: Does it have --

Keller: One of the challenges is highway 99. It's very busy there, it's on a corner. It's also wedged between i-5 and 99, which also poses some air quality issues, but we think we can solve that with design.

Sten: I should mention this is all -- this all fits with the update to the station location study that we put through after last year's budget, and I think -- I don't want to jinx it, but I think we're headed toward successful conversations with tualatin valley fire and rescue toward colocating the final station so we have better coverage and half the cost. And this fits into that construct.

Potter: Further questions? Thank you. Is anybody signed up to testify?

Moore: I did not have a sign-up sheet.

Amanda Fritz: Good morning, amanda fritz, i'm the board member of the west Portland park neighborhood association in which this project will take place. We are very supportive of the location and we're very glad to see that it's going to move forward in a speedy and efficient manner before we all burn to a crisp. So thank you very much for getting that done, commissioner Sten.

Potter: Nonemergency, moves to a second reading. Please call the next item.

Item 1578.

Mark Ray: Mark gray, the manager for communications for the bureau of technology services. This ordinance is to execute an intergovernmental agreement with Multnomah county which will allow Multnomah county to be compensated for any work they end up doing in relationship to the

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nextel rebanding that is fcc mandated. Because we're the incumbent license holders for the frequencies that they utilize, the funding will come through the city, so it will be a direct reimbursement that's just a pass-through to the county.

Potter: Any questions? Thank you very much. Nonemergency, moves to a second reading. Please call the next item.

Item 1579.

Potter: Second reading, vote only.

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

Potter: Aye. [gavel pounded] please read item 1580.

Item 1580.

Adams: This is very exciting to report, and ask for council concurrence on moving efforts forward to bring back modern streetcar manufacturing to the united states. We received a grant from the federal government of \$1 million due to the leadership of Congressman peter defazio. We sent out a request for proposals, qualifications base selection process, and we received bids in response and we are down to a top bidder that we're now combing through in detail, and this ordinance will provide the services for project management and vehicle engineering project services to be provided by Portland streetcar incorporated, which is a nonprofit run by board of directors made up of community members and on which I sit, tri-met sits, metro has a representative as well, so it's a well-functioning board. The liaison for the streetcar projects is vicky, and if you'd give usa quick overview of more details of this ordinance, we'll be good to go.

Vicky Diede: For the record, i'm vicky diede with the office of transportation, and i'm the city's project manager for Portland streetcar. Just to clarify, commissioner Adams' remarks, there is a provision for \$1 million in each of four federal years for this particular project. And they're subject to annual appropriation by the congress and also by federal grant agreement between tri-met and the federal transit administration. And then we have an intergovernmental agreement with tri-met that allows us to use those funds for this project. So just a quick update on the manufacturing side of this, request for proposals went out to 28 firms of which five were actual manufacturers, two of which were u.s.- owned. And that's been an important part of this r.f.p. Process, is the congressional intent that the successful proposer will be a company that is owned by u.s. Citizens as opposed to to providing another business opportunity for foreign companies who can come into this country and meet the buy america requirements. So we received proposals from two firms, one of the firms did not meet the minimum requirements concerning the ownership, and consequently they were informed of this deficiency and said we would not further review their proposal. And because we only received one responsive proposal, the feds require us to perform a price and constant analysis before issuing a notice of intent to award. And with the approval of this project management contract in front of you today, we'll start that work next week. And then assuming a successful conclusion we will issue a notice of intent to award, negotiate a contract and bring a contract back to council for approval. So the contract in front of you right now, however, is for the project management and engineering services, 35 vendors received the solicitation and one proposal was received from a team. The solicitation indicated the successful proposer would enter into a contract either directly with the city or with Portland streetcar inc. And because of our past successful relationship with Portland streetcar inc., the Latter is our preference, and the Portland streetcar inc. Board has agreed to abide by the city's selection process and will subcontract with the same chain from the proposal. And both the city attorney and the attorney for Portland streetcar inc. Have reviewed this and believe that's just fine. The contract is for year one of what will be a four-year contract, it all 0 indicates \$190,000 of the federal appropriation which has taken place. Looking back at the project as a whole, it's important to point out that there is no financial risk to the city on this project. There's no required match, and the r.f.p. Is clearly and redundantly indicate the city's ability to fund the project is totally dependent on yearly appropriations. So assuming all

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goes well, and there's no reason to think it won't, the city will test the prototype car on the streetcar system and after final acceptance, we will receive title to that car. And also I think more importantly we'll have helped develop a new local manufacturing capability with some pretty good market potential there. Are a lot of cities in the country looking at streetcar development as a way of revitalizing and supporting their inner city development. So i'll be happy to answer any questions.

