



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **8TH DAY OF AUGUST, 2007** AT 9:30 A.M.

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

At 12:33 p.m., Council recessed.

At 12:56 p.m., Council reconvened.

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

Item 963 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS		Disposition:
952	Request of Pavel Goberman to address Council regarding The Oregonian (Communication)	PLACED ON FILE
TIME CERTAINS		
953	TIME CERTAIN: 9:30 AM – Declare support for a United States Department of Peace (Resolution introduced by Commissioner Saltzman) (Y-5)	36524

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<p>954 TIME CERTAIN: 10:00 AM – Adopt the Portland Recycles! Plan and direct the Office of Sustainable Development to implement its recommendations (Resolution introduced by Commissioner Saltzman)</p> <p>Motion to accept amendment that Staff’s recommendations relating to solid waste hauling and recycling for commercial customers and multi-family dwellings, contained in Chapters 5 and 6 and elsewhere in the staff report, be withdrawn, and staff is directed to report back to the Council within 3 weeks on a timeline needed by staff to develop a range of policy options for the solid waste hauling and recycling system for commercial customers and multi-family dwellings, including franchising, rate setting and developing incentives for recycling rates: Moved by Commissioner Leonard and seconded by Commissioner Sten. (Y-5)</p> <p>Motion to accept amendment that the City government currently provides public trash receptacles in the public right-of-way at various locations throughout Portland. The City will provide recycling options at these locations, subsidized by citywide solid waste and recycling revenues: Moved by Commissioner Adams and seconded by Commissioner Saltzman. (Y-5)</p> <p>(Y-5)</p>	<p>36525 AS AMENDED</p>
<p>*955 TIME CERTAIN: 10:45 AM – Authorize an Intergovernmental Agreement between the Office of Management and Finance and the Portland Development Commission for the potential redevelopment of the 10th and Yamhill Garage (Ordinance introduced by Mayor Potter)</p> <p>(Y-5)</p>	<p>181203</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Tom Potter</p> <p>Office of Management and Finance – Human Resources</p> <p>956 Create a new represented classification of Emergency Communications Support Specialist and establish an interim compensation rate for this classification (Second Reading Agenda 928)</p> <p>(Y-5)</p>	<p>181193</p>
<p>Commissioner Sam Adams</p> <p>Bureau of Environmental Services</p> <p>*957 Authorize the Bureau of Environmental Services to acquire certain permanent easements necessary for construction of the South Airport Basin Sanitary Sewer System, Phase 2A through the exercise of the City Eminent Domain Authority (Ordinance)</p> <p>(Y-5)</p>	<p>181194</p>

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958	Authorize a contract with the lowest responsible bidder and provide for payment for the construction of the Sellwood Reliever Sewer, Project No. 6244 (Ordinance)	PASSED TO SECOND READING AUGUST 15, 2007 AT 9:30 AM
959	Authorize an agreement between the Bureau of Environmental Services and Clackamas County Service District No. 1 for pretreatment program implementation (Ordinance)	PASSED TO SECOND READING AUGUST 15, 2007 AT 9:30 AM
960	Authorize an Intergovernmental Agreement for the City to partner with Oregon Department of Transportation on a stream enhancement and culvert retrofit project at Highway 43 culvert on Tryon Creek (Ordinance)	PASSED TO SECOND READING AUGUST 15, 2007 AT 9:30 AM
961	Authorize grant agreement with Southwest Neighborhoods Inc. to provide education, outreach and community involvement for watershed projects in Fanno and Tryon Creek up to \$80,000 (Ordinance)	PASSED TO SECOND READING AUGUST 15, 2007 AT 9:30 AM
962	Authorize grant agreement with Friends of Tryon Creek State Park to coordinate and purchase land adjacent to Tryon Creek State Natural Area for reimbursement up to \$20,000 (Second Reading Agenda 931) (Y-5)	181195
Office of Transportation		
963	Amend contract with Davis Hibbitts Midghall for public opinion polling and research analyses (Ordinance; amend Contract No. 37067) Motion to amend amount to \$49,000.00 and remove emergency clause: Moved by Commissioner Adams and seconded by Commissioner Saltzman.	PASSED TO SECOND READING AS AMENDED AUGUST 15, 2007 AT 9:30 AM
*964	Grant revocable permit to Good Luck Enterprises to close SE 8th Ave between Stark St and Washington St on August 19, 2007 (Ordinance) (Y-5)	181196
*965	Grant revocable permit to Good Sport Promotion to close NW Davis St between 8th Ave and Park Ave on August 24, 2007 (Ordinance) (Y-5)	181197
*966	Grant revocable permit to Neighbors West Northwest to close NW 13th Ave between Hoyt St and Irving St on September 7, 2007 (Ordinance) (Y-5)	181198
967	Update insurance requirements for issuance of variance permits for over-dimensional vehicles (Ordinance; amend Code Section 16.70.650)	PASSED TO SECOND READING AUGUST 15, 2007 AT 9:30 AM
968	Amend contract with Cale Parking Systems USA Inc. by \$365,000 to allow purchasing authority for new parking technology features (Second Reading 934; amend Contract No. 36734) (Y-5)	181199

