



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **10TH DAY OF JANUARY, 2007** AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:46 a.m.

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

Item 35 was pulled for discussion and on a Y-5 roll call, the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
29 Request of Anton Vetterlein to address Council regarding proposed Aerial Tram operations and fare plan (Communication)	PLACED ON FILE
30 Request of Don Baack to address Council regarding proposed Aerial Tram operations and fare plan (Communication)	PLACED ON FILE
31 Request of Rob Reynolds and Mary and Pete Mark to address Council regarding a recently released book (Communication)	PLACED ON FILE
TIME CERTAINS	
32 TIME CERTAIN: 9:30 AM – Establish a committee to address Racial Profiling in the City (Resolution introduced by Mayor Potter) (Y-5)	36472
33 TIME CERTAIN: 10:00 AM – Extend the ten-year property tax exemption for the Westshore Apartments by one year to facilitate the transfer of the property from Pine Street Associates Limited Partnership to a nonprofit partner (Ordinance introduced by Mayor Potter)	PASSED TO SECOND READING JANUARY 17, 2007 AT 9:30 AM
34 TIME CERTAIN: 10:30 AM – Accept the 2006 report on Officer-involved Shootings from the Independent Police Review Division (Report introduced by Auditor Blackmer)	CONTINUED TO JANUARY 24, 2007 AT 2:00 PM TIME CERTAIN

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CONSENT AGENDA – NO DISCUSSION		
Mayor Tom Potter		
Office of Management and Finance – Business Operations		
*35	Pay claim of Dontae Marks (Ordinance) (Y-5)	180721
36	Authorize a contract and provide for payment to furnish replacement vehicles (Second Reading Agenda 9) (Y-5)	180715
Commissioner Sam Adams		
Office of Transportation		
*37	Amend Intergovernmental Agreement with Multnomah County to provide roadway maintenance services West of the Willamette River (Ordinance; amend Contract No. 51062) (Y-5)	180716
38	Grant revocable permit to Jake's Famous Crawfish to close SW Stark Street between 12th Avenue and 13th Avenue from March 16, 2007 to March 18, 2007 (Ordinance)	PASSED TO SECOND READING JANUARY 17, 2007 AT 9:30 AM
39	Grant revocable permit to Paddy's Bar & Grill to close SW Yamhill Street between SW 1 st Avenue and SW Naito Parkway from March 16, 2007 through March 18, 2007 (Ordinance)	PASSED TO SECOND READING JANUARY 17, 2007 AT 9:30 AM
Commissioner Dan Saltzman		
Office of Sustainable Development		
40	Extend contract with Portland State University to complete work on the Commercial Recycling Project (Second Reading Agenda 22; amend Contract No. 35806) (Y-5)	180717
Commissioner Erik Sten		
Fire and Rescue		
*41	Accept \$10,000 donation from The Fireman's Fund for the purchase of emergency medical training equipment to benefit fire and life safety efforts (Ordinance) (Y-5)	180718

<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Commissioner Sam Adams</p> <p style="text-align: center;">Office of Transportation</p> <p>42 Authorize an Intergovernmental Agreement with the Tri-County Metropolitan Transportation District to provide enhanced security and cleaning during construction of light rail facilities on 5th and 6th Avenues (Second Reading Agenda 25)</p> <p>(Y-5)</p>	<p style="text-align: center;">180719</p>
<p style="text-align: center;">Commissioner Dan Saltzman</p> <p style="text-align: center;">Parks and Recreation</p> <p>43 Amend an Interagency Agreement for Portland Parks and Recreation with the Portland Development Commission for professional and technical services for park improvements for FY 2006-2007 (Second Reading Agenda 26; amend Contract No. 52770)</p> <p>(Y-5)</p>	<p style="text-align: center;">180720</p>
<p style="text-align: center;">Commissioner Erik Sten</p> <p style="text-align: center;">Fire and Rescue</p> <p>*44 Amend fees associated with Fire regulations (Ordinance)</p>	<p style="text-align: center;">CONTINUED TO JANUARY 17, 2007 AT 9:30 AM</p>

At 10:41 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON
WAS HELD THIS **10TH DAY OF JANUARY, 2007** AT 2:00 P.M.

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

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

<p>45 TIME CERTAIN: 2:00 PM - Appeal of Goose Hollow Foothills League against the Hearings Officer's decision to approve the application of Cynthia L. Hilliard for a Zoning Map Amendment from R7 to R2, in compliance with the existing Comprehensive Plan Map designation of Low Density Multi-Dwelling Residential and four Adjustment Reviews at 1970 SW Mill Street Terrace (Hearing; LU 06-109528 ZC AD)</p>	<p>Disposition:</p> <p>CONTINUED TO FEBRUARY 7, 2007 AT 3:00 PM TIME CERTAIN</p>
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At 2:10 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 11TH DAY OF JANUARY, 2007 AT 2:00 P.M.

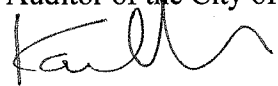
THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard,
Saltzman and Sten, 5.

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

	Disposition:
<p>46 TIME CERTAIN: 2:00 PM – Revise provisions relating to prohibited conduct in Parks (Previous Agenda 1610; Ordinance introduced by Commissioner Saltzman; repeal and replace Code Chapter 20.12)</p> <p>Motion to accept Substitute Exhibit A: Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-5)</p> <p>Motion to add B to directives of the Ordinance: Moved by Commissioner Adams and seconded by Commissioner Leonard. (Y-5)</p> <p>Motion to amend Chapter 20.12 to prohibit the smoking of any tobacco product in any park: Moved by Commissioner Leonard and seconded by Commissioner Adams. (Motion to withdraw this motion by Commissioner Leonard and seconded by Commissioner Adams)</p> <p>Motion to accept the proposed amendment to add to Chapter 20.12.110 Subsection C to says no person shall light or smoke tobacco products within twenty-five (25) feet of any play structure, picnic table, or designated children's play area, or in an area under permit where prohibited by the permit holder, or in any other place in any park where smoking is prohibited by the Director: Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-5)</p> <p>Motion to amend language in 20.12.050 to state prohibitions of this section do not apply to handguns lawfully carried by persons in accordance with concealed handgun permits to state lawfully carried by persons exempt from local regulation under O.R.S. 163.173: Moved by Commissioner Saltzman and seconded by Commissioner Adams. (Y-4, Leonard absent)</p>	<p>PASSED TO SECOND READNG AS AMENDED JANUARY 24, 2007 AT 9:30 AM</p>
EXECUTIVE ORDER	
<p>47 Assign the Portland Bureau of Fire and Police Disability and Retirement to the Commissioner of Finance and Administration (Ordinance)</p>	<p>180714</p>

At 3:05 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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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] * * *

JANUARY 10, 2007 9:30 AM

Potter: Before we begin the formal part of our council, we ask a question of our community and the people of this room -- how are the children? The reason we ask is because we know when children in a community are well, the community is well. What we do each week is invite an expert in to talk to us about children and youth issues. And today we have kara range, she's a senior at grant high school. She's a Multnomah county youth commissioner students representative for the advisory committee, she enjoys singing, dance can, playing her flute and saying hi to people she knows in the hallway at school. Next year she plans to go to college out of state and study international relations. I just certainly hope that after you complete your out of state education you come back to Oregon and spend the rest of your life here.

*****: I will definitely consider it.

Potter: Good.

Adams: Whether you like to or not.

Kaia Range: Thank you for inviting me. I have been working on a project for my senior thesis which addresses how we should encourage youth to get more involved in the community. As part of my project, I interviewed Portland citizens. I wanted to answer two questions -- how involved are youth -- Portland's youth in the community now, and how can we increase their involvement in the future? I already knew the majority of youth are not engaged in community service, but I also knew some are amazingly involved. I wanted to see if other people notice and appreciated the hard work that those involved -- unfortunately I found most people unless they are already involved with youth, did not know what youth in Portland are doing. Cub scouts and boy scouts were the only groups of youth people mentioned. And they weren't even local scout troops. This shows that not only do we need to build more youth involvement, but the wonderful things that youth are already doing are around the city need to be better publicized and noticed by the adult community. Personally, I would like to see every local paper and every local news station commit to a regular feature highlighting current positive youth involvements. As for how we can increase youth involvement in junior prom, all the people I interviewed said they would like to see a school retirement for youth involvement -- requirement for youth involvement in high schools, and ideally in middle schools as well. Currently there are a number of programs of community service requirements in Portland. However, the requirement only applies to those within the program. Excluding most of the school's population. We need a schoolwide requirement in every school. Given that all the people I interviewed brought up the idea of a community school requirement without my prompting, I believe this is not only a good idea, but one which the Portland community would enthusiastically and unanimously support. I suggest that we implement community-based learning curriculum in our school. Community based learning expands the classroom out into the community. Community members become additional teachers. Students use the skills they learn in the classroom while interacting with community members and providing a real service. With the passage of the youth bill of rights we made a commitment to youth. I believe now is the time to put

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that commitment into action and consider actively supporting this change in our schools. Youth want to be a part of this city, but many don't get the opportunity. Community-based learn would give them that opportunity and not only benefit them, but the community as well, and ultimately would improve the city. Thank you.

Potter: Thank you very much, kaia. Could we give her a hand? That was great. [applause] I've seen her at various meetings around town, and she is an engaged young woman and is going to be very much a part of this community when she returns to Oregon. Which she has promised me she will.

Adams: And she had a great halloween costume. [roll call]

Item 29.