Saltzman: Oregon iron works is the one --

Diede: Yes. That we are going through the price and cost analysis with.

Saltzman: Did gunderson by any chance propose?

Diede: They did not, nor did they request a copy of the r.f.p.

Potter: Thank you. Any other testimony? Did anybody sign up to testify?

Moore: I had a sign-up sheet and no one signed up.

Potter: Does anybody here wish to testify on this matter? This is emergency vote, please call the vote.

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

Potter: Aye. [gavel pounded]

Item 1581.

Potter: Second reading, vote-only.

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

Potter: Aye. [gavel pounded] item 1582.

Item 1582.

Potter: Second reading, vote-only. Please call the vote.

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

Potter: Aye. [gavel pounded] item 1583.

Item 1583.

Saltzman: Members of the council, this is an appropriation from the contingency account of \$650,000 to the parks maintenance and construction fund for critically needed safety, life safety work at the gabriel park facility worth \$70,000. The service zoned for southeast 136th avenue facility, 220,000, and then the city nature urban forestry barn at east delta park, \$360,000.

Potter: Is there anybody signed up to testify?

Moore: We do. We have five people signed up to testify.

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

Cascade Anderson Geller: Good morning, my name is cascade anderson gelar, i'm in southeast Portland. I think we are back with this \$650,000 again, which is a band-aid amount as was said by parks for facilities that definitely need a lot of work. I think it's a very important thing to fix up the facilities and I have a lot of questions about the money, this particular amount of money, how it came to be. We have a lot of credibility issues that need to be answered still in regards to the first resolution that was on november 1. And so my point again is that it's originally the budget note was written that this was to go to the central yard, all of the documents showed that the central yard was going to be decommissioned and probably demolished, so that was a question about the \$650,000. When I questioned parks about where the money was going to be spent on october 30 before the resolution came before you the first time, they said that they would -- they would create a sheet that showed where the Money was going to be spent, so that came to you in a very, very quick manner and was divided up then between these three facilities. So I really want to see the facilities fixed up all over Portland that need it. I'm unsure why delta park is left out, it's a very important facility as well, and of course i'm very concerned about mt. Tabor park, which has been the back yard and the maintenance facility for Portland's parks for a century, and i'm very concerned about the nursery facilities there, I think they need to be continued in the horticultural services there. The green hugheses have been recently fixed up and new -- greenhouses have been fixed up, the greenhouses

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were -- that are now there that we spent a lot of money on were purchased from holland, they're worth a tremendous amount of money. We don't want to see them on e-bay, nor do we want to see the boiler that is also new less than a decade old, and manufactured to be -- to last for more than 100 years. So we're uncertain and I think the bottom line is we're very uncertain about where parks is heading. We think there's new leadership needed there, some -- and we want to see further on beyond 2020 into the next century. So we hope that all these things are taken into consideration and we would still like to ask for an earmark of that \$650,000 for mt. Tabor. Thank you.