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Commissioner Randy Leonard		
Water Bureau		
*969	Authorize an Intergovernmental Agreement with Tualatin Valley Water District for Home Water Assessment project (Ordinance) (Y-5)	181200
*970	Amend contract with CMTS, Inc. to increase compensation and extend the performance period for construction management, inspection and project support personnel (Ordinance; amend Contract No. 36447) (Y-5)	181201
971	Authorize a contract with Black & Veatch Corporation to complete the conceptual engineering design services for the Bull Run Dam No. 2 Tower Improvements project (Ordinance)	PASSED TO SECOND READING AUGUST 15, 2007 AT 9:30 AM
Commissioner Dan Saltzman		
Parks and Recreation		
972	Authorize contract with Portland Habilitation Center, Inc. for janitorial services at multiple locations of Bureau of Parks and Recreation (Second Reading Agenda 937) (Y-5)	181202
REGULAR AGENDA		
973	Refer amendment to the City of Portland Charter, Chapter 5 Fire and Police Disability, Retirement and Death Benefit Plan to the November 6, 2007 Special election Ballot to provide medical benefits (Resolution introduced by Mayor Potter and Commissioners Adams, Leonard, Saltzman and Sten) Motion to accept amendment that this is an act that will actually become part of the City Charter: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5) (Y-5)	36526 AS AMENDED
974	Clarify existing provisions and change reporting threshold for Lobbying Regulations (Second Reading 940; Ordinance introduced by Commissioners Adams, Leonard, Saltzman and Sten; amend Code Chapter 2.12) (Y-5)	181204
Mayor Tom Potter		
Office of Management and Finance – Business Operations		

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975 Repeal Resolution No. 35960 which established an interim policy for vehicle acquisition and for use of Sport Utility Vehicles by the City (Resolution; repeal Resolution No. 35960)	REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION
Office of Management and Finance – Purchases 976 Authorize a contract with Lease Crutcher Lewis, LLC for construction services for the East Portland Community Center Pool Addition Project (Purchasing Report – RFP No. 105688) Motion to accept the Report: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)	ACCEPTED PREPARE CONTRACT
Commissioner Randy Leonard 977 Establish Code to regulate sales of graffiti materials (Ordinance; add Code Chapter 14B.85) Motion to accept amendment to item D to read “The managers decision to file a complaint under subsection a, to seek sole penalty for any violation under this chapter shall be exclusive, shall be an exclusive choice of remedies for enforcement of the requirements of this chapter for those violations. In such cases, no criminal penalties be imposed under section 14B. 85.040: Moved by Commissioner Leonard and seconded by Commissioner Adams. (Y-5) may	PASSED TO SECOND READING AS AMENDED AUGUST 15, 2007 AT 11:15 AM TIME CERTAIN
Commissioner Dan Saltzman Parks and Recreation *978 Authorize contract with Lease Crutcher Lewis, LLC for \$8,280,664 to construct a new year-round swimming pool addition to East Portland Community Center (Ordinance) (Y-5)	181205

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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<p><u>WEDNESDAY, 2:00 PM, AUGUST 8, 2007</u></p> <p>DUE TO LACK OF AN AGENDA THERE WAS NO MEETING</p>	
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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

[The following text is the byproduct of the closed captioning of this program. The text has not been proofread and should not be considered a final transcript.] This is a test. Captions paid for by the city of Portland

AUGUST 8, 2007 9:30 AM

Potter: Welcome to the Portland city council. Before we begin the official part of the council proceedings, we have a time where I ask the community and the people in this room a question, and that is "how are the children and our young people?" the reason I ask that question is because I know that, when our children and young people are well, the community is well, too. Each week, we have different folks coming in to talk to us about issues that affect children and youth. This morning commissioner Saltzman has some young people he would like to introduce.

Saltzman: Thank you, mr. Mayor, members of the council. This is really exciting. We're here to introduce the winner and several of the contestants in the Portland "teen idol" contest which the city council budgeted additional funds this year for youth activities and "teen idol" was one of those activities budgeted. It attracted 266 teens all wanting to audition for the title. And these teens and their friends made up the 3000 visits to community centers for auditions, elimination rounds, and the finals held between march and june of 2007. Family members accounted for an additional 1000 visits. P.d.x. "idol" did cost the city \$22,000 out of the roughly \$500,000 that the city council did budget for extended youth activity programs in the spring budget. Majority was spent on part-time staff and marketing, experiences. Planning for next year will begin in october. Because of the success of this year, we will do it again and have a p.d.x. "teen idol" for 2008. It will begin in february. And due to its large appeal, other parks and recreation agencies in the region will be approached in the hope that they will run their own "teen idol" competitions, then entering their finalists into our quarterfinals. Before we bring them up, I want to give a special thanks to megan hope and natalie kamaniti who worked tirelessly to make this program happen and utilized the energy of 60 dedicated volunteers, including help from the rose festival association. This summer, the "idols" are performing over a dozen times at various park activities, including our very popular movies in the park, neighborhood and community celebrations at oaks park and others. Two of our "idols" are opening at the state fair, one for the rock group "heart." megan and natalie will continue to mentor these finalists. To top it off, last month the "idols" were given a chance to hear the real "idols" here in Portland. We'll now here the winner, jordan thompson, perform her winning song, "who I am." jordan is age 18. She's the winner. Leandra stanley is age 16, a junior at de le salle. Maria masa is a sophomore at milwaukie high school. Samantha hooper is 13, and she wowed all of us judges. I was a judge in the finalists, and she wowed all of us because she's 13. She's at da vinci arts school. And then josephine woolington, who is a junior at wilson high school. Jordan and the rest, come on up.