Anton Vetterlein: My name is anton vetterlein, i'm here to talk about the proposed aerial tram. When I signed up for this a week ago I was concerned there wasn't really a public venue that would take testimony regarding the issue of the tram. Since then I was invited to the tram executive management committee meeting which met this morning, and so i've had a chance to talk to them and I appreciate that. And I think just to give you a report from that, they've put off making a decision, but I think you'll be hearing from them soon. And I don't think I need to cite chapter and verse about the tram report and what it originally laid out in terms of assumptions for the tram fare. I think you're all familiar with that. I will say the original plan was in line with what the marquam hill plan I think had outlined, and what I think city transportation policy calls for. I know that may be of less concern at this point than just figuring out how to pay for the darn thing. The executive management committee discussions as I said, they were interested in what I had to say. They started focusing on the idea of how they could encourage committed transit users with some kind of pass system. I think that's good, but I felt like there was this focus on sort of irregular users as being tourists, and the need to make money from them, and I understand that, but I think it kind of ignores periodic users who live in the area around the tram. There's been sort of a conception that the tram is sort of a dead end, it's not a destination, there's no destination beyond ohsu, and I beg to differ. There's a community up there, and it has a lot of development potential as well. There's three condo or townhouse proposals that are before the city right now, 50-plus units, there's plenty more potential in the area. I'm interested, I think we're interested in having the same kind of use people in the pearl district would have with the streetcar. It's -- I think people on the hill at this point may not know how the tram can be a part of their daily life or commute options. I like the idea of having options in terms of whether I can take the bus, sometimes I have to drive, or if I could bike. I have heard from a number of people who said the tram would definitely encourage them to bike commute more often because either to the hill, people at the v.a., or residents up there who go downtown because it would make it easier to get up and get Back up the hill. So I think it would help with just the general transit usage for the immediate neighbors, and I ask you to take that into consideration as well. And just to quickly follow up, I think it would be good to open up the tram to public usage soon era they're than later just to gauge what that public usage is rather than setting a fare which I think discourages public use and not really finding out what the potential for that is outside of ohsu. And I also think it would help to perhaps alleviate some of the negative karma that that has -- the project has taken on over the year. So I know that you guys respect making a decision, sam, you're very much involved in that, and i've been told the executive management committee has the final say. Ohsu did say they were kind of deferring to the city in terms of what the city's policy would be regarding non-ohsu fares, so --

Adams: I just want to thank you for continuing to be a good advocate on all the issues that i've been involved with with you on for years now. I did ask the executive management committee to not make the decision today, and have been having conversation with the various stakeholders about what are the possibilities, and I think the original vision is you and I had a chance to talk one-on-one. The original vision is spot-on. And I hope that with additional sort of creative thinking around

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it we can get as close to it as Possible. The part I want to avoid is you and I discussed is to repeat the mistakes of the tram up to this point, which is engaged in a lot of wishful thinking that has a year from now, are we back into a financial -- some sort of financial crisis. But you're right, that was the operating assumption back in 2004, and the next five days I have meetings scheduled with all the stakeholders to try to see if, through a different creative approach, if there's some way to achieve that vision.

*****: Thank you.

Potter: Thank you.

Item 30.

*****: Good morning. A very frosty morning. It would be a good time if you take the tram up the hill and take a nice walk in the woods.

Adams: It would.

Don Baack: I'm don baack, i'm here to speak for the hillsdale neighborhood association. I want to address safety in the tram. Our neighborhood would like an annual report of full disclosure of all the cargo ohsu has and will be transporting on the tram. And we're concerned about radioactive materials. There's a lot used in the medical profession. We'd like to know how they do it, when they do it and when the people are there, if they're not there. Also medical waste and so on. That's important to the community, and I think it's important to you so we're not caught up by surprise sometime downstream when something happens. The proposed independent fee structure is a bad idea and a dumb idea. I'm not going to go through all this stuff. I really want to talk about maybe some opportunities to think about this a little differently. My son and I were talking about this during the holidays, and he said, you know, if you wanted to get this tram in the tour books of the world, you need to have something that goes with it. So we came up with the idea of southwest trails, tre arrow 4t. The 4t stands for trolley, start downtown, take the trolley, take the tram, you take the trailing, which would go from ohsu to council crest, council crest to the zoo, and then you take the train back down. I'll bet you that will be in every of tour book of the world if you do this.

Adams: How long is the trail?

Baack: I didn't measure it yet, but probably -- it's probably a four-mile loop.

Adams: That's a great idea.

Baack: But it's not a walk. You're doing the trolley, the tram, you're doing the train, this part from here to the trail part, that's probably only a mile to two.

Adams: It's a great idea.

Baach: All we need is a little funding and some support and we'll get it done. Having this fareless fare interchange is really important, because then we're showing off the really best part of Portland by saying, look at our transportation system, look at all the aspects of it. We can even put a point up on The hill where they can ride the bus downtown if they choose. To me this could be the really showcase if they do it right. The only alternative is to be able like a chiseler sitting downtown, where you're out there, you don't even pay family wage and you're taking, we want \$4 for everyone. I don't think we want to do that. I think we can do it better. Thank you.

Potter: S that a -- that's a great idea.

Adams: Can you give me a sense of how much that would be, the cost of this. By friday.

Baack: I can tell you right now. \$10,000.

Potter: Is there a special because it's wednesday? [laughter]

Baach: Tomorrow it's going to be 20. Friday it will be 50.

Potter: Thank you, don.

Potter: Please read the next.

Item 31.

Pete Mark: For the record, my name is pete mark, and my address is 111 southwest columbia, Portland, Oregon, 97201. My wife mary and I join you today for two reasons. The first is to say

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thank you for your dedication to public service and your commitment to the city. We're all privileged to call our home. And the second is to share with you the final result of a very special project that mary and I spearheaded with the support of some very, very generous civic leaders. The project is this beautiful book. Portland, the view from here. It was a project that began when rob reynolds, one of the most talented and respected photographers in the northwest, discussed with me the idea of producing a book of photographs that would reflect Portland unforgettable beauty. Mary and I have called Portland our home for over a half a century. This city has been very good to us and our family, and we saw making this book a reality as one way in which we could give back to the city. Rob out did himself with some truly breath taking and unique photographs. All of them taken within the city limits. And I think he succeeded in producing a breath taking book. That truly captures all aspects of Portland. It's my privilege to present you, mr. Mayor, and city commissioners, with a signed copy of the book and to personally invite you to a reception we're hosting on the evening of january 18 to officially introduce the book to all of Portland. It's now my privilege to introduce rob reynolds.

Rob Reynolds: My address is 5331 southwest macadam avenue. I'm a lifelong Portlander. I thank you pete and mary mark for this very generous and kind introduction. Most importantly for believing in this book and in me, I wish to acknowledge the 14 sponsors for their trust and support. When I first approached pete, it revolved around the city's remarkable growth, where the downtown appears busier on the weekend than on the weekday, where people spend a great deal more time participating than in watching. It was a first person view, a visual record to express and illustrate the great planning can produce. We spent a year and a half photographing and designing this project and I would like to publicly thank my business partner for her design collaboration and commitment. Because of the sponsor support we're able to print this book locally at printing today, and I know that each pressman and prepress operator worked with a great deal of interest and pride on this project. Their level of craftsman ship and this print quality is evidence. A few days ago I spoke with the assistant of one of our sponsors and she sent a copy of the book to her mother who had not visited this big city for eight years. Her mother called and said she had changed her mind that she would come to the city. Compliments don't get better than that. Through the efforts of our sponsors, 1800 books are in circulation and it's just now being placed in book stores. Thank you for giving us this opportunity to share our view from here. Thank you.

Potter: Thank you very much. Thank you pete and mary for all you do for our community.

*****: It's our pleasure.

Potter: Is that the communications? We'll move to the consent Agenda. I've been asked to pull item 35 off the consent to be heard at the end of the regular agenda. Any commissioners wish to pull any other items off the consent agenda? Anybody in this audience wish to pull any items from the consent agenda? Please call the vote.

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

Potter: Aye. [gavel pounded] please read the 9:30 time certain.

Item 32.

Potter: This resolution will formally establish the racial profiling committee, one of six recommendations presented to council on october 17 by a partnership of community and police representatives. The report followed several listening sessions that allowed community members dialogue on the topic of racial profiling. I am pleased to recommend the roster of member organizations that have been agreeing to participate. I'd like to thank you ahead of time and ask that you take your work seriously. I've asked chief sizer and joe ann bowman to cochair this committee for the first term and have approved funding a contract position to staff to work on a commission. Among other things, the committee will work in partnership to develop strategies for both the public and the police to increase communication and understanding. They will present a report to Council on an annual basis. The committee will eventually become a standing committee of the

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human rights commission to provide for sustainable -- sustainability, accountability, and institutionalization. Our goal is there will come a time when we will no longer have to worry about addressing racial profiling because it will no longer exist. Will the presenters please come forward?

Potter: Please introduce yourself.

Jo Ann Bowman: Good morning. For the record my name is Joann Bowman and I'm the associate director of Oregon Action. On October 19, 2006, we came before you to present a report on the community policing sessions. You directed us to work together and come back to the council with a plan for implementation. As you know, the sessions were a joint effort by Oregon Action, Portland Police Bureau, the Northwest Constitutional Center, Center for Intercultural Organizing in the Mayor's Office and several other community-based organizations. To stop the process of addressing racial profiling and the impacts on both the police who are sworn to protect and serve, as well as community members who have experienced injustice. Today I want to appreciate where we are in this process. First I want to publicly thank Chief Sizer, who once again I just have to reiterate, didn't know me from Adam except what she heard from her husband, which probably wasn't good -- [laughter] who immediately took this project to heart and showed her commitment from day one. And I really want to thank her for that effort. I also want to take a moment to publicly thank Portland Police Union President Robert King for agreeing to serve on the racial profiling committee. I don't want to in any way ruin his reputation by accusing him of being a nice guy. However, I do really appreciate the fact he's agreed to meet regularly so we continue to build a relationship necessary for the racial profiling committee to be effective in moving forward the work we have in front of us. Today you will pass a resolution that will create the racial profiling committee. With your vote, Portland becomes once again a national model on creating true community police partnerships. I look forward to working with the racial profiling committee to eradicate racial profiling from the practices of our community. Thank you.

Rosie Sizer: Rosie Sizer, Portland Police Chief. I just have a few comments. I want to thank Joann Bowman from Oregon Action and Alejandro from the Northwest Constitutional Rights Center. For their leadership and their courage on taking on this issue and doing so with an extremely collaborative process and a collaborative mind-set. The committee that will -- that we'll name shortly, its agencies and individual members represent I think a spirit of good faith, productive dialogue, and action across barriers. Race is an extremely difficult topic in American society that is seldom discussed productively because of history, anger, and fear. I look forward to working with the committee on this important topic that involves fairness and public trust.

Alejandro Queral: Good morning. Mayor Potter, Commissioner Leonard, Adam, Saltzman, Commissioner Sten. I'm the executive director of the Northwest Constitutional Rights Center. I really want to once again thank the commission, the city council for its support on these efforts. I especially would like to thank Mayor Potter for his vision and commitment to make this a reality. I think we have a unique opportunity as a national model, partnership in cooperation between the community and the police and I'm looking forward to the work. I want to thank also Chief Sizer for her leadership and commitment in deciding to tackle this issue head-on. It's a very difficult topic and I think her leadership and vision of really provided an opening for us to tackle it and really stay within the idea that we can eliminate racial profiling from Portland. Finally I'd like to especially thank Robert King. You all know that we wanted him to be part of this process and he's finally agreed to sit at the table and be part of the dialogue, I'm really looking forward to that. I think this effort has a much greater chance of success with his presence and leadership at the table. So I'm looking forward to working with him. The Northwest Constitutional Rights Center is committed to these efforts. We're already working to -- by educating the Portland community about their legal rights and how to work with the police, certainly look forward to continuing the work. And would like to thank the council for appointing the center as you will do so in a few minutes, to the

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committee. We are looking forward to it, and we're looking forward to the challenge. It's going to be a lot of work and a lot of difficult issues will arise, but i'm sure based on the work that we've already done, I think we have a very good prospect. So thank you very much.