Amanda Fritz: Good morning, amanda fritz, testifying only for myself. I certainly support the safety updates. It's shameful that we have city employees working in building that's are not up to fire code. The photographs that were shown at the last hearing were horrible. The things -- the places that we're asking our city employees to work out of. Let's be very clear that at least if of this money is a complete waste of money. The \$70,000 appropriated for gabriel park, which is as a resident of southwest, is the one i'm most familiar with, your own feasibility study in the development of service facilities october '06 report says on page 5 for gabriel park, due to the physical conditions of the building, it should be demolished. So we're going to spend \$70,000 on putting in a new door on a building that should be demolished. That's a complete waste of money. It's not fiscally responsible. It certainly needs to be done because the employees have the right to work in a building they can get out of in the event of a fire. However, what should have been done over the past two years is doing the complete facilities management report and figuring out what are we going to do with maintenance facilities citywide. The facilities report says we're going to need \$8-42 million. Why don't we just start working on that? And I have two questions for you and a request. One question is, how was the amount for these three facilities upgrades determined? There hasn't been a bid process, it was put together very rapidly. How do we know \$70,000 is the right amount of money for the facilities? Second, how will council and the public be able to track this \$650,000 is used for the purpose which you're intending? My request is for a full public process for all of the facilities not just mt. Tabor, but including mt. Tabor, and for public participation in any decisions involving parks. We are not customers of the parks bureau. We are coowners, we are patrons, we are partners in the parks bureau. That's more than any other city function other than neighborhood involvement. People love their parks, we feel they are ours. And we contribute \$3 million worth of volunteer effort in the parks every year, we want to be included, even in little decisions like putting a door into the gabriel park facility. Those of you who are around at the time of the siting of the southwest community center should remember that doing things in gabriel park without talking to the Multnomah neighborhood association is really not a good idea. So in all of these facilities projects, however little, however supposedly administrative, please include the public and let's have a transparent process. Even between the commission's office and the bureau, we started a citywide parks team meeting every third thursday so that citizens from around the city could get together and talk with the staff about parks issues. Last thursday we were told this ordinance was going to be on the november 29 agenda by the person assigned to be the communication person with the citizens. The very next day it came back on this agenda. There's some very, very serious communication and transparency problems, please address them.

Mark Bartlett: Mark bartlett southeast mt. Tabor, actually. Via question. While mayors come up with new initiative number nine, why don't we start using that? This would be a perfect example to try that process. I also second the question, how can we track the 650? We haven't seen any contractor bids for the work. I don't think park boys are capable of evaluating and completing seismic and structural corrections. I was wondering what becomes of the budget item 650 that still remains out there yet to be allocated. Does parks still have to come up with their final plan before that's spent, or how is that money not going to be -- now going to be utilized? Thank you.

Potter: Thank you.

Potter: Please state your name for the record. You each have three minutes.

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Sharlane Blaise: Charlene blaze, southeast Portland. I want to thank you for not selling the land at mt. Tabor park and the nursery. I concur with the previous testimony, but would like to emphasize the need for keeping the nursery. The present city has supported green streets, and I think we should increase the horticulture at the park, not decrease it. That means bringing more people involved with the community gardens, the master gardeners, and keeping the nursery alive. Thank you.

Jennifer M. Pultz: Hi, i'm jennifer pultz, I am just getting involved in all of this and learning about what's been happening, and I haven't been very happy with the information that we're getting and the fact that cascade and shannon have to go through freedom of information act and they ask for minutes and meetings that people are saying are never happened and never been written, and there just has to be some credibility here that seems to be missing. If I wanted to correct government I would have moved to boston. I'm proud to live in Portland because of our public input. And i'm so sad to see that lies and secret meetings, and we ask for the minutes of the meetings, and they say they never took any minutes, but we find the minutes, and there's a lot of things going on. And the parks in the city are not being honest, and there hasn't been any transparency, there hasn't been any public process. I'm so proud of all of you because I think you're all credible people, and I want to see you all do the right thing. And we're not asking that things not happy, we're asking that we be informed, and that we don't have to spend hundreds of dollars and spend two or three people to come down and get all of the information that we need. So if you could please help with us that, I would appreciate it.

Potter: Thank you.

Shannon Loch: Shannon loch, I didn't get to hear the first part of the testimony, I was trying to park my car. It's a busy day downtown the day before thanksgiving, I find. I didn't hear all the testimony before, but I just want to say that to me mt. Tabor and the fact we see it as part of a larger and fundamental change in parks brings to issue that whatever public process we have around mt. Tabor really we should expand to have for all our parks. From what we've seen in the documents, we can see mt. Tabor isn't the only public asset that's on the table potentially to be sold for private use, and I think that rather than have to come back time again and have this conversation that we should have that public conversation embrace the parks system. And lastly, I just want to say I think we should really look at the historical aspects of our parks. When I look at other web sites around the country and look at their parks, they usually have a very strong historical component because they do embody so much of our history, our natural and cultural history. And I would encourage parks to embrace their history, and look at the opportunity we have to be celebrating the centennial of mt. Tabor park at least is coming up, and the horticultural program that's been there for almost 100 years. That's something to celebrate. Seattle has a program, they grow their own plants and do much of their own procurement to keep their costs down. They do that centrally for their parks system. And there are other park systems around the country that also have strong horticultural programs. And it supports very much the historic aspect of the parks from however the plants and growing are changing over the years. So i'd really hate to see the continuity we have by having a strong horticultural department with lots of specialties go away. Especially at a time when we talk about being a sustainable city, we need to be taken care of our public assets. And I know there's a lot of volunteers out there working hard, but we couldn't ever do it without all of our great park employees who are out there. And they're what give our parks really their definition. That's what tourists see when they come, they see a park system, not park districts with different running, people -- different people running them. So I would just encourage you to look at keeping the horticultural program. There was a senior program as well as a green thumb program. We actually still have people who have been working almost 30 years in our current horticultural services that started at mt. Tabor in the green thumb program as high school kids. That's a