*****: [applause]

> ¶ finding my way tonight, working so hard just wanting you to see. Standing all alone, don't want to be on my own. I am who I am so please don't ask me to change. I know where I am going, and I won't be ashamed. Please don't ask me to explain. I am just so tired of this silly, silly game ¶ ¶ trying so hard -- [inaudible]. Feeling the heat. Don't make me tell you now. [inaudible] I am who I

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am, so please don't ask me to change. I know where I have gone, and I won't be ashamed. Please don't ask me to explain. I am just so tired of that silly, silly game ¶ ¶ what you see is what you get. Just get it through your head. Don't you forget ¶ ¶ I am who I am, so please don't ask me to change. I know where I have gone, and I won't be ashamed. Your rules don't apply, so please don't ask me to play. I am just so tired of that silly, silly game ¶

*****: Thank you.

*****: Yeah:

*****: Wow:

*****: [applause]

*****: Good morning. My name is josephine woolington. I live on syracuse street. I'm going to be a junior at wilson high school. On behalf of myself and my fellow "teen idol" finalists, I would like to thank the mayor and city council for giving us p.d.x. Teen "idol." it's been a great opportunity to keep teens out of trouble and off the streets and has taught me self-confidence and allowed me to get to know a lot of great people that are interested in the same topics that i'm interested in. I would also like to thank the city commissioner, dan Saltzman, for judging in the final event. I'd like to thank jeff, natali, and megan for putting the program together, and I hope that this program will continue in the future and give other teens the opportunities to i-5 had. Thank you.

*****: Hi. I'm leandra stanley, a junior at de le salle north catholic. I live on 10th avenue. First of all, I would like to thank the city council for supporting p.d.x. "teen idol" and also commissioner Saltzman for judging the final event. P.d.x. "teen idol" has not only given me more confidence in my singing but also the musical experience and a little leg up on everything else when I go to college, because I plan on studying musical theater. And i've made lots of friends, and it's just been a wonderful opportunity that I hope that other people will be able to be a part of next year and for years to come. Thank you.

Adams: I have a question for you. Was commissioner Saltzman more like randy, paula or simon?

*****: [laughter]

Saltzman: There were no simons on the judges.

*****: There were no simons on the judges.

*****: He was more like the paula or randy?

*****: He was the paula.

Saltzman: I should point out I wasn't the only judge. There were many more qualified judges like michael allen harrison, stephanie snyderman.

Adams: Thank goodness.

Saltzman: I also just wanted to acknowledge one final person, and that's our park zone supervisor, jeff milkis. Jeff, why don't you stand up?

*****: [applause]

Saltzman: He took the whole assignment and ran with it and succeeded immensely. So thanks, jeff.

*****: Thank you.

*****: [applause]

Potter: There is family here with these folks? Could you please stand up as well to be acknowledged?

*****: [applause]

Potter: That was just excellent. Thank you very much for coming in this morning. This is probably going to be the best part of city council.

*****: Yeah.

*****: [laughter]

Potter: Thank you.

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Saltzman: Thank you.

Potter: And you can stay if you wish. If you have to go, we understand. City council will come to order. Karla, please call the roll.

*****: [roll call]

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

Item 952.

Adams: Oh, my.

Potter: Thanks for being here this morning. When you speak, please state your name for the record and you have three minutes.

Pavel Goberman: My name is pavel goberman. I live in beaverton, but my complaint is one business named "oregonian" newspaper which do business in Portland. I'm official [inaudible] 2008 election against gordon smith. Our nation cannot win war in iraq. About 3670 soldiers died there. 27,000 wounded. 2000 had amputation. United states congress does an action against weapons of mass destruction in iraq -- iran. I'm sorry. Traffic also create a danger to our national security. In united states government is bribed by the corruption and political prostitution. [inaudible] is a domestic natured factor in election, and I blame for us the media us, "oregonian." the media promotes political prostitution and is why smith get elected. That create our problem. The media -- [inaudible] -- it very hard work. He ask the people to buy -- [inaudible], and the media start to pay back. They start to do everything to block my election. On july 30th, you see articles in "oregonian" names a few candidates and not candidates for the u.s. Senator was this, but no picture of me. No one wrote about me. It is not first time "oregonian" does it. It's not way to run business. It is intentionally discrimination against me. It is federal crime. The "oregonian" under the law of -- [inaudible] communication, equal opportunities. "oregonian" -- [inaudible] -- for the media. I'm asking city Portland to suspend or revoke temporarily the business license from "oregonian." it is possible. Let's do it. And, second, many years ago, I gave proposal to city of Portland adapting my fitness program named get exercised. I promise to safety up to 50% on medical problem. No reply. I'm sorry for -- [inaudible]. Now again I give my offer. I'm 70. I have no medical problem. Again, I gave my offer to mr. Beyer -- jeff beyer -- but no reply. Not very good management. Ok. Do you have any questions?

Potter: Thank you, mr. Goberman.

Goberman: Thank you.

Potter: That was the only communication? Ok. We'll move to the consent agenda. Any commissioners wish to pull any items from the consent agenda? I think you wish to pull 963.

*****: Right.

Potter: Ok. That's been pulled off the consent agenda. Any others? Anybody in this room wish to pull any items from the consent agenda? Please call the vote.

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

Potter: Aye. We'll move to the 9:30 time certain. Please read item 953.

Item 953.

Potter: Commissioner Saltzman?