Potter: Thank you all. Any questions of these folks? Does everybody have a copy of the list of the people on the committee?

Bowman: If you want us read the appointees.

Potter: Could you, please?

Bowman: Yes, mr. Mayor. Joann -- jo ann bowman robert king, president of the Portland police association, maria lisa johnson, who is the executive director of the latino network, salom ahmad, president of the islamic society of greater Portland, reyas from native america youth association, could Immccormick, acting as his alternate.

Sizer: Rosie sizer, cochair, Portland police bureau. Alejandro corral, executive director, northwest constitutional rights center. Reverend lero y haines, albina ministerial alliance, a representative from the asian-pacific american network of Oregon, the asian family center, and ignacio paramo, day laborer association.

Queral: Maria rubio, policy director at the office of mayor Potter, hank migins, sergeant david henry, daryl mock, brother to brother, carl goodman, assistant director of the department of community justice.

Bowman: Citizens crime commission will be represented, willie brown director of the northeast coalition of neighborhoods, dan handleman, director of Portland cop watch, lorenzo pole, he's the cochair of the african-american alliance. And nate, criminology and criminal justice urban and public affairs department. That completes the list.

Potter: Could I suggest, we have a young person in the audience from the metropolitan youth commission, which has been very engaged in civic activities, that's a wonderful group, a very diverse group. I would highly recommend since they're engaged in so many other city and county activities, to consider the metropolitan youth commission as a member.

Bowman: I think that would be a wise choice, mayor. Thank you. Any further questions? Excellent.

Adams: This will provide oversight to the --

Potter: Yes, to the process. Please call the vote.

Moore: We have two people who wish to testify.

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

Dan Handelman: Thank you very much. My name is dan handelman, i'll honored to be selected to be part of the racial profiling oversight committee. I am very glad to hear the Portland police association has agreed to come on board. I think it's a very important step in making the city a better place to live. And i'm also glad that there's going to be integration and communication between this oversight committee and the citizen review committee, which just started its own police spacing work group to look at the broader issue, not only about race, but about economic profiling and other issues like that. So this is a very good step forward that the c.r.c. has needed to be included in this subject. I'm hoping this model for a dialogue that we've seen has brought very good positive feedback, can be applied to other community topics of concern about police such as police use of force and issues that we're going to be talking about later this morning with the use of deadly force, where maybe there can be dialogue between police and the community about the recommendations and the changes that we'd like to see made on that as well. So this could be used as a model for future dialogue. Thank you very much.

Sam Sachs: Sam sachs, i'm a student at Portland state university. Majoring in black studies. I also used to be a corrections deputy for Multnomah county sheriff's office for six years. I quit in 2002. The reason I come here today is because i've been involved going to the meetings, racial profiling meetings, i've been involved in diversity training. Like I said, i'm majoring in black studies. I think

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it's a great thing that's taking place right now with coming together as a community, as a police department, to address an issue that is real. I can serve as a witness having worked in corrections, law enforcement, that racism exists. And it's real. And it needs to be stopped. It needs to be addressed. I want to commend the police department for getting involved in the police office there's came to the meetings. They were there, they were open, they listened, they were involved. The same with the community. My main point for coming to you today is that this is great that we're here today, we're putting together a plan, but now is the time for action. It's the year 2007. We need to put this into action and what that means is, there are going to be tough times ahead. When you deal with racial profiling, you're going to weed out those people that are racist within the department. And what are we going to do? Are we going to make the sacrifice when the times are tough to address those issues so that we can protect not only our police departments and the members -- the honest, hard-working members in the police department, but also the people in the community? When you take the oath it means -- it says protect and serve. That means everyone. That means the good guys and the bad guys. You're there to protect and serve the community. You're there to protect and serve everyone. I hope that as we go forward today we will make the sacrifices and the tough decisions to really address and implement the racial profiling issue and make the hard, tough changes that lie ahead, and again, I commend both the police department and the people in the community. If someone was to ask me, what percentage of police officers do I think are hard-working, good, honest people, I would say there's 98%. I did see ugliness when I was with the sheriff's office, but for the most part, there are good, honest, hard-working people. It's the other people that we need to address, and hopefully we can move forward and put this issue behind us. Thank you.

Potter: Thank you very much, folks. Are there other members of the Racial profiling committee here? If there are, could you please stand? Thank you for serving on this committee. We appreciate the efforts you're going to undertake. Please call the vote.

Adams: I want to thank the mayor and his team, and jo ann, and the chief, and joe and everybody for helping put this together as best you can. It's a very important step forward. Aye.

Leonard: As woody allen said, 90% of life is showing up, and i'm really glad that all sides showed up for this discussion, because the presence sometimes just of certain folks that represent important parts of this debate really says a lot, and it means a lot. And I acknowledge that and appreciate the discussion. I appreciate the approach jo ann's taken. I was very impressed when she and I met a few months back to talk about this, what kind of dialogue has happened. So this has been a great effort. I really appreciate it. Aye.

Saltzman: When we last -- when we first had the hearing on this committee, october? I have to confess I had never seen the head of the Portland police association, robert king, quite so angry. And I can -- I think I can safely say in the last couple years i've had that opportunity to see him in many different frames of mood. So I want to really commend Robert king for doing exactly what he should be doing, and that's being a leader, and getting involved in this. I think nobody on this council or in this room needs to be convinced that racism does in fact exist. I think really the open question is, can we eliminate it? This committee I think is going to do all it can and come up with some good recommendations that will hopefully make this place the city a better place for us to be living, despite our creed, color, ethnic origin, religion. So i'm very excited about this. I want to thank the mayor for his leadership and getting us to where it is. Aye.

Sten: I also want to thank everyone for leading this and all the folks who took part. I think both reality and perception of racial profiling is crippling to community policing, and therefore makes it almost impossible to address public safety issues that need to be addressed. The heart of trying to keep a city safe, its citizens working with police and with other community groups, and I think the perception of disparate treatment as well as the reality and some of the statistics makes it almost impossible to get to the kind of policing situation that we need to be successful and we can't do it

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without trust. And there's a lot of work to be done on the causes. The passion with which people feel about this is actually heartening, but it's going to be difficult, because it involves people feeling as if they're being called racist, and it makes people feel as if there were racist intentions. And these things are very, very hard to talk about, which is why I'm so glad we're talking about it. I don't believe this committee in and of itself will solve the problem, but I think it creates a basis to solve the problem. And I think it's not a coincidence this is happening under Mayor Potter, who is perhaps goes too far to say invented community policing, but began to make it happen in the city, in this country, and is following up as mayor. So I am ready to work with you, and I think we've got a chance to take on something that I think is actually crippling to the country if we all keep working together. So my hat's off to you, and my work clothes are on and ready to keep going. So let's go. Aye.

Potter: I want to thank everybody involved in this. For a community to be truly safe, it's got to be physically safe, and it's got to feel safe. And that requires the best efforts of the police and the community working together to create a safe environment physically and emotionally. So when the people call 9-1-1, they're calling a friend to help them. And we have a way to go here in Portland. But that's my goal as the police commission, to work with this committee to eliminate any vestiges of racism from within the Portland police bureau and ultimately from our community. It often seems like we tend to deal with the symptoms instead of the root causes. I've never seen a baby make a racist statement. Sometime between the child and the adult things happen in our society that cause people to begin to discriminate and act inappropriately to other people based solely on the color of their skin, their sexual orientation, their gender, their age, in many respects. This is a big step for Portland in that we're moving away from just telling the police bureau, take care of it, to actually engaging the citizens to work with the police to take care of it. Because as you look at the recommendations of this committee that were submitted on October 17, you'll see that there are actually recommendations for the committee as well as the police. Because we know it's a shared responsibility that the police are required to work with the community and in fact the better the relationship, the easier it is for the police to do their job and do it well. So I look forward to getting the reports, I will be probably bringing back updates on a frequent basis to the council as to what is transpiring and how it is going. I appreciate the efforts of this committee and the efforts that you're going to make, it's not an easy task. And so perhaps Portland can discuss the issue of race, the Relationship between people of color and police, in a way that not only leads to constructive dialogue, but to constructive action. So thank you all for doing this. I am excited about the prospects for Portland, for the police, and our community. Thank you. Aye. [gavel pounded] please read the 10:00 a.m. time certain.

Item 33.

Barbara Sack: I'm Barbara Sack, I'm here from the planning bureau to present the planning commission's recommendation on a request to extend the term of a 10-year tax exemption granted under the new housing program for one additional year. Pacific housing developers request an 11th year of tax exemption for the Westshore Apartments so they, they may convey the project to a nonprofit partner. Although our city code Chapter 3.104 which contains the new multi-unit housing regulation is silent on extending the term of a tax exemption, this extension is allowed by the state statutes that enable the program in the case of low-income housing subject to a low-income housing assistance contract. The Westshore Apartments are located at Southwest Second and Pine. The project was constructed over a public parking garage on the northeast corner of the block where the central precinct used to be located. It was built as a 100% affordable housing project with 113 studio and one-bedroom units, affordable to households at or below 50% median family income. The state of Oregon provided risk share bonds and 4% tax credits to help finance this project. It also had a loan from P.D.C. The units in this project are rent restricted for 10 years by the ordinance that granted the tax exemption and for a period longer than 10 years by the

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agreements made with the state of Oregon and p.d.c. In order to preserve the financial feasibility of the project and the affordability of the housing, Pacific Housing Developers wants to transfer the property to a nonprofit partner without incurring additional costs. It is anticipated that this transfer will take longer than six months because of some bond-related refinancing requirements, one of which is if you refinance the bonds, you can't change ownership for six months. That would put the transfer of ownership beyond the June 30, 2007 date and property taxes would accrue. Sioban is here if you have any questions about the detail of the transfer. Brian Mckarl is here from Pacific Housing Developers if you have any questions you'd like to ask him, and Michelle Haines of Reach is also here. We understand that Reach is the nonprofit that would step in as the partner on this project.