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wonderful vocation to get to go into. And I hope you'll all stand behind retaining the horticultural services. Thank you.

Moore: That's all who signed up.

Potter: Is there anybody here who wishes to testify on this matter that did not sign up? Please come forward.

Richard Beetle: Thank you, mayor, and council for letting me get up and talk about this issue. It's very important to my members, it's very important to me. My name is richard beetle, i'm business manager for labor as local 483. My members are providing the services in these parks and are providing the services to the community. We want to continue to provide those services at the level that we've currently and even increased those services, we want to improve the service if we can and we're being hamstrung by the fact we're living and working out of outdated facilities. I support the transparencies being called for here. I support the fact that we need to have community involvement in the decision on tabor. We need to have community involvement not only in that, but in this whole facilities study that went on. There was not proper involvement, I don't feel. I don't feel that the union was involved properly, and I don't feel the community was involved. I think we need to back up and involve them. But in the process of doing that, which is going to be time consuming to do it right, we understand that, and we need to involve all the stakeholders, we can't leave anybody out, but we need to free up this money, because we need to spend this money. It's not so much an emergency, it's -- it should have person spent last year. We need to work on facilities that don't have proper sanitary facilities for my members. And so i'm asking you to separate these issues to go ahead and free up the \$650,000 to start spending that money. Let's spend it on the facilities my members need and let's discuss this issue further and let's put together a process we can start building trust back with the community with. Ok? That's all I have to say. I address this issue, I think pretty thoroughly a couple of weeks ago. Thank you.

Saltzman: I just wanted to respond to some of the questions. Richard, that's fine. In terms of some of the question that's were raised about how do we know if this amount was going to be the final amounts, I believe these are our estimates of the cost and they will be subject to the public bidding Process run by purchasing, but these are basically typically known as engineers, architects estimates of those costs. Secondly on the larger question about the tabor yard, I think as we discussed two weeks ago commissioner Leonard and myself are working on a resolution to bring back to council that will -- that will talk about a joint maintenance facility review process both bureaus look at that will affect the mt. Tabor yard issue. But that will be subject to the b.i.p. Number nine public involvement process. So I believe that's -- again, these are -- in an ideal world maybe we wouldn't spend \$70,000 on emergency exits and chemical containment for a building that probably should be demolished, but we've got a way -- to weigh what's an ideal world what's immediate life, health, safety needs for our employees. I would urge adoption.

Potter: Questions of commissioners?

Leonard: I do want to propose an amendment. And I think it would be an item d and it would simply say by july 1, 2007, Portland parks and recreation shall provide a report itemizing how these specific funds were expended. So we'd get a report back showing what the actual costs were, and i'm anticipating these repairs are such importance that they'll be done by then, they're not of great magnitude but important, and I don't think it's impractical to respond to some of the concern we heard in the testimony today by having a specific report of how this money is spent.

Potter: Do I hear a motion --

Leonard: So moved.

Saltzman: Second.

Potter: Please call the vote.

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

Potter: Aye. [gavel pounded]

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Adams: Do you have further response to the concerns raised, or does someone on staff have further responses to the concerns raised in the testimony?

Saltzman: I think to the extent the items related to this issue were raised about knowing what the costs really will be, I think commissioner Leonard's amendment, the fact we'll get bids on these that will -- maybe less, maybe more, but that's part of the bidding process. And these are critical -- as I spoke to the larger issue about future of tabor yard and the nursery, there is going to be a joint review process by the water bureau and the parks bureau about their maintenance -- our maintenance needs together. And --

Adams: What about the door on gabriel park?

Saltzman: I think the door in gabriel park, it's not only a door, it's a door and chemical storage and containment.

Adams: Is it reusable if that's torn down? It was characterized by one of the testifiers it's slated to be torn down, and why are we spending money on something --

Leonard: Recommended to be torn down, not slated to be torn down.