Saltzman: It's fitting to discuss a resolution regarding peace this week as it is the 62nd anniversary of the use of nuclear bombs on the cities of hiroshima and nagasaki. The bill to create a department of peace is currently pending in the house of representatives and is co-sponsored by Oregon representatives peter de fazio and david wu. The department of peace, if created, will develop new programs to address the challenges of violence both abroad and domestically. While many in our nation are currently focused on the need for international peace, we also need to focus on the need

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to build peace and to create nonviolent means of conflict resolution internally. The department of peace will increase policies that promote nonviolent intervention and peaceful resolution of gang violence, child abuse, school shootings, and domestic violence. Supporting the proposed department of peace is essential to reduce domestic and international violence and to shape a more stable society. In the united states right now, homicide is the second leading cause of death of young people age 10 to 24. In the united states, 5.3 million women are abused each year. Over 28,000 of those in Multnomah county alone. These are just some of the grim statistics outlining the lack of peace and the need for nonviolent conflict resolution in our country. The proposed department of peace and nonviolence will benefit the city of Portland by encouraging the development of initiatives from the community, its religious groups, and its nongovernmental organizations which ensure greater community involvement in peaceful activities, thereby creating a stronger, healthier society. So I'd now like to invite up our invited panel, and that is Ken Bryan and Jackie Satchel of the Peace Alliance and Reverend David Alexander, senior minister of New Thought Ministries of Oregon.

Jackie Satchel: Good morning. I'm Jackie Satchel. I'm a native Portlander. I've lived abroad, and I've always come back to Portland, and I want to express my deep gratitude to Commissioner Saltzman for stepping up to sponsor this city resolution in support of a U.S. Department of Peace and Nonviolence and to Mayor Potter and to the rest of council. I witnessed amazing transformation here of Portland during my 55 years. We are in a major process of evolution humanity. Times have changed along with our technologies, and we must ask ourselves if we really have the capacity to make crucial change or will change occasionally incapacitate us. Are we willing to rise? Rise above outdated modes of being that once had us thriving on the principle of getting there first at any cost, staying at the top of the heap? But it's now shifting to embrace a new paradigm of getting there together. I believe we can. I believe we are. And I believe we must. Our technology has created a complex interconnected and interdependent global society that demands it. It's time we catch up. It has never been so true that what we do to others we ultimately do to ourselves. Not in some distant future but in realtime. This awareness is alive in Portland and is growing across the U.S. in cities and around the world. The international aspects of a U.S. Department of Peace embraces the recognition that many of our old ways of being on which our policy has been born has perpetuated much of the violence and disease that we encounter at home and abroad. We know longer have the luxury of being disconnected from the results of our actions or insulated by distance. It's far too expensive a strategy for the U.S. And for the rest of the world as well. Today many countries are looking to the U.S. to step up, to elevate the principles of cooperation, collaboration, community, and partnering to create a framework and infrastructure for peace. A national vision for a hopeful global future, which is based on equality, sustainability, and justice. These principles are alive in our cities. Cities like Portland, Detroit, Chicago, Atlanta, San Jose are the lifeblood of the nations where the policies that make vision reality are most evident in free exchanges of ideas, talents, and commerce to the benefit of the whole community, giving it its soul. It's the soul of the cities, the vision of the people, the inclusiveness of the civic life that brings hope into the nation and the world. Portland is home to a sophisticated network of organizations working for social change, peace and justice, and from its seeds sown here over a generation ago, that possibility is flowering now. Today I ask you to vote for sponsorship of this Portland city resolution in support of a U.S. Department of Peace and Nonviolence to serve to inspire our citizens, motivate our public servants, and bring a sense of hope that our neighbors and a practical framework for peace building in this generation and for generations to come. Thank you.

Ken Bryan: I'm Ken Bryan. Good morning. I also want to thank Commissioner Saltzman for presenting our resolution to you and sponsoring it and to the other council members. I'd like to speak to you briefly a little bit more about the domestic agenda of this bill. As I'm sure you're aware, criminal and domestic violence places intense financial pressure on city, county, and state

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governmental budgets. For example, according to the American Correctional Association, the mean cost of incarcerating a youth is \$140 a day, and that's \$4200 per month per individual. In fact a recent World Health Organization report estimated the cost of interpersonal violence in the U.S. At \$300 billion per year. This is excluding war-related costs. So it's obvious there's a huge financial incentive for reducing violence in this country, and yet our current domestic and international policy-making tends toward reactive and not proactive approaches to violence reduction. The United States should be as effective in -- the United States should be as effective in addressing the source of the violence as we are in addressing its symptoms. The department would develop policies and allocate resources to reduce the levels of domestic and gang violence, child abuse, prison recidivism rates, and various other forms of societal discord. It would provide funding to create and expand proven domestic peace-building programs that are already in place in some of our communities. Such as mediation training for police, firefighters, and other emergency service personnel. Alternative dispute resolution techniques. And to me personally, as the father of a 10-year-old, more importantly it would create curriculums that teach peer mediation and nonviolent communication to our school-age children. Through the springboard of the department of peace and nonviolence, effective citizen and community-based programs will be identified, funded, expanded, and made available to communities all across this nation. With programs such as the Children's Investment Fund, Portland has been the leader in peace building. It's time to give programs such as these the state funding and institutional heft they need to be as effective as possible in reducing the root causes of violence in our communities. With your vote in favor of this resolution, Portland will be taking the lead once again toward building a culture of peace not only in this city but across this country and in the world. Thank you.