As Pacific Housing Developers steps out, P.D.C. staff requested the Planning Commission review this, because there is no set procedure on extending the tax exemptions. They wanted to go throughout original path of approval so they asked the Planning Commission to review this matter. The Portland Development Commission held a hearing on this request November 8 and recommended to the Planning Commission and City Council approval. The Planning Commission held a hearing on this request November 28th and recommended to City Council that the request be approved. While the Planning Commission is not usually involved in evaluating the financial aspects of tax exemption projects, the affordable housing provided by this project was listed as a public benefit and the recommendation is made thinking about the preservation of the affordable housing. So the Commission found that facilitating this transfer of ownership is consistent with the city's comprehensive plan housing policies which calls for encouraging the retention of existing rental housing at rent levels affordable to area residents. This project was originally built to serve low-income entry level downtown workers and other residents. This action would also support the city's no-net loss of affordable housing in the central city. This is an initiative that the City Council adopted in 2001 by Resolution 36021. The Planning Commission asked me to point out, and this is in their letter to you, that this may be a situation that the Council encounters again where a private for-profit developer has gotten a tax exemption for affordable housing project and at the end of the 10 years there's difficulty maintaining the affordability levels in the project when the project is going to go back to the tax rolls. As I mentioned, the state statutes allow an extension of the term of the tax exemption if a project is low-income housing and subject to a low-income housing assistance contract for the length of the contract, and in last November you changed the transit oriented development programs that available outside the central city to allow such an extension of term. The central city program, the new model, is currently under a moratorium except for 100% affordable housing projects. When the Council looks at the regulations of this program again, if it chooses to reactivate it, this is something to consider. So the Planning Commission recommends approval of this request. Are there any questions?

Potter: So --

Leonard: So the actual value is \$98,000 a year in abatement? That's what I'm reading in something.

Sten: I'd just mention for the record that it's -- the housing commission had our staff review this with a look to what our changes in tax abatement policy are, and I found it completely consistent with both the actual changes we've made. And I think more importantly the intent, given this was an unexpected change. I haven't seen too many situations where for-profit has transferred to a nonprofit. But I think it fits everything that we've been trying to do in changing the program.

Leonard: I agree.

Sten: I think it fits.

Leonard: I just wanted to quantify what the amount was.

Sack: That's the figure the p.d.c. provided us. It would have been for the 2003-04 tax year.

Potter: Other questions? Thank you very much. Are people signed up to testify?

Moore: We have two people signed up.

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Michelle Haynes: My name is michelle haynes, i'm the housing development manager for reach community development. I'm going to just make my remarks brief and say that reach has been working with brian mccarl and the other partners in this project with the state of Oregon, with p.d.c., and with the other interested parties for about a year on a very complicated transaction to transfer the property to reach. Our interest in this project rests on the fact that the 113 units in this project are occupied by folks not just under 50% of median, probably three close to three-quarters of them are under 30% of median. These folks very much need this housing, we want to make sure it's preserved and that the rents are kept as low as possible. The other thing is that this project was originally conceived as work force housing with the assumption that the folks in the project would not need resident-based services and in fact over time with this project, as with many others, we have found that because of the very low incomes of the folks in the project, that they really do need a higher level of service. Reach is a full-service c.d.c. with a full management department and resident services department, and we were approached because we could come in and provide the entire package of services to these folks and we are eager to do that. So we are very supportive of this, and i'm here to answer any questions you may have.

Brian McCarl: Mr. Mayor, members of the council, good morning. I'm brian mccarl, the managing member of pine street investors l.l.c., which is the general partner of pine street associates limited partnership, which owns the westshore. I notice your action item has pacific housing developers, and I think when you take a formal action it should be with respect to pine street associates limited partnership, pacific housing developers was the nominal original general partner, but it was succeeded 10 years ago when we finished the project by the group that's owned and operated it. So for formal action, whatever you take, I would just submit that it's -- it is pine street associates limited partnership. Thank you for that. I'm here with my partner, bob walsh. We built the building, developed it and built it 10 years ago as michelle has pointed out, for low-income people. I'm happy to say that we accomplished that in terms of safety and affordable housing for 113 people. We did find over a decade that many of the people in our building in addition to being very low-income, have a very high need for service enrichment. Case management, job training, other kinds of special services which is private contractors and developers we really don't have the ability to do. So we have enjoyed running the property. It produces very, very low cash flow. Without the tax abatement it will unquestionably go into a negative cash flow. Our goal in this is recognizing that financing that was used to construct the project, bonds, p.d.c. money, the westshore really is a value in public purpose, and our goal has been to see that it is always operated and maintained as safety and affordable housing, and we're happy that has happened. We really do believe it's in the best interest of the asset as a value in public purpose, and most importantly to the residents that reach come in as an operator over the next we hope 40 or 50 years so that they can get not only the housing that they should have, but that they can have and enjoy the service enrichment that they need. The tax abatement extension that we're requesting this morning will give us the time to continue the work that we have been doing with reach for years now to try and work our way through this so they can take over our position in the assets. So bob walsh is here, bob, would you like to make a comment?

Bob Walsh: My name is bob walsh. Thank you for having us this morning. We've been involved both as companies, my brother and I as investors and developers of affordable housing for almost 40 years. Interestingly, the first project we built in 1967 we gave to reach about six years ago. It seems to me that the continuation of affordable housing and the keeping existing projects in that affordable housing stock is extremely important. The projects that we -- actually we gave five projects away five or six years ago, was a very simple process. It took six or seven or eight months. We've been working on this donation for 2½ years because of the incredible brain cramping that goes on in these things, it's not just simply call reach, there's a piece of property on second and pine, we'd like you guys to have it, we'll write our -- sign our title over to you and please operate it and

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have a good time. It's much, much, much more complicated than that. A question you might ask is, why weren't we diligent enough so we didn't have to come ask for an extension? Well, the answer is short, we knew the tax situation was coming. We've been working diligently on it and it was more complicated than any of us thought it would be.

Potter: I sure appreciate you folks doing what you do for our community, particularly for those citizens. We have a hard time making -- who have a hard time making their paychecks stretch every month. So thank you very much. Is that it? Ok. This is a nonemergency and moves to a second vote.

Leonard: I'd like to make a couple comments.

Potter: Yes, please.

Leonard: I really do think this is the kind of the project that I think exemplifies that it's -- at its best private-public partnerships. And what we have abatements that go towards providing housing and structures such -- in structures such as this, I would argue that's the least we can do to provide affordable housing. It's interesting on this, there's such a contrast of examples. I would point to this portion of this block as the model. At least for the one that represents what I think is the best example of what the public can do to partner with the private sector. And providing this really important kind of house will. So I wanted to make sure I made that point while you all were here while folks from p.d.c. and planning were here. It's really an honor to be able to help on projects like this.

Potter: Thank you all very much. Please read the 10:30 time certain.

Item 34.

Potter: There's been a number concerns raised by the community in regards to having the ability to review this document before it's officially presented to council. I've asked auditor blackmer to please release the information immediately, but also we would like to reschedule a date, a council date, I think it's the 24th.

Moore: At 2:00 p.m.

Potter: At 2:00 p.m. Is that ok with the rest of the council, to hold this off so we can have the community review it?

Leonard: I appreciate that very much.

Potter: Ok.

Leonard: It's certainly not a reflection on the auditor's office or the work that was done. Quite the contrary. I think it would be a mistake to allow anything to distract from the substance of the report, and I think this is actually going to be helpful.

Potter: We'll move on to the regular agenda. Please read item 42.

Item 42.

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

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

Potter: Aye. [gavel pounded] please read item 43. Second reading.

Item 43.

Potter: Vote-only, please call the vote.

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

Potter: Aye. [gavel pounded] please read item 44.

Item 44.

Sten: Mayor Potter, if I could. I'm going to ask this be referred back to my office. I'd say briefly for anybody tracking this one, the council instructed the fire bureau to raise fees to get about \$750,000 more in revenue as part of this year's budget instructions, and that's built into our budget. So i'm going to need to bring this back. We had done a little bit more of an across the board fee increase proposal, and I noticed that pretty well, I think. In the last couple weeks or month we've modified the proposal and proposed no increase in the base fee which I think is basically in line

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with the council's stated goal of trying to keep the hit to small businesses as low as possible. So the average small business would not see much of an increase. To balance that, we have made a pretty significant proposed increase in the special events fee. And what happened in the last week, I want to apologize for, that we'll bring it back once we have conversation, we did do a good job of noticing the expo center and the other big event players, but as we changed it to benefit small business we didn't get it back to them in time so they need more time to look at it and see if they can handle the proposed amount we're making. So we'll bring this back in a few weeks.

Potter: Ok. Item is moved back to commissioner Sten's office. Please read item 35.

Item 35.

Potter: Please come forward, staff.

James Rice: Good morning, mayor Potter, members of the city commission. I'm James Rice, a deputy city attorney. I've been working on a file involving Mr. Marks who sued the city of Portland. It stemmed from an incident in May of 2003. A lawsuit was filed in December of 2004 for approximately two years there's been intense discovery on the case. Recently because it's filed in the United States District Court it came before a settlement judge. There was a settlement conference that took place. There were significant disputes in both fact and law within the case itself. Judge King became involved, the settlement conference initially failed, and then Judge King on his own pretty much got the parties back together. He crafted what he felt was a reasonable resolution of the matter as an independent individual. The plaintiff has accepted that, feeling that was a fair settlement of the case. There's a significant amount of attorneys' fees in the case, which is one of the reasons that the settlement is in the figure that it is. Risk management became involved including the current state of people's thinking, I believe. I think that the settlement is prudent under the circumstances. I'm here to answer any questions that either the mayor or any of the commissions might have on the matter.

Potter: Questions from the commissioners?

Adams: Just to be really clear, the thinking is based on your expertise it will be cheaper to settle than to proceed?

Rice: It would be. There's always the possibility of a defense verdict in the case that does not -- and costs. There would be expert witnesses and a considerable amount of attorneys' time, coupled with if there was -- the plaintiff did prevail it could be a significant verdict. I examine verdicts all over the state as best I can, and even recently here in Portland on what I perceive to be a thin civil case, a \$2 million verdict was rendered in a business decision, which again, reaffirms how things can happen. The jurors have a significant amount of leeway in what they can do, so I think what's been crafted here and examined by an independent judge with the significant amount of experience makes sense.

Potter: Further questions? Thank you, folks.

Rice: Thank you.

Potter: Since this was pulled from the consent agenda, is there anybody here who wishes to speak to this issue? Please call the vote.