Adams: I just thought we should get a little more clarity on that issue.

Robin Grimwade: Portland parks. In terms of gabriel park, the installation of the door, the provision of containers, storage for hazardous chemicals is required as an interim solution. If we did not provide that interim solution, we would have to remove the staff from that building. It is unfit. This gives us time to look at the future needs and we'll have the best design to be evaluated at that time. \$70,000, there needs to be other amendments made to that building as one option, but it is possible to integrate that into the future of that site without wasting that investment.

Potter: Emergency vote, please call the vote.

Adams: Aye.

Leonard: Two weeks ago when the proposal came forward to provide maintenance funds for these work facilities I indicated then to the workers and to the parks bureau management and to commissioner Saltzman that i'm very committed to identify resources to pay for what are clearly past due repairs. This ordinance fulfills that commitment and let me explain what this does, because listening to richard and others, i'm not sure they understand that what this does is actually create another \$650,000 over and above the \$650,000 that was identified in the ordinance two weeks ago, which was appropriate only to be used to implement a Facilities report that came back. I could not vote for that, and I would not vote for, that because that was an inappropriate use of that \$650,000, and in the intervening time I did in my office did work with commissioner Saltzman's office to draft this ordinance, which is actually a brand-new \$650,000 over and above what parks was allocated last year, so I heard richard say we need to separate the issues of tabor and the maintenance facilities and free up the money. This is not freeing up money. This is brand-new money. To provide for parks. I am disappointed, and i'm unfortunately -- I unfortunately have to agree with some of what was said here today in the decisions made by some of the management at parks. This as I said, \$650,000, puts the money where my mouth was that I will support parks. I will -- whether they come forward with needed repairs, and money to fund those repairs such as this, I will vote for it every time. I will not vote for issues that appear to be misrepresentations. And omissions. I have an expectation when I fulfill this commitment with my yes vote, and that is we start receiving transparency and forthrightness from parks. And I understand i'm not the commissioner in charge of it, but I am one of five people that votes on it, and for whatever reason this has come into my focus, and it is part of the world I work on now. Parks and its management. And I have a high expectation from this point on that something changed, and i'm not at parks, so I don't know what that is, but something has to change. This is a community that loves its parks this, is a community that whips its parks, there is no reason for us to be having this angst between the community and our parks. We have the resources, the political will, the ability to do what parks needs, and we've shown a commitment through this act today to do just that. So I appreciate

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commissioner Saltzman working with me on this, and also the idea of developing both the tabor yard and the interstate yard jointly together, because I think that just from an efficiency point of view is something that makes sense for water and parks to work together where possible. I also think that there's an underlying statement that our public lands are valuable. We cannot go out and buy public lands like we used to, and there should be no conditions under which unless it's extraordinarily important or extraordinarily beneficial to the community that we sell or at lease -- sell or lease any lands. I'm hoping this relationship commissioner Saltzman and I are entering on this project puts that issue aside. Aye.

Saltzman: Aye.

Sten: There's a lot of issues around this, and I think there will be more chance to address them, so i'm going to pass today, but I think this is -- we sorted this out and it's a step In the right direction to get some things done that need to be done, albeit imperfectly, and I look forward to the bigger conversation in the weeks ahead. Aye.

Potter: And I echo some of the remarks of commissioner Leonard in terms of transparency from the parks bureau. I know that commissioner Saltzman is going to be using the community engagement process in bip 9 for mt. Tabor. It sounds like that should be sort of a standard process for all of the parks bureau activities, and engagement in terms of determining -- we have another subject coming up here, two ordinances down that I think we should ensure that it does have community engagement process. But this is an entirely separate matter. I'm pleased to see commissioner Leonard and Saltzman work can together on this. I think that it's -- this is important, this is imperative that we move forward with this, so I vote aye. [gavel pounded] please read the next item.

Item 1584.

Saltzman: This is a great opportunity for to us receive a grant from metro and i'll let -- sustainable - - i'll let susan talk about it.