David Alexander: Good morning. My name is Reverend David Alexander, senior minister New Thought Ministries of Oregon. A bit challenging for me to speak in under three minutes but, as a minister, I'll do my best. Delighted to be here this morning with these folks presenting and bringing the spiritual principles and the faith-based perspective on this legislation. I think it's very important. There's a leadership saying that says, if you do what you've always done, you'll continue to get what you've always got, and that is exactly what we see in the world today in terms of our peacekeeping efforts, and we call our law enforcement and our military and our national guard peacekeepers. However, I believe that peace cannot be kept where it hasn't already been cultivated and nurtured. And that is what I believe this legislation is about is about the nurturing and cultivating of the consciousness of peace within all of us and the principles of nonviolence and peace that allow us to actuate that within our communities. As a member of the faith community here in Portland, as a leader in the faith community, I represent a large growing body of people that are everywhere wishing to create a better world. We claim for ourselves that social change lies within the individual consciousness and that, as we change ourselves, so the world changes. I believe that, for me, this legislation is about understanding that peace is not just about us. Peace is not just the absence of something. Peace is the presence of something. So it is not just the absence of war or conflict or domestic violence. It is the presence of a harmonizing good, an enter collaboration and respect for fellow humanity that only comes as we cultivate that understanding through learning ourselves and with each other about these principles. The faith-based community, along with the things that Ken and Jackie have mentioned, can cultivate that awareness within our children, within our schools, within our communities, within our families, and that is what this is about as we learn to realize ourselves that our children depend on our evolution, that it's time for us to again not just cultivate the absence of something but to begin to cultivate the presence of something. That's what this resolution is about. Our spiritual community has done this work through our support through things such as the Season for Nonviolence which supports the nonviolence principles as taught by Gandhi and Martin Luther King Jr., which has been adopted by the United Nations as a global project for the last 10 years. Our interfaith collaboration with other

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faith communities in the local area. Our work with shareef abdullah and the common way institute here in Portland and his work on deep identity, getting to know each other and understanding our interconnectedness. These are only a few small projects we have taken on and that can be enhanced and spread throughout not only the Portland community but all communities as we take this important step towards supporting peace in our lifetime. Thank you for your time.

Saltzman: Thank you. That completes the invited panel.

Potter: Do we have a sign-up sheet? How many people have signed up?

Moore: Nine people have signed up.

Potter: Ok. Please call the first three.

Moore: [names called of those testifying]

Potter: Folks, when you speak, please try to keep your remarks brief, and state your name for the record, please.

Martha Perez: Hi. Good morning. I'm martha perez, and I reside at 920 northwest kern street, number one 10, Portland, 97209. And i'm here today in support of unanimous resolution of the department of peace. I think it's a great concept, and I recently went to a debate in canada, and we brought up the whole issue of department of peace. So you'll get a lot of support if you pass it. And just looking at the teenagers singing today, i'm all for that. I'm all for the young people and for maintaining peace. I'm a consumer, and i'd like to see more of our products based on peace rather than -- you know -- oppression of employees and stuff like that. I also speak here as a mother of a teenager at lincoln high school, and I can tell you that it seems every day the military recruiters want to come in and take our kids away. My daughter's into photography, and I think it's refreshing just to see that inspiration come from young people such as that. So without further ado, my utmost respect on all the work that you folks are doing, and so we need to keep the pressure on congress to continue pushing for the department of peace which I just recently came back from Washington, d.c., and I can tell you there's a lot of activists right now, and it's an exciting time in d.c. So this would be a great time for it to happen. Thank you.

Hans-Michael Vermeersch: Hans michael vermersh, 25th place. The last time I sat in this chamber was shortly before the start of the iraq war, and I listened to three hours of testimony almost exclusively in favor of commissioner Sten's resolution opposing the policy of preemptive war. Commissioner Leonard, your first comments seemed to speak in favor of that resolution, yet you said at that point you hadn't heard enough and you voted no. And the next couple years, I really couldn't listen to you anymore. But who knows? Maybe in the next campaign, I might be a volunteer. Commissioner francesconi, who stated his opposition to the war, voted against the resolution, saying that it wasn't the council's place to vote on something like that. He's gone, and I hope I don't hear that argument today. Mayor katz voted in favor of the resolution. Commissioner Saltzman, you weren't here. The vote was 2-2. The resolution didn't pass. Thank you, commissioner, for bringing this resolution today. The cliché is the best defense is a good offense, yet we've already spent a half a trillion dollars in iraq. The congress just passed one of the largest pentagon budgets since the end of the cold war. For the sheer economics of it, we need a department of peace. Portlanders will be better served by investing it in peace at home as opposed to outsourcing wars abroad. I urge you to support this, and I thank you for listening today.

Kathleen Pequeno: Hi. My name is kathleen. Ken yes, and I live in northeast Portland. I decided to come to city council today because today is the 22nd anniversary of my brother's murder when I was 15 years old and he was 20. So for much of my life since then, I found ways to work to prevent violence and, as part of that, i'm here today to ask you to add Portland to the list of cities that will sign onto the department of peace. My brother's murder was unique in that it was politically united, but it unites me with all sorts of people across the country. The experience of losing loved ones to violence is far too common on the national level, the state level, and also here in Portland, and it's why we need more national work and national leadership for peace. Now, part of why i've come to

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call Portland home is that peace work is part of the fabric of our city. Shortly after I got here, I got involved with the domestic violence program that's one of the oldest domestic violence programs in the country. We have programs of all sorts that do antiviolence work in the city developed by Portlanders, including the newer program I volunteered with that supports family members -- grieving family members -- of murder victims, focused in the african-american community. We host all sorts of programs, international relief work, sister city programs. Portlanders, we keep ourselves busy working for peace. And the department of peace proposal carries potential for funding local peace work in a way unlike any we've seen. With the cabinet level position that directs and more importantly funds this work. I'm asking you to support this legislation down the road because it has the potential to add resources to the many extraordinary home-grown organizations working for peace and antiviolence in Portland. And I do want to say that i'm sure there will be folks that say something this ambitious can't happen because it doesn't already exist. I encourage you to dismiss that kind of cynicism for what it is, which is fear that we actually can't have a better world. Our local commitment shows that we can develop programs that change our country, and I do think this is going to take a while to pass. I would be proud again to be a Portlander if we could say that we had signs on pretty early in this process, and I do want to thank commissioner Saltzman for sponsoring this and for all of your service to Portland. Thank you.