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

Potter: Aye. [gavel pounded] we're in recess until 2:00 p.m. today. [gavel pounded]

At 10:41 a.m., Council recessed.

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JANUARY 10, 2007 2:00 PM

Potter: I'd like to remind folks prior to offering public testimony to city council, a lobbyist must declare which lobbying entity he or she is authorized to represent.

Item 45.

Potter: Will the city attorney please describe the hearing process?

Linly Rees: It's my understanding staff would like to address council to discuss whether a continuance would be appropriate, and if council decides to proceed and take testimony today, I would then go through the long procedural announcements. Otherwise we'll wait.

Potter: Ok. Staff?

Kathleen Stokes: Kathleen stokes, p.d.s. staff for this indication. Mayor Potter, commissioners, there has been revised plan that has been submitted by the applicant which was received on monday. And there has not been time for the neighborhood to review that plan. The plan would eliminate at least one of the adjustments and reduce the others. And after conferring with some of the commissioners' assist apartments, with the city attorney, with the appellant, and the applicant, everyone has agreed that it would make sense to have the neighborhood be allowed time to review the revised proposal prior to testimony. A date certain can be established for january 31, 2:00 p.m., however, Karla Moore-Love has advised me when I arrived here that commissioner Saltzman would not be present at that council meeting.

Saltzman: Which date was that? Oh, go ahead.

Stokes: The 31st of january. So the appellant and the applicant are not aware of that until now. So -- and -- an alternative date as I understand it, the council clerk would be february 7 at 3:00 p.m., so it would be appropriate I believe for the appellant and the applicants to determine whether they would want the continuance when commissioner Saltzman was not present or whether they would like a different date. But I am recommending that the hearing be continued to allow the neighborhood time to review the revised proposal.

Potter: I have -- can I have a representative of the applicant and the appellant come forward so we could ask your opinion of the new time?

Jerry Powell: Jerry powell, sir. I am the planning chair of the goose hollow foothills league. I think probably continuing this hearing would be in the interest of our getting a better resolution.

Potter: Do you have a preference between january 31 when commissioner Saltzman would not be in attendance, or was it february 7?

Powell: Either one is fine with us. It works equally well. And we'd just as soon have the complete council if that's ok.

Potter: Ok.

Cynthia Hilliard: Good afternoon, governor. Mayor Potter. I'm cynthia hilliard. I'm already promoting you to governor. I'm representing myself, and thank you very much for meeting today. I would like the entire board of commissioners present. I don't think that having dan Saltzman gone would serve any of us. So I would agree to --

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Potter: February 7?

Hilliard: Yes, sir.

Potter: Very good. Thank you.

Moore: February 7 at 3:00 p.m.

Potter: February 7 at 3:00 p.m. We're agreed? Ok. We are adjourned. [gavel pounded]

At 2:10 p.m., Council recessed.

January 11, 2007
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JANUARY 11, 2007 2:00 PM

Potter: I'd like to remind folks prior to offering public testimony to city council, a lobbyist must declare which lobbying entity he or she is authorized to represent. Please read the 2:00 p.m. time certain.

Saltzman: Thank you, mayor Potter, members of the council. This is the second hearing on updates to city code section 20.12 prohibited conduct in Portland parks. We had our first hearing on november 29, and as expected, that caused a wide array of discussion on some specific issues and interests that needed time to be discussed and addressed. To that end, in the intervening time, staff and city hall, the parks bureau, representatives of the aclu, the Oregon law center, the police bureau, our business community and the district attorney's office have met twice to work through the items that were discussed on the 29th. First off, i'll run through the proposed changes we're making as a result of those discussions in a substitute that i'll make a motion to offer of at the conclusion of my remarks. We heard quite a bit about the exclusion section of this code. And I proposed no changes to the section in the language that we had before us on the 29th, and substantively that does remain the case. However, out of these two meetings came the idea of adding a requirement that the exclusion notices contain clear and instructions on how they can be appealed to the city's hearings officer. This made sense, and so we have put that into the new code. I've also committed to convene a work group on parks exclusion issues starting in february. I have a lot to learn about this section of the code, and look forward to these discussions, and we'll see where they lead to, whether it's for further changes or nod. -- not. Some of the other items that have been changed that the attracted council's attention and of course harry auerbach can explain in more detail. We heard from the mayor a concern about section 20.12.030, misuse of parks facilities. That section has been deleted and we're sticking with the current language in the code. Commissioner Adams brought up the desire for an electric assisted bicycle provision. And that has been added to this code. And I have proposed in the original code that we not allow sex offenders convicted of crimes against children at our public pools and playgrounds. This issue brought up numerous scenario and complications with the status of different individuals and their rights. I believe we've create add good set of regulations here in this new substitute. In layman's terms the new prohibition encompasses only adult offenders, not juveniles, whose victims were 16 or younger. But does not include offenders whose victim was less than 3 years in age difference or biologically related. The scenario I believe that commissioner Leonard had raised was the exampling of a 20-year-old man due to his conviction over a consenting relationship with a 17-year-old under -- . Under the new languages that person would be exempt from the ban of pools and playgrounds. That's a -- that's a quick run down of the of changes made. Further discussion and testimony, and -- is welcome today. I would ask, and I will move the substitute in a second, but I would ask the final vote, since this is a substitute, we're going to have one more reading of this at least, and I would ask that be held on january 24, since I will not be here next wednesday. So with that, I would like to move substitute, it's called substitute a, or exhibit a.

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Leonard: Second. Call the vote.

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

Potter: Aye. [gavel pounded]

Leonard: I don't know procedurally when you'd like me to propose what I have passed. What would be best for you?

Saltzman: This probably would be the appropriate time. Harry auerbach has an amendment he wants to add.

Harry Auerbach: We are recommending one more change to the ordinance itself.

Leonard: Not related to --

Auerbach: Not related.

Leonard: Why don't we do that first.

Auerbach: Thank you, mayor Potter, members of council. I'm Harry Auerbach from the city attorney's office. I can answer any questions you might have about the specifics of the changes to the exhibit a, other than the general description that commissioner Saltzman has given you. There was one issue that came up in the last couple of days that -- that has caused us to recommend a change to the text of the ordinance itself. And that's been the proposal has been handed out to you by the clerk. The issue is what happens to exclusions for in some cases -- warnings, exclusions, or prosecutions that arose under the existing regulations before the new regulations go into effect. And so we have proposed an amendment that will -- that essentially provides that people who have exclusions, those exclusions are still in effect, even if they were issued under the old code, we're not invalidating any previously issued exclusions, and that in terms of counting toward future exclusions, they count as exclusions and warnings are still warnings, and we're not invalidating anybody's prosecution. So that amendment is the one that says amend the ordinance to add section b. And nothing in the repeal or replacement of chapter 20.12 or otherwise in this ordinance shall adversely affect the validity of any notice, warning, exclusion, prosecution, or -- before the effective date of this ordinance, but all exclusions in effect as of the effective date shall remain until they expire, and all warnings and exclusions issued before the date of this ordinance shall otherwise have the same effect as if they'd been issued on or after the effective date of the ordinance. I'd recommend that you move and adopt that amendment to the ordinance.

Leonard: Questions?

Adams: So moved.

Leonard: Second.

Potter: Vote.

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

Potter: Aye. [gavel pounded]

Auerbach: Other than that, Mark from Parks and I are here to answer any questions you have about what --

Leonard: We may in this other discussions that coming up -- that's coming up. So if you could make yourself available. I would move the proposed amendment, item 46, chapter 2010 on my letterhead that would prohibit smoking in any -- the smoking of any tobacco product in any park. And if I can get a second I'll discuss it and give my reasoning, and we can go from there.

Adams: I'll second for discussion.

Leonard: I'm proposing this really so primarily we can have a discussion about what I consider to be a very important topic and one that I -- a subject that I've had some pretty strong feelings about for most of my adult life. Cigarette smoking I think by now has been accepted by most to be hazardous to one's health. I think most of us also accept that that's an individual choice. And I don't quarrel with that. I guess I do part ways with some in the community, I don't think that individual choice should affect my choice not to smoke. So that if I'm in a public place, I really don't think it's another person's right to do anything, in this case it's cigarette smoking, that interfere

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was my right not to breathe smoke in the air. There are some cities that have bans on cigarette smoking in bars and restaurants. Unfortunately we don't have the capability of doing that under current state law. In Portland. This is an attempt by me to at least bring this forward so we can discuss the possibility of doing that in areas where children play, where elderly recreate, and certainly where groups come together for picnics or baseball games, or that kind of a thing. Having said that, I did want to propose this in this form to discuss it, but I have discussed with some of my colleagues here some varying issues of this. That may include less restrictive kinds of language than a total ban in parks. Being a realist, I am always interested in doing not just what i'd like to do, but what's possible to do. So if there is some desire on the part of the council to discuss something less than what i've proposed here, I certainly am open to doing that. And I want to also preface this by saying this has been an excellent process that commissioner Saltzman has headed, I really appreciate the language that we -- that he helped craft with respect to the overarching prior language on prohibitions of sex offenders and parks. So that's a positive step, and I felt good about that. I also appreciate his position on the issue of the ban on smoking on pioneer courthouse square. So if anyone thinks economics Saltzman and I are at odds on this, we're not. I just wanted to expand his effort farther than it was. I understand some of his concerns, and I guess looking here for some opportunity for us in this forum to see if there's any interest in any extension beyond the pioneer courthouse square ban into parks, and if so, to what extent.

Potter: I haven't made my mind up, but one of the things I would perhaps ask commissioner Saltzman to respond to is if it's appropriate to ban smoking in pioneer courthouse square because of the congregation of people, why wouldn't it be appropriate to do it in all the parks?

Saltzman: Well, I guess i'll offer my reasons and it's really up to the council to decide. Pioneer courthouse square is the only square block within our 10,000-acre park system that has the possibility of attracting densities of up to 10,000-20,000 people. That's one compelling reason. The other reason is that it's enforceable in pioneer square. I believe pioneer square has its own security. My concern about a ban on smoking in all parks is it's really not readily enforceable, and that's going to -- I worry that will create conflict among citizens, and they'll be expecting somebody to sort of intervene and direct people to stop smoking, and there aren't going to be those people around to do that. I also have concerns that it can lead to selective law enforcement, frankly, that it's kind of almost an irresistible pretext in some cases, if you want to get into -- if you want to mess some somebody, go after them on the smoking. And it's contradictory to many of the policy dereks we're pursuing with respect to the s.a.f.e. program, encouraging people to sit on our park benches rather than our sidewalks. So that's another concern. It also I believe places our golf courses and Portland international raceway at a disadvantage, particularly p.i.r., because it is a venue that we compete to be selected for races with other cities across the country, and I think that could hurt the revenues and the contribution p.i.r. makes to our economy in terms of jobs. Those are really the reasons I would not support a citywide ban at this time, or a ban in all of our 10,000 acres of open space at this time.