Susan Anderson: mayor, council. This is another great opportunity for us to work with metro in a partnership, it will expand what we're doing in three different areas. It's a grant for \$246,000. Last year we provided a lot of work in the area of business. We're going to continue to do that. We worked with 484 companies last year. We helped them with recycling, waste prevention and what we call sustainable purchasing. Sustainable purchasing is basically helping companies find products that are recycled, less polluting or environmentally preferable and we find that's a service they're really looking for. A lot of companies are beginning to dot right thing, but they're trying to close the loop and buy the right things too. A lot of those products we're trying to find locally. We hope to work next year with four or 500 more companies. The second area will be working in is the area of multifamily housing. Woe worked with 2,000 different apartment buildings this year, 500 of those we went on site and changed how they were doing their recycling. This is actually brought recycling to renters in a much broader way and has increased the recycling rate. We'll work with another 500 apartment buildings in the following coming up year. The third part of this contract is the area of commercial food composting. We now have 135 different business locations around the city that are doing food composting, hotels like the double tree, and the hilton, restaurants like mcmenamen's and others, grocery stores, ohsu, there's a very robust program out at the airport. So we're very excited to expand that program. A final point is that this \$240,000 contract means that over the past two years we have now brought in \$3.1 million into the office of sustainable development from grants, contracts, and outside funding. And so it's just a great opportunity. We thank the council for your support, and we look forward to continuing to take the fund you give us and try to 11 age -- leverage those with other outside funding. Thanks.

Potter: Questions from the commissioners? Thank you. Is there a sign-up sheet?

Moore: Did I not have one.

Potter: Anybody who wishes to testify on this matter? Please come forward.

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Cascade Anderson Geller: I'll just say something very quickly. I'm cascade anderson gelar, and i'm very proud of Portland in many ways and recycling is one of the ways. I have spent some time outside of the country, and in holland there's a really great program wherever one recycles their food scraps. Everyone is given a really nice big green tightly sealed bin so it doesn't smell bad, and that's wheeled out in front of their house like we do with our garbage. And i'd like to see Portland explore that. I think it's a great option, it's really helped the dutch have a really great society, and I think we could add to our recycling by doing that on everybody's household. So thanks a lot.

Potter: Emergency vote, please call the roll.

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

Potter: Aye. [gavel pounded] please read item 1585.

Item 1585.

Potter: Commissioner Saltzman.

Saltzman: Mr. Mayor, members of the council. The intent of this ordinance is to provide the parks bureau with the authority to negotiate and secure opportunities to purchase land for neighborhood and community parks. One of my top priorities as the parks commissioner. If passed by the council this will authorize the parks bureau with my signature and approval to present offers to willing sellers in the form of purchase and sale agreements and provides for deposit of refundable earnest money into escrow. This is an important point. The monies returned to the city if the purchase does not occur. Also the city council is required to approve any final purchase of land and so we do have a layer of oversight and process that's built into this. This just allows parks to acquire property in a very competitive environment. And I hope you'll support its immediate passage. We have opportunities right now. Parks s.d.c. manager is available to answer any questions.

Potter: Questions from the commissioners?

Leonard: I do. And I think commissioner Saltzman's presentation addressed it, but i've been having an offline conversation with our city attorney. On the resolves, on the second page, it says the commissioner in charge of parks is authorized to execute purchase and sale agreements. Is this - - does this give any authority to the parks commissioner to unilaterally sell property via this agreement or any other agreement without council approval?

Riley Whitcomb: No, sir. It's only -- riley whitcomb, Portland parks. It's only related to purchase of property, not sale of property.

Leonard: It says purchase and sale -- it means have you a --

Whitcomb: We're the buyer, they're the seller. Thank you for asking.

Leonard: If I didn't somebody else would have.

Potter: This is a big issue for the city. There's a lot of underserved areas of Portland under parks, and I would kind of go back to the issue on the first vote regarding citizen engagement. What's the process you're going to use to engage citizens in helping select the sites?

Whitcomb: There's a couple of issues involved. This is only systems development charge money, so we've already basically gone through the process of approving the methodology that was in december of 2004. That methodology also includes the capital improvement plan for the s.d.c. expenditure of s.d.c. monies, which identifies areas within the city, subareas where the expenditures can take place. The issue related to the park deficiency is also noted in the methodology, but the s.d.c. funds cannot use -- be used to make up the deficiency that we have, an existing deficiency. On the other hand, it doesn't mean that we can't partner with other funds to try to address some of those needs, because we live in a city that's inexperiencing infill, our growth is atypical to most systems development charges where you might see suburban sprawl where it's easy to address that, you see the sprawl, you see the need right in that area and you can provide for that. The reason we've divided the collection and expenditures in the subareas is so that we can see that we're addressing the community and neighborhood park needs in those subareas, so, for example, the east subarea is one of those where we have seen our most growth and collected most of our funds. In

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preparation of our acquisition program, we convened a committee of citizens to help us define the criteria for selection of properties, and also have a public process available for nomination. I have a file of nominations that's probably about this long, and the properties that -- most properties that we have our eyes on have been nominated by the public. The situation that we're in with -- where we're bringing this to you for your consideration is that we face a situation where we're noncompetitive.