Moore: [names called of those testifying]

Potter: Folks, when you speak, please state your name and, if you could, keep your remarks brief. Thank you.

Mary Ryan Hotchkiss: Mary ryan hotchkiss. Thank you. I worked many years in the high-tech corporate environment at tektronix and xerox as a scientist and manager, and when quality was identified as a key value, it was emphasized that we needed to establish a department of quality that reported in at a high level in the organization to do research, training, and work with the other departments to reach those quality goals. To emphasize our value of conflict resolution and nonviolence and peace in our community and city and country, we need to establish a department of peace that will work towards the goals of nonviolence and conflict resolution. I encourage you to pass the resolution that says Portland wants to work in this direction. Thank you.

Tam An K Tran: My name is tam antran. I live in north Portland boulevard or north willamette boulevard, Portland. And commissioner Saltzman, I would like once again to publicly thank you for introducing this resolution, and i'm glad to be here. I'm here for a couple of personal reasons but also as an increasingly active member of the Portland committee for the department of peace campaign. I have -- I spent -- I was in israel during the time that the united states was involved in defending kuwait against saddam hussein, so I experienced some of the fear and apprehension and the effects even on children of the war and the bombing. I also, for nearly two years, worked as a volunteer for the v.a. Hospital here in Portland and in vancouver. And from september to just a couple weeks ago, I was very much involved in working with veterans who were suffering from mental problems and hearing their stories and seeing their determination to overcome these problems, I experienced some of what it's like to really be in combat and having to return and resettle in our society. So I am particularly interested in finding alternative means to war, to help to get at that grassroots of the problem and rather than just stick bandages over and hoping for the best. And the grassroots the department of peace would help in that. As has been stated in bringing conflict resolution education to our schools, establishing an academy of peace, and doing research. So this is why I am in favor of seeing some real concrete action to get at the grassroots as well as resolve the violence in this country. Thank you.

Inger Easton: Good morning. My name is inger easton. I live on 94th avenue, southwest Portland. I grew up in europe and in the postwar times. My mother was one of the malnourished children that was sent to sweden by the red cross. My father's family harbored many jewish families. So I grew up with a great awareness of the cost of war. And in the '80s I came to the

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united states with a lot of ideals -- you know -- the new age and all that, and I married a man from here. Unfortunately, he was a victim of the vietnam war, and he committed suicide of posttraumatic syndrome. I now have a son in the marines who is on his way to iraq. I have personal experience of the costs of war. My personal reaction was to develop a much better understanding of peaceful ways of resolving conflicts. I am a graduate student of the p.s.u. Conflict resolution program. I am a member of the new thought church, a member of many peace activist groups, and I am really excited to be here with all these people who are so actively thinking about peace, because peace is a way of being, a way of thinking, a way of acting. War is not acceptable. That is not a useful solution to conflicts. Conflicting will always be there, but there are so many ways of resolving it in a different manner, and so I would like to see more and more emphasis on this different attitude, different way of thinking, different way of acting. And I know we can do it. I've seen it in small scale, and I know it can be done on a bigger scale, too, and I would just love to see a department of peace. And the initiative here in Portland would be one of the ways to get it started. Thank you for this opportunity.

Potter: Thank you.

Moore: [reading agenda item]

Potter: When you speak, please state your name for the record.

Lynn Mystic Healer: Hello. My name is lynn mystic healer. I know. Long story. Partly comes from war. I grew up in the military. My dad was gone. I started baby-sitting the children in military families when I was 10 years old and taking care of the mothers and the children. And the stress and anxiety of the women and children that are involved with the military is -- and this isn't in hand to hand combat on our own territory, so I have so much empathy and understanding and sadness for what's happening in war. They don't work. I'm a member of veterans for peace. My two older brothers -- my older brothers, marines, army, and navy -- my navy brother's dead. My two older brothers are walking dead from vietnam. The care and the situations that are -- war has got to stop on the planet. It's really time for peace and development and new-age services and situations for people who understand that there is other ways to develop world sports for the anger and angst in the young boys, to spend more time and money and thoughts on world sports and other humanitarian services and what have you. In fact, i've written a book, my third book. It's called "spiritual 911 healing handbook." it's a five-step process. Instead of c.p.r. I have a back ground in healing arts for 33 years in nursing. Anyway, you can check out my web site. Think third book is called "spiritual 911 healing handbook." it's a five-step process, and it will help all to unite. We all have a soul energy vibration. It's like a soul internet service. We all have it. We have I know in err guidance connection. It's how to take time out for anyone. Help your brothers and sisters who are upset. Take some time out. Teaches them how to go within and get a higher realm answer. We can bring in more love and light and help each other let go of negative, hurtful thoughts and feelings. "spiritual 911 healing handbook." help me get it to the social services. It's already written. It's already been used for domestic violence, jails, hospice, homeless, and anger management. Reservations and spiritual centers and wellness centers. It works. I've already got two stories on how it works. So it's a five-step process. Activate it, use it, and everything will shift and will bring in more love and light. Thank you. Love is the answer.