Potter: Last summer I was out at p.i.r. and I noticed there were thousands of people setting up on the grass, and it looked as dense as some of the gatherings i've seen at pioneer courthouse square. They seem to have some events out in that have the same kind of density in their stands and the grassy knolls that pioneer courthouse square would have.

Saltzman: P.i.r. has to compete as venue with other raceways throughout the country, and if we ban smoking there, that could cost us forgone revenues, forgone economic contributions.

Adams: What are the possibilities for p.i.r. and the golf courses which are different than a park in terms of their operations? What is the feasibility or practicality of having smoking sections in -- i'm just talking about golf courses and p.i.r. right now. Is it possible to have, like, recently was that -- you go to hospitals, i've been to some hospitals lately and they all have smoking sections in the

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hospital, and it's always cognitive dissidence for me, but is it possible there could be a smoking area at p.i.r. and/or the golf courses?

Saltzman: I think that's probably possible. I'm not sure how that would play out at golf courses. People play on the same fairways and greens.

Saltzman: In the original draft of the amendment, I actually had excluded golf courses. But then got some -- started get can feedback about that and the perception of that. I just made a decision at that point to bring this in this for mat so we could all do what we're doing, have this discussion, and then -- I think you're making great arguments, and I am not necessarily unopposed to doing something substantially different than what this amendment says. But I would like to do something more than just the pioneer courthouse square.

Adams: I have two ideas to put on the table.

Potter: We're just discussing it, so --

Adams: One is to put in -- keying off your playground, 25 feet, which I like, is to do that for picnic tables, which are different than benches, doesn't matter whether they're covered or not, but there are a limited number of picnic tables in our parks, and they usually are pretty close together, so one table is smoking, everybody is smoking. If -- I like your thoughts -- my colleagues' thoughts on whether that's practical and desirable, and then the other is to give the sponsor of a park permitted event, which means you sign up for an event and you sign up for a location-specific event to give that sponsor the ability to make it a nonsmoking event if they wanted, and to I think also I think it might be useful if the parks director had administrative authority to say that they want an event to be smoke-free as well. If it's a kids' oriented event, or if the sponsor doesn't necessarily ask for it. I offer those 2½ ideas for discussion.

Saltzman: I think those ideas are more doable than a complete ban at this time. I would support those.

Leonard: So I understand, picnic tables within how many feet, did you say?

Saltzman: 25 feet.

Adams: The same as the kids.

Leonard: And then it would be optional according to the permittee to request whether it would be a smoke-free or not?

Adams: And/or the parks director to mandate that it be --

Leonard: Or the parks director could mandate --

Adams: Based on a variety of let's say tenting and crowds, and whatever else.

Potter: What about the golf corresponds -- courses and p.i.r., then?

Saltzman: I could -- we're going to have to have another hearing, I could look into the idea of a smoke-free area at p.i.r. at least get back to council on that and let us decide at the next reading.

Potter: I was --

Leonard: The other example I thought it was in tom mccall waterfront park, the blues festival is held there, and it's a huge congregation of people. So obviously my predilection would be to not allow it there, but is what you're suggesting that the organizers of the blues festival could request that, or the parks director could mandate that?

Adams: Correct. And that would give --

Potter: Mandate that --

Adams: No smoking.

Potter: Rather than mandating smoking, but allowing festival organizers to have an area designated smoking?

Leonard: I'm assuming what commissioner Adams would proposing would give the parks director that kind of discretion, something in between.

Adams: Correct. And that then allows for us to enforce the permit as opposed to just, let's say, the security of the permittee.

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Auerbach: May I ask a question and then maybe make an observation? My question is, commissioner Adams, if I understand what you're suggesting, including -- within 25 feet of picnic tables, that's in addition to and not a substitute for the other limitations that are proposed?

Adams: Correct.

Auerbach: I would point out that that subsection as we've currently drafted it also says that no person shall smoke in any other place in any park where smoking is prohibited by the director. So we're contemplating the director will have the authority that you're suggesting, that she should have to limit other areas. And the one other thing that -- you could include it again, but I think when the council adopted the ordinance on prohibited conduct at permitted events, one of the things that's prohibited, as I recall, is smoking in places other than where the permittee hazardous ignited them.

Adams: I'm thinking about, having been through the permitting reform some years ago, i'm -- if the form itself, you know, does or could say smoking allowed, not allowed, or designated in certain places on the permit -- on the form itself, I think that would really bring this a live much more. I think most people would probably -- sponsors would probably choose nonsmoking.

Leonard: I like having this very -- in addition to that language that's already there, this language commissioner Adams is proposing for that reason as well.

Auerbach: Ok.

Potter: What's the o.r.s. you listed in your --

Leonard: The prohibition against passing local governments from passing ordinances affecting the rights, smoking in bars or restaurants.

Auerbach: It's a limited preemption by the legislature. They've told thrust are certain places you can't ban smoking, so to make sure we don't run afoul of the preemption --

Adams: I wish more Portlanders knew we don't have the authority to regulate smoking in bars and restaurants. We don't have that --

Potter: That would go to the restaurants at the golf course. That they could smoke there.

Leonard: Which is why that --

Potter: Why you considered that.

Leonard: That's right. If commissioner Saltzman wants to look at this more, that's fine, but I -- can we have something drafted that would be back next week with some options in it that we can -- or the 25th, when -- 24th, when --

Auerbach: The 24th is wednesday and that's when you want it to come back? Ok.

Saltzman: I guess it could be a thursday.

Auerbach: That's fine, I just wanted to make sure. I thought you said you weren't going to be here wednesday.

Saltzman: I'll be here next wednesday.

Leonard: Specifically you're going to look at the p.i.r. thing and the golf courses. But the other -- am I hearing the other --

Saltzman: Are we adopting commissioner Adams' recommendations today?

Leonard: That's what i'm asking. If that's the understanding that I had, that we can extend what you've proposed to the picnic tables within 25 feet, and then the sponsor of park-permitted events to give discretion to the parks director to mandate nonsmoking areas.

Saltzman: We can adopt those today and on the 24th come back on the p.i.r. And golf course issues?

Leonard: Right.

Sten: You have playgrounds and picnic tables.

Auerbach: Playgrounds, picnic tables where permitted by a permit holder or the director.

Adams: Procedurally have you a motion, commissioner Leonard's motion on the amendment on the table right now, you neither --

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Leonard: I was going to withdraw that and move conceptually commissioner Sten's -- commissioner Adams' amendment with the understanding that we'll look at the actual language, the final language when it comes back.

Auerbach: I would just point out that if you don't actually adopt the amendment until the next reading, you've got to bring the package back.

Leonard: I was going to move , we do that --

Auerbach: You can move to amend that subsection c so it says no person shall light or smoke tobacco products within 25 feet of any play structure, picnic table, or designated children's play area, or where prohibited by a permit holder or in any other place in any park where smoking is prohibited by the director.

Leonard: So that captured --

Auerbach: That as I understand it captures what you all have talked about here.

Leonard: I'll withdraw the motion. And then I will move the -- the languages as articulated by deputy city attorney auerbach.

Adams: Second.

Sten: More discussion?

Potter: Did that address the issue about coming back with the p.i.r --

Saltzman: I'll come back on the 24th with more information about the pro and cons.

Auerbach: If you make any more changes, you'll have to bring it back. So you may decide to pass what you've got and look at further amendments in light of further discovery, whatever other information you come up with. I think there's some interest in getting the package at least adopted at some point so we can move forward.

Potter: Did I hear a second?

Sten: I think sam seconded. I'm comfortable with that amendment. I think that's tight enough that it fits with the package that we're doing here today. I would have -- I have some sympathy for commissioner Leonard's broader proposal. I don't think it's an amendment to a specific set of changes in park law. It's a major change in park law, if we were going to ban smoking in all parks we ought to have a hearing on that and it ought to be better notice than -- that that's the proposal on the table. I think it is a big piece and people ought to have more of a chance to weigh in than they would process wise the way it came about. I'm not proposing this, but i'm curious if we would have any legal basis to enact some sort of basic rule that says you can smoke in a park if you're not in any of the things that are prohibited close to playgrounds, etc., and as long as you're within a reasonable distance from everybody else. I'm trying to get at something, I actually believe people can monitor behavior better than police when it's certain types of things, and it would give somebody a legal basis to say you're not allowed to smoke next to me. It would also give smokers some sense that if they make the choice to smoke, don't harm others with it, but they do pay for those parks as well and conceivably if there's no one within 100 yards of you when you're walking through a park u. I do need to prohibited you from smoke. It's not that i'm trying to stop from you smoking, that's between you and others, my basis is I shouldn't be breathing it. So would there be any legal basis to pursue the idea of a basic rule that you have -- we have to figure out what could you justify as a number of feet and could you say that's the conduct that's allowed in parks as to smoke when you're away from other people?

Auerbach: I'm not aware of any reason why you couldn't do that. We'd of course want to double-check to make sure that was correct. I'm not aware of any reason why you couldn't.

Leonard: Could you bring back something at the same time this all sis is brought back by commissioner Saltzman on p.i.r. and the golf courses that would include appropriate language to capture commissioner Sten's inquiry? Excellent. I think it's better to where I was trying to get.

Auerbach: I will try to have more definitive information. Is what I won't be able to tell you is what the appropriate aura is.

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Leonard: Maybe between the two offices and you can talk about that between sara --

Sten: I don't know if there's any -- if there's any agreed-to standard for outdoors as to obviously the wind is blowing, I would think there's some -- the 25-foot basis -- we've picked 25 feet away from playgrounds I think is what we've said. So there would make some sense to say you've got to be 25 feet away from another person.

Adams: Who isn't smoking, I presume.

Sten: You know this, is why I wanted you to think about it. If I choose to stand next to you while you're smoking, I wouldn't think you're violating the rule. But I don't know if we need to mandate all of that or just assume --

Auerbach: We'll see if there's something workable we can come up with.

Sten: Two people standing together, one is smoking and the other is ok with it, that's not in violation of what i'm trying to get at.

Potter: Call the vote? I guess we better have testimony.

Auerbach: You have the 25-foot amendment that's still out there.

Moore: This is on the amendment?

Leonard: on the picnic tables and the amendment.