It's easy if we're dealing with a piece of property that is natural area, or has development restrictions on it. In those cases we're probably one of the few people in the market, other public agencies, metro, example, so natural areas of -- b.e.s. Is another player in that, will acquire those. And usually have time to negotiate and put together deals and come to council before we actually need to make a -- place an option on a property. When we get a call from the citizen that says the three acres out here, there's a for sale sign on it, buy it, it's on the market. A developer, private sector can respond within hours or at the most days seven days. In our case with the existing situation, it would take weeks or perhaps even months to be able to get to the point where we can make an offer. By then they're gone, and we've lost some nice properties because of this in the past.

So this is why I'm putting a -- requested the commissioner to place it on an emergency item. I think it still -- there's still safeguards here. Any property that we acquire has to come to council. Fully disclosed, what the price is, what the conditions of it are, we know exactly where it is. The opportunity for public input at that point. This just puts us on, as commissioner Adams likes to say a. Level playing field. We're able to actually compete with these. And -- any other questions? I don't know if that answers your question.

Potter: You said you did have a community engagement process, that was your -- utilized, and there was a selection process for the park site itself.

Whitcomb: Right. In identifying the criteria for selecting the property. And we often have -- we have a list of properties, the desirable properties that were also assembled with that committee as well. Most of those still remain on the property, a lot of them have been lost for development, some we've acquired. But there was a process, this was done in the early -- late 1990's, early 2000, where we convened a committee specifically for that.

Leonard: What I'm hearing is sometimes a piece of property comes up on the market that meets that predetermined criteria, and you have to move quickly. You don't have time to have a bunch of community meetings.

Whitcomb: Yeah. And you know, frankly --

Leonard: Which makes sense, we've run into similar issues at the water bureau as well because of the time limits of acquiring property and then losing it. So I think what you're saying makes sense.

Whitcomb: I think we could err in being too cautious. I'm all for public process, I feel secure that where we come forward with a property that we've identified as desirable, we're going to go through the due diligence we need to do. We'll have time to do that once we have secured --

Leonard: I'm trying to help you be real clear. You're taking a long time to answer what I think is a really clear question.

*****: Ok.

Leonard: And --

*****: Help me answer it.

*****: The --

Leonard: The answer is you do use a public process, but when a piece comes up on the market you have to move quickly.

Whitcomb: We don't have an opportunity to do that. Yes, sir.

Leonard: That makes sense.

Potter: Are there pieces available at this time? This is an emergency ordinance.

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Whitcomb: Yes, there are. We've been in contact with owners, there's two specific that have to do with expansion of existing parks that are great opportunities. I look forward to the opportunity of bringing back a successful purchase and sale agreement to you for consideration when we get there. This would just put us on footing to be able to move on it more quickly.

Potter: Further questions from commissioners? Thank you. Is there a sign-up sheet?

Moore: I did have one out and no one signed up.

Potter: Ok.

Cascade Anderson Geller: Thank you once again. My name is cascade anderson geller. I'm all in favor of acquisitions as I think most Portlanders are. Maybe a few aren't, but most probably are.

Because of some of the records that i've been reading, I have concerns about transparency in this. Some of the reasons for my concerns is because there are a lot of real estate -- there's a lot of things happening with real estate in Portland as we all know. And property values are astronomical. And there are a lot of people interested in the public land that's we do have. Both the public schools lands, as well as parklands. And we are developing a body of knowledge that make us very concerned to watch out for kind of the sharks swimming around that might be interested in these lands. And I hope that there's a lot of public oversight somehow built into this. I understand there's a lot of problems with getting a lot of eyes involved in real estate deals because things can be lost that are important. But without the right kind of public oversight, we can end up with a lot of trouble down the road. Especially with park inequality, which there are many places in the city which don't have enough parks. There's also been land trade and things that have happened if I would have been involved I probably would have had a lot of concerns about. So i'm not -- I don't want to say a lot of specific things at this point, or point a lot of fingers, bud i'd say there's a lot of things to watch here, so thank you very much.