Cherie Holenstein: Cherie lambert holenstein, 614 southeast steele. If i'd written three books, I wouldn't need to write a speech. Throughout history, there has been a following and attraction to violence. In our times, witness the violent movies spinning out of hollywood that may have a copycat effect, thus creating more of same. The video games where the winner is always the one who shoots, maims, kills the opposition. Christopher hedge's admission in his book, war is the force that gave us meaning, at testing to that the a can -- attraction for some. "battling the hard man" courageously sub titled notes on addiction to the pornography of violence. That's in the latest "harper's magazine". I just read that. It's an excellent article. We teach our children not to talk to

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strangers, to beware of strangers, but the majority of culture of violence done to our children is done from people they know. Our children of the world daily receive violence from strangers through war and the daily commonness of horrendous poverty. Our children are familiar with the words "the rockets red glare, the bombs burst city in air" than they are with "amber waves of grain and crown thy goose with brotherhood." they're more familiar with fear, taught daily, than they are with hope. The problem are working toward a department of peace is not one of technology or technique, which we have an in abundance, but of the democratic, political will that must be nourished with hope and peace and justice and equality for all. Thank you to the folks who brought us to this position today. Thank you for all of you in the city council who courageously brought this forward. And thanks to dennis kucinich whose spirit has to be here.

*****: Think peace, love, light.

Moore: That's all who signed up.

Potter: Ok. Thank you. Any other discussion from council? Please call the vote.

Adams: Well, I don't think i'm capable of adding anything more to the very articulate testimony that we've heard this morning, so i'll just say "thank you" for being here and thank you to commissioner Saltzman, and i'm very happy to vote aye.

Leonard: I really appreciate the resolution and the support of it. I hope, if a department of peace is created, it focuses on real initiatives to go to the heart of what people conflict over. And in my understanding of history, particularly in the 20th century and this century, most people would agree the genesis for a lot of war is energy, petroleum. And if we took the money that we spend for defense -- when I say "we," I mean in the world. If the world spent the money that it now expends on defense and arms and created projects for not just their own country but for other countries, particularly on the african continent that harvested solar energy, wind energy, and desolemnisation projects for air, countries who now live in poverty, the angst and the need for more energy would evaporate from the citizenry, and I think would actually create the foundations that all of us want, which is peace and good coexistence. Given the proper resources and authority to kind of change the paradigm in world relations, I think we have the current technology to be able to do this but not the will. Thank you very much. Aye.

Saltzman: Well, I want to thank the members of the peace alliance for approaching our office a while ago about bringing forward this resolution. I think it's a very noble cause, and I hope there will be a day when we can look forward to a department of peace and nonviolence at the federal level because, as we all know, violence permeates every aspect of domestic activity. And a big focus of our international activity as well. And we need to make it a cabinet-level focus on how we can address these issues. So thank you, and i'd be remiss if I didn't declare that we were also brought a cherry pie by the peace alliance. I think that had something to do with my office's excite, and enthusiasm for bringing this forward. So thanks for the cherry pie. Finally, I just want to thank my staff, sheila pete who worked very hard with the peace alliance to draft this resolution and also shannon callahan in my office. Thank you. Aye.

Sten: I do appreciate you bringing this forward, commissioner Saltzman, and the activists throughout. I certainly do support a department of peace and I think the war we're still in unfortunately was predictably going to go this way but at the time was very, very hard to see. Once a drumbeat starts for war, there's a lot of calls for patriotism, manipulating arguments with the danger we're in. Those kinds of arguments are both important and real and very hard to get people to dissect, particularly when you don't have access to the information that's being used to justify a case for war. I do think this approach is one of trying to set up a different structure before those arguments start so that there is a cabinet-level access to the information that citizens need. These arguments are being made and different approaches can at least be argued. I think it is a lot more than just sort of a throw-away argument. It's a thoughtful approach to structurally saying how can we lessen the chance that we ever go to war and particularly go to war underlies, false pretenses,

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and fear mongering as we did this last time around to a tragic, tragic cost, the end of which is not nearly here. Aye.

Potter: I want to thank commissioner Saltzman and all you good folks who came in to testify today.

If I had two suggestions for this new department, the first would be to take money from the department of defense and place into programs in the united states that addresses the violence in our homes and on our streets. The second suggestion would be to ban the sale of all technology -- war technology -- arms, tanks, and aircraft to other countries so that they will make it more difficult for them to initiate conflict as well. So I want to thank everybody, and I also wish you peace. Aye.

*****: [applause]

*****: Yay, Portland:

Potter: Thanks for being here, folks. Please read the 10:00 a.m. Time certain item 954.

Item 954.