*******:** Picnic tables, permit holders --

Saltzman: They've been moved and seconded. Shouldn't we have public testimony?

Auerbach: You can, yes.

Saltzman: Before we vote.

Leonard: On the amendment, yes.

*******:** M-hmm.

Sten: May I have one more discussion point? This is related to my concerns about the smoking ban, which is why i'm going to bring it up now. I also wanted to mention it because I expect to hear testimony on it and I wanted to share with the council. I'm really pleased commissioner Saltzman is -- it sounds like you're going to do a work group on this issue, and -- on the exclusions, and i'm going to support the exclusions. My concern on the exclusions continues to be, we had a huge discussion about this at the last hearing, do we have too many things that are -- that can kind of be abused, where it's a small offense, and it could be used by somebody who wanted to move someone out, against the spirit of the of thing. And I think the work group, what i'm looking to have more discussion about, I think we're going to have some today, is what should the exclusion strategy be specifically with homeless people and people who don't have a lot of choices. There's two different situations that people are talking about. If you were a smoker and you're homeless, where do you go to smoke? You go to a park often, you're trying not to be in front of people and those kind of things. So it was the question of we have a 10-year plan to end homelessness and the strategy is to try and help people get solutions. We've done a really good job engaging with police to say, ok, when we find a campsite, for example, we most of the time go to join to get help before the police arrest. What I want to make sure we talk about in the work group, how do the clean and safe officers and others use this exclusion in a pro active way to help on these homeless issues as opposed to figure out how to exclude people? I think the concern I hear from the advocates isn't so much that, say you've got somebody that shouldn't be in a park, and just common sense something is going on. There's a bunch of different ways to exclude them. In 99% of the parks that's what happens, because there's no police, there's no enforcement out in the neighborhood parks hour to hour, but something is going on. Somebody sees somebody, somebody comes over, the likelihood is there's some reason to exclude them. That's community policing. In the downtown parks we have a paid staff of people to clean -- who have some exclusion authority, and the concern is they use that to keep people who are undesirable out as opposed to really have -- who have really violated something. Technically you can be excluded for a couple of months for picking a rose, for example, so I think we should move forward on this, but it's kinds of in that same

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umbrellas, what are we trying to accomplish with the smoking ban in terms of homeless people and other pieces. I'd love to work with you on that and get some experts on that committee with you and see. Because I actually -- in talking with monica and mark this week, have actually seen that maybe something that seems like it could be just used to harass homeless people in the wrong hands could actually maybe a proactive way to get some points of contact, and I realize in talking about this our parks staff is not trained in the 10-year plan, they don't know what the strategies are, and maybe there's some ways to make some connections there. A long-winded discussion, but I wanted to frame that a little bit, because I think we'll hear about it.

Potter: I just wonder if it was possible to require a warning for the first time. The warning would not displace a person, they would just have to stop doing what they were doing, and that would then -- if they say no, i'm going to continue doing what I want to do, that's another issue. But if you require a warning the first time, that would preclude them leaving the park if they comply with the park order.

Saltzman: These are all good questions, but I think they should be looked at by a work group who would have all the parties at the table. And the point about making sure parks people are aware of the 10-year plan to end homelessness is a good one.

Potter: Can we have the testimony, please?

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

Ken Kirkham: Ken kirkham. Regards to the proposed 20.12.0 possession of weapons. The wording is interesting. There's already a law in regards to firearms in the park. Allowing the ordinance to pass this current -- as currently written may restrict the language of the parks ordinance to possible preempts and challenge by law enforcement officers and others statutorily exempt persons under the o.r.s. 166.173 are not exempt in the language of the parks ordinance. So it's incomplete in its discussion, and the concern would be to have the entire ordinance struck down because it's -- it does not clearly identify several other entities that are exempt. Stripping out firearms from the proposed code would preserve it from the starch area presumption challenge and there's no general weapons reasons for anything other than firearms. So firearms are covered under the 148060, not 010.

Saltzman: Why don't we hear the testimony and then maybe harry auerbach can respond to that. We'll hear all the testimony and then we'll bring back our deputy city attorney.

Pam Arden: I'm here today for the 40-mile loop land trust. We're talking about the section that's 20.12.170, section d about. Motorized appliances. How would you say it? Motorized something. On trails.

Adams: Motor assisted.

Saltzman: Electric assisted bicycles.

Arden: I spoke to commissioner Adams before the hearing about the assisted -- looks like assisted bicycle, I guess I wasn't aware of what those were. But our concern was the speed of things and on trails, we know bicycles have a chance to go faster than everything else, and sometimes do on those trails, and we just --

Leonard: Unless i'm driving the bike.

Arden: We do like the idea of making sure we've got assisted items for people who need them, and to have it in the code. Concern about the human personal transporter system. I guess that's a segway, having someone stand up on it. I have a neighbor who uses one, it's modified for him to sit on it because he can't stand. I just didn't know how that would work on it if he was going to be using one of those. So lots of questions I guess more than answers. We just were wondering about how this was going to work. The question as I was going through the -- through your document was the structures and parks. Along peninsula crossing trail, every time we do a clean-up we request that the police come and do a sweep through the area, because we have people that will camp out there and set up pretty elaborate camps, so that's one of the of things we -- i'm concerned

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about with this exclusion strategy about the homeless, how is that going to affect what we're doing right now. Because when you have people camped out along a trail like that, you end up with people especially the elderly or single women who are very concerned about walking in areas where they're seeing somebody who is threatening to them. And so you end up with having people not use the park, not use the trail, and then you end up with kind of more camping because they see people aren't going to be out there. So it's a concern of safety for those who are in the neighborhood who's want to use these linear parks for their enjoyment for getting from one place to another. So just a concern about how that will happen, I don't know if that's going to be part of your discussion, commissioner Sten that you just mentioned, but how that work, will it still be the officers can give them a 24-hour notice before our clean-ups to say move on, and the parks workers when they're out there every week if they see evidence of camping they will end up going and giving them the same kind of warning that you shouldn't be here, and somewhere else. Does that mean the parks people need training as to who to contact? I don't know. But questions, because that's a constant we have to deal with. And when we're trying to create new trails like along the willamette greenway, that's going to be another excluded spot where people could end up with having a nice camping area. Concerns, questions, I don't know if it's more than an answer on our part. Thank you.

Thomas Henry Madison: Good afternoon. My name is thomas henry madison, i'm from northeast Portland. I'm here to discuss the sex offender portion of the ordinance that's before us today. I have a prepared statement, and i'll read that. I appreciate the opportunity to speak barbara welch the council today in regards to protecting our children against persons who may threaten them in our cities -- city's parks and pools. I want you to know that as a registered sex offender, I have already endangered myself, my family, and my job simply by coming here today to speak to you. As most people are aware, sex offender mania has swept the country. There isn't a day that goes by without some kind of sex offender story that heads up the sound byte evening news. We are all familiar with the marketing phrase "sex sells." but most people would not consider the fact that in the electronic news business, where money is king, sex offender news really sells. Our society has had a steady diet of hype and sensationalism regarding sex offenses over the last 20 years. It is no wonder that hysteria has overcome logic and common sense in this area. You as city of Portland lawmakers can do all citizen as great service by not passing laws that are based on ignorance, fear, and hysteria. Instead you can draft laws that truly protect Portland's children by providing resources to those persons who have either -- excuse me. By focusing scarce law enforcement resources on those persons who have been either clinically diagnosed as pedophiles, or those who have been convicted of multiple reoffenses. Here are some stats that most people are simply not aware of. Registered sex offenders have the second lowest rate of all major criminal reoffense rates of all criminal categories, and that's the opposite of what you typically hear from america's politicians across the land. The second item is that -- and get this -- 95% of all the brand-new sex offenses that will be committed by someone -- by someone in the future will not be committed by someone who is now a registered sex offender. These two facts are obtainable at the u.s. Justice department. Today in other cities former sex offenders are being forced out of their jobs, homes, and ending up in financial ruin even as homelessness tends to cause further problems to those families. The truth is we are not the monsters the media has made us out to be. Most of us did something stupid and paid a great price for it. A wrong was done, and it was paid for, and that should be the end of it. Healthy communities are self-healing. Healthy communities pass laws that ban ostracize, and isolate members of their society, what kind of city is Portland going to be? Thank you.

Potter: Thank you, sir. We have three more witnesses to go through.

Kylie Meiner: I'm kylie meiner, i'm the coordinator of the Multnomah county health department tobacco prevention program. And i'd like to help put today's proposal to ban smoking throughout or parts of Portland parks in some context. Last summer the u.s. surgeon general concluded that

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there's no risk-free level to secondhand smoke, but the report also notes as of two years of using a, january 2005, 577 jurisdictions had already passed ordinances prohibiting smoking in out joao rorigues areas. That's not just parks, but doorways and beaches, for example. These policies are in place not only to protect people from the hazards of secondhand smoke, but also to set a healthy example for youth. I'd like to point out here that 90% of smokers initiated smoking before the age of 18, half of them between the ages of 12-14. It's almost immediately addictive and so the matter of whether it is an individual choice is debatable. These policies also reduce litter and fire hazards and prevent infants from discarding cigarette but. Smoke-free policies reduce youth initiation of tobacco use and help smokers quit. Three-quarters of smokers do want to quit. This is the reason the Oregon statewide tobacco control plan has an objective to increase the number of local ordinances that restrict smoking in outdoor areas to 15. And right know Oregon has four counties and cities that i'm aware of that restrict smoking in parks. And those communities are sherwood, northern wasco county, and crook county, which have 100% bans in their parks, and josephine county, which bans smoking in certain areas, like playgrounds, spectator areas, bleachers, covered picnic areas, concession areas, and in all areas of parks during concerts and other large public events. 85 cities in california prohibit smoking in parks. Some of these are just certain areas, some of these are complete bans, including san francisco, which has a complete ban. In Washington, there are six communities that restrict or ban smoking in parks, including our neighbors across the river, vancouver and clark county both have policies. At Multnomah county, the main kinds of complaints we've received on this issue have been from the public regarding smoking near the swimming pools, and in sports fields used by schools during youth events, particularly. So prohibiting smoking in all outdoor areas that people congregate in addition to the ones listed today, such as swimming pools, athletic grounds, spectator areas, etc., even dog parks works protect people especially kids from secondhand smoke. In public health we have a saying which is to make the healthier choice the easier choice, and smoke-free parks would make it easier for our community members to stay tobacco-free to quit smoking, and make it icier for everybody to avoid secondhand smoke. So thank you.