Potter: Emergency vote, please call the vote.

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

Potter: Aye. [gavel pounded] please read item 1552.

Item 1552.

Potter: Mayor -- city attorney staff.

Jennifer Johnston: The city attorney's office is recommending that we enter into a settlement on the claim in a lawsuit two men have brought against the city of Portland and for current and former employees of the Portland police bureau. I know that it's the personal preference of the commissioners and of myself to if possible, litigate and try every case to a jury. However, we know that that's not always in the city's best interests, because sometimes there is a substantial risk that a jury will not see that our employees have not done anything wrong in a particular situation, and award a verdict even if not substantial, which would result in a high liability for the city of attorney fees. And this is one of those cases. And that's why I am recommending this settlement. I believe it will minimize the risk to the city of a verdict that could incur a substantial attorney fee award and some award of other damages, and so that's why i'm recommending this settlement.

Potter: Questions from the commissioners?

Saltzman: Briefly describe the nature of the claim, the original claim.

Jennifer Johnston: I'm sorry, apparently I haven't identified myself for the record. I'm deputy city attorney jennifer johnston, I do employment litigation for the city. The nature of the claim is that mr. Herbert and mr. Russell are alleging they are whistle blowers and they are claiming that their free speech and their whistle blowing rights have been impinged on by the city of Portland, and they've been retaliated against.

Saltzman: And are there claims with fpd&r related to these two cases? Or these two gentlemen?

Johnston: They -- because of what they saw as retaliation, they did take a leave of absence and there are doctors who said they were stressed enough they could not return to work. They have separate issues going on with fpd&r regarding whether or not that stress was work-related, nonwork

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related, and compensable. This is very similar to other employees within the city of Portland who when they have employment disputes, make workers' compensation claims while they have employment claims going on in federal court. And so -- in that regard the situation with fpd&r is not particular to the fpd&r situation. It's my understanding that these individuals are -- their claims are in the process of being settled with fpd&r.

Saltzman: Under this proposed settlement of \$65,000, they each receive \$1,000 and then the attorney receives the remaining \$63?

Johnston: They each receive \$1,000 in back wages, \$9,000 to their emotional damages, and then their attorney receives a total of \$45,000 which is \$22,500 for each of them. However, to make sure that we are not involved in any disputes regarding the amount that's go to them and to the attorney, a check is made out always, is our policy, to the individual and to the attorney for any amount that's are not back wages. So that's why the ordinance says that except for the \$1,000 that is back wages, the remainder will be in a check made out to the plaintiff in their -- and their counsel. That way we're not involved in any disputes as to how that amount is divided.

Saltzman: My final question, it says that the settlement is being recommended subject to each claimant providing the city with a release and a form to be approved by the city attorney. What will that release encompass, or is that another level of negotiation that has to occur?

Johnston: We've had lengthy discussions about some of the particulars. I have a 2½-page checklist that I go through to go through the high points. The final settlement is usually approximately 35 pages to ensure that we are completely released, that they thoroughly understand that release, and that they understand the terms of the settlement. One of the reasons that we don't generally include that as part of the ordinance is, as I said, it's fairly lengthy, and I spent Quite a bit of time making sure that the city's interests are fully dealt with in that settlement, and that all claims are resolved.

Saltzman: Thank you. I guess I do want to say I had some concerns about this case. I think it's my last question, it's unusual to see cases, settlements where there's two people filing. There's only one -- been one other case I can recall. Is that anything I should be concerned about?

Johnston: I think it just happens from time to time. Both these individuals were working in the same work unit, they both believe they had the same work issue, they made complaints. One of them made complaints first, the other I believe later joined, and they had the same attorney. I don't believe this is the start of a new trend.

Saltzman: Thank you. I guess I will say that I -- I had concerns about this case when I first read about it, I had a meeting with our deputy city attorney about this, and i've had some other conversations and I am prepared to support this now. Support this claim settlement.

Potter: Other questions? This is an emergency vote, isn't it?

Moore: Yes.

Potter: Please call the vote.

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

Potter: Aye. [gavel pounded] we're adjourned until next week.

At 11:27 a.m., Council adjourned.