Diane Laughter: My name is diane laughter. I'm the coalition chair for the tobacco-free tri-counties. First of all, we want to thank you for taking the leadership and moving ahead in such a big way on this issue. Of course as as tobacco control community we would like to see 100% smoke-free parks, that's our end goal. But we do understand that moving ahead in an incremental way may make sense. There are two main reasons that we are advocating continuously advocating for smoke-free policies, and that is to avoid secondhand smoke, but also the modeling to youth. And it's a very powerful tool. One of the things I want to recommend, and I didn't hear it mentioned, is to include the ball fields in the prohibitions that you're considering. I've spent years and years all over Portland at the soccer fields, and delta park, all those fields are very close together, and I think that including that sen as strong message where -- to the youth and these are especially youth, not little kids, but youth that are at the ages that are heavily being target the by the tobacco industry. Another thing that ties? This with that, I mentioned this last time, the lung association has a contract with the department of human services to work with school districts as they are moving to adopt their own policies that will comply with the state rule. That was adopted a couple years ago. And what that says is no students, staff member, or visitors are permitted to sell tobacco at any time, including nonschool hours, and then it goes on to say, on school grounds athletic grounds or parking lots. Many of those school districts are travelling to Portland to play on fields here, and so that becomes a problem. Just one last thing I wanted to mention, in regards to the closing the loopholes on the smoke-free workplace law, there is a bill that has been drafted and will be making its way through the legislature this year to do that. I think that the governor has given his support with Washington being smoke-free now, and california having -- has such good success. This is -- there's a really good chance this might happen this year in the legislature. Give

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you back your -- part of that would be to give you back your ability to pass local ordinances on the issue. Thank you very much.

Marc Jolin: I'm the executive director of join, connecting the street to home. We are homeless outreach organization that works to remove people actively sleeping outside. Many times in our parks, directly off the streets and into permanent housing. I came to talk sort of generally about the smoking ban, but I have to say the direction of the conversation has gone doesn't give me any real concerns. Because I think my principle concern was a recognition that in most cases this probably is not enforceable, that the best estimates we have are that about 70 percent of the people who are sleeping outside are smoking. And they are by definition dependent on our public spaces, including our parks and the resources that are available there. It is not a choice for most people, it's an addiction, and unfortunately like with most addictions that low-income people are struggling with, there aren't the resources in the community to really support them when they're ready to stop, and many homeless people, the surveys indicate do want to stop smoking, but it's a question of having an opportunity to do so. So my hope in coming here was to look for ways to tailor the prohibition such that homeless people could be in our parks, could access the resources in our parks, even if they continue to be smokers, which so many of them are. It sounds like that is where the conversation is going right now. I will mention because commissioner Sten brought it up, the issue about exclusions. And why for us the exclusions, whether it's for smoking, or for sleeping in the park, or any other behavior, become a barrier. The exclusion process -- let me start again. The process of transitioning offer the street for someone who has been outside for a long time is an incredibly fragile one. The often takes us years to engage someone to get them to the point not just where they're financially able to move off the street, but where they're emotionally ready to make the move, where they trust us and trust the system enough to reengage and take the steps they're going to have to take to get back inside. That fragile process is jeopardized, every time there's a negative encounter with police or private security, every time that someone gets another trespassing ticket because they violated an exclusion, every time we can't find them because the park that they have historically lived in is off limits to them, they've been excluded, and we're not able to reconnect with them quickly with a house -- when a housing opportunity comes up. So the exclusion process and the connected criminal -- the connected criminal citations for trespassing, a lot of different ways become barriers to our success working with people to get them off the street. And we work with the police, with officers on the beat, we're working with clean and safe right now trying to help them understands where the tensions lie between their law enforcement objectives and our objectives of trying to get people off the street. We'll continue to do that, and look forward to the -- to participating in the process around exclusions that commissioner Saltzman is initiating.

Sten: Do you have anything you wanted to add?

Jolin: Beyond this?

Sten: Yes.

Jolin: I don't have anything.

Sten: Were you still going when you good beeped.
i'm fine.

Potter: You mentioned a number of spaces where other cities or counties have banned smoking. You mentioned some of the sports areas and so forth. Is it possible, do you have your -- a copy of your testimony that you could leave with --

Jolin: I have a lot of notes on here that i'd like to take with me, maybe we can make a photocopy. Actually what I could do is could I email to somebody and I could email actual ordinances, codes of these other communities.

Leonard: If you wouldn't mind carbon copying my office as well, i'd appreciate that.

Potter: Could you get a carbon copy for commissioner?

Jolin: Is that what c.c. means? [laughter]

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Adams: Could you deliver it with horse and buggy.

Potter: Thank you very much, folks.

Moore: We have one more person.

Monica Goracke: I'm monica with the Oregon law center. I don't have a whole lot to add. I feel like this discussion has been really helpful, and it was good to be here and hear you all talk about it.

As you know, I testified in december along with my colleague ed johnson regarding Oregon law center's concerns about renewing the park exclusion sections of the ordinance that was being revised. In particular because of the impact of park exclusions on homeless people, people who are poor, people who look different, and mark really well put all the concerns I think that we have, and i'm really excited about the work group that you're conveniating, commissioner Saltzman, and I feel like it's a great opportunity to have a very substantive and in-depth conversation about the issues that we raised and hopefully to identify some solutions that will both help people work toward ending their homelessness and also help parks brian krieg be comfortable for everybody to participate in. It seems like that's the bottom line goal. So thanks for convening a group, thanks for giving us the opportunity to participate. I hope that the smoking conversation will kind of be rolled into that process, because it does raise issues that I think mark put really well. That's it. Thank you.

Potter: We have a vote on the amendment.

Saltzman: I think we wanted to have harry auerbach respond, at least to the issues about firearms and pam arden's concerns about the exclusions. We heard testimony on the sex offender exclusion. I appreciate the testimony, that's really a matter of -- it's up to us where we come counsel on it, but there were legal issues raised about the firearms provision.

Auerbach: Thank you. There aren't any changes that are required to conform this section with the limits on what you can regulate in terms of firearms in public places under state law. By the terms of the statute your regulation simply doesn't apply to those people. If you want to clarify that, you could change the language in 050 that says the prohibitions of this section do not apply to handguns lawfully carried by persons in accordance with concealed handgun permits to say lawfully carried by persons exempt from local regulation under o.r.s. 163.173. But it's true whether you do it or don't do it.

Saltzman: Should I make that clarification? I would move that.

Adams: Second. Add it to the list.

Potter: Can we have a second motion before the first one is voted?

Auerbach: You actually have one on the table.

Saltzman: Let's vote on that.

Auerbach: You might want to do that after --

Potter: Let's vote on the first motion. Could you read the motion again?

Auerbach: The motion was to amend the proposed 2012110c to read no person shall light or smoke any tobacco products within 25 feet of any play structure, picnic table, or designated children's play area or where prohibited by a permit holder or in any other place in any park where smoking is prohibited by the director.

Potter: Please call the vote.

Adams: I'm going to add my -- this is the only vote we're taking today, right?

Saltzman: One more amendment.

Leonard: We're going to vote in a second --

Adams: I'm going to go ahead and say thank you and -- to commissioner Saltzman and the good folks in the parks bureau, and matt and the whole team in Saltzman's office for your work on this. I went through -- we went through the permitting code for major events when I was a staffer, like eight years ago, and this kind of work is really hard, and thankless, and I want to -- I do want to thank you for your work in this area. I also want to thank commissioner Saltzman for pushing on

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the smoking issue and while my heart is definitely sort of along with his in terms of wanting to do more in this area, I hope that at least with can move forward in some of these areas in as practical a way as possible. Aye.

Leonard: And I echo those sentiments as well. These are very difficult things, as evidenced by all the emails we've gotten on both sides much this issue. They're ideological goals we'd like to achieve, and there is the real world, and commissioner Saltzman unfortunately is passed having to balance ideological goals with real-world limitations, and I respect and appreciate that a lot. So this is a good product, and i'm pleased to support all of it, but vote aye on this amendment.

Saltzman: I just appreciate the comments and I also want to thank my staff, matt and deputy chief city attorney auerbach, and other people on the parks bureau, and we'll get this work group going on the exclusions, and we'll also come back prior to the next reading and maybe final vote on the issues of smoking or nonsmoking areas at p.i.r. and the golf course issue. And any other questions people -- that may come up among council members in those intervening two weeks. This has been a good process. Aye.

Adams: Thanks, harry, I forgot to thank you too.

Leonard: Since sam is getting a good night's sleep.

Adams: I've got a lot of ideas.

Sten: I also want to be redundant in thanking harry and the team at parks, and matt, and commissioner Saltzman, and the advocates that have worked on this. It's a good step forward, it's -- it makes sense, and i'm really intrigued by the idea of actually using the conversation that commissioner Saltzman started on exclusions to see how can we better connect with people as well.

And I think mark made an interesting point about, it's -- there's a population that often we're excluding that what we need to do is build trust with so we can help them get off the street. There are resource and strategies to get people off the street, and nobody thinks that this exclusion is about hassling homeless people, it's not, but those are often people that find themselves in the middle of arguments or situations in the parks, and there are better places for them to be. And I think this is a good starting point towards that. So good work in general, and excited to vote aye.

Potter: I'm going to vote aye. I feel that -- I don't want to get too cumbersome for park people or police to sort of have to go back and read a list of every time of the areas to be excluded from. It's almost making me think about commissioner Leonard's original proposal. It may be difficult to actually enforce some of these things if we have limitations for -- from being 25 feet from being from another person, people tend to move in parks. If you're sitting on a park bench by yourself smoking a cigarette with any -- the time frame of that cigarette, you may have other folks there nearby. So it's going to be hard for people to -- for the police and parks people to enforce that. So i'm going to give it some thought, but I think this is certainly a good start. I vote aye. [gavel pounded]

Saltzman: One more amendment.

Auerbach: The question is whether you want an amendment as I described to the weapons section, which is 050, to -- in place of lawfully carried by persons in accordance with valid concealed handgun permits to say lawfully carried by persons exempt from local regulation under o.r.s. 163.173.

Adams: Second.

Potter: Call the vote. **Adams:** Aye.

Saltzman: In addition I wanted to thank mark warrington, our parks security manager. Aye.

Sten: Aye.

Potter: Aye. [gavel pounded] is this the -- the rest is continued until the 24th?

Saltzman: The next reading, maybe the final reading will be on the 24th.

Moore: The morning of the 24th? Ok.

Potter: Ok. We're adjourned. [gavel pounded]

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At 3:05 p.m., Council adjourned.