Saltzman: The city of Portland is internationally known as a leader in recycling, green building, energy efficiency, and of course biofuels. At 63%, we have one of the highest recycling rates in the country. But like most cities in this country, we also see that our waste continues to grow. We are generating more waste per capita even though we're recycling more waste. So it's time for a change. We need to give Portland residents and businesses more opportunities to reduce their waste and to recycle more. We need to offer better services, more convenience, and support and collect a broader range of the materials still going into the trash. Portland residents are eager for these improvements. In fact we think that recycling is probably one of the most common activities people think of when they're doing something for the environment. It's putting their recycles out at the curb. We received nearly 6000 responses in the draft plan with 74% in support of the goals and strategies we're proposing, so folks really do care about this. This process started over a year ago, and I want to thank the waste professionals, the business owners, citizens that participated in the extensive shareholder meetings we hosted. Their efforts produced a plan that will propel us toward achieving 75% recycling rate by the year 2015. It will also make the solid waste and recycling system more sustainable. The strategies outlined here will reduce global warming impact and energy consumption. We'll also get improved air quality from emissions on collection trucks. Recycling and waste prevention makes good business sense, too. We recycle almost \$90 million worth of materials in this region each year, and recycling creates six times as many jobs locally as sending waste to a landfill. In other words, the benefits to enhancing our recycling program are both environmental and economic. The changes we're talking about will take all of us, residents, businesses, and the solid waste industry and government to achieve the ambitious goals set out in the Portland recycles: Plan. We'll be asking more from the business community, and we're prepared to help through education and technical assistance? New recycle mandates and phased-in enforcement are needed to achieve the higher levels. The plan sets an interim business recycling goal of 68% for businesses to reach by the year 2010. If this approach doesn't reach that target, the city will need to consider restructuring the commercial hauling system and rate setting to encourage expanded recycle services. The proposed plan contains neither of that it continues to rely on the free market. I'm excited about the changes in the plan, and i'll turn it over to susan anderson, the director of sustainable development the office and I believe bruce walker and babe sullivan also coming up to give us some of the specifics of the plan.

Susan Anderson: Good morning. Susan anderson, director of the office of sustainable development. With me here is bruce walker, the solid waste management program manager, and baby sullivan who did most of the leading staff work on the plan which resulted in more than 6000 people involved in the development and actually commenting on the plan. I think we have an opportunity to show the rest of the world that we can improve the environment. We can address global warming. We can create local jobs, and we can actually save money for Portland residents

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and businesses in the long run and that we can do it now. Bruce will do a brief overview of the plan recommendations, and then the three of us will be available for questioning.

Bruce Walker: I'm Bruce Walker for the office of sustainable development. Mayor, council members, we're going to step through the highlights of the plan. Portland is a national leader in the recycling field, but what we've seen is, the bad news, full, is that while our recycling rate is high, we're buying more stuff and throwing more away. Total garbage and recycling together have gone up 44% in the last 10 years, and we've reached a recycling plateau. We've not increased the recycle rate. When we take a look at the garbage right now, we can see that there are large portions that stand out that are able to be recovered. 26% primarily paper, 20% is the C and D, the construction waste, and 29% the food scraps all able to be composted. So it's really only a small portion that needs to be disposed of and sent to the landfill. Last year city council directed us very specifically to take a look at the range of items that we mentioned here in terms of the setting forward a plan over the next eight years. We held more than a dozen meetings with key stakeholders from the community, residents, and businesses, advocacy groups and garbage haulers. We announced the draft plan on May 1st, and it was mentioned earlier 5900 -- over 5900 written comments were received from the public and 74% of the respondents felt that our recommended changes were about right. So what's in the plan? For residences, recycling carts will be -- are proposed to be delivered next year, one for recycling, one for yard debris. Residents can put all their recycles in one cart, just keep glass on the side in a yellow bin. Residents can recycle more materials finally. They can put in the yogurt and margarine containers that they've been clamoring for for years. And they can put more yard debris in a new cart. Over 80 1% of the survey respondents support the new recycle carts. Phase two, in a couple years, we're looking at moving to adding food waste to the yard debris cart. Composting has many benefits in reducing waste, but it also reduces methane generation. When food is landfilled, it generates methane, which is a very powerful global warming gas. We're taking a look at moving at that time, in a couple years, to every other week garbage service because we're going to be diverting more recycles, more of the food wastes and yard debris. So that's the time we will look at making another big shift, and we will come back to you and report on that. You may be wondering what's the cost of the carts. We're looking at \$2.60 per month for most residents. But customers who take full advantage of the new recycling opportunities and produce less garbage can avoid a cost increase by switching to a smaller garbage can. And phase two, monthly costs are not expected to increase for most customers. With these residential changes, we expect to recycle 24,000 more tons than we do today. That's a 33% increase so a big step up in residential. For businesses, there's a great deal of interest, I realize, on the residential side, but on businesses, many people don't know that three-quarters of the waste in the city of Portland is generated by the business sector. This plan will raise the bar for business. Currently businesses are required to recycle at least 50% of their waste. They're doing a good job, as we mentioned. We already exceeded 60%. But we intend to work with businesses to improve the recycle practices and meet the 75% recycle goal. We talked earlier about what's in the garbage, so those things will be the focus. The largest food generating businesses will be required to have their food scraps collected separately for composting. All businesses in Portland will have to recycle all their paper. And construction jobs will need to recycle 75%, primarily wood, metal, cardboard that are generated on those sites. This plan means businesses will need to meet higher expectations. The actions for business that were considered included three types of systems. We recommend that the new recycle requirements for businesses be provided in the current competitive system. An open market system if you will. Businesses would continue to choose their hauler, negotiate prices, and customize collection service. The over 50 private hauling companies will continue serving the business community and will track the progress made over the next two years. If businesses have not reached the 68% recycling goal by 2010, we recommend that you reconsider some of the other options, either the rate setting or franchising approach. I want to step through briefly how we

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intend to phase in some of the enforcement of the new recycling requirements, because there's been some concern raised lately about this approach. During the first year, the city will work with businesses to let them know about the new requirements and what they can do to improve recycling systems. We will often assistance to make sure that they have the information needed to succeed and expand their programs. Later that year, we'll check in with some of the largest businesses, asking them to show us how they're recycling their food scraps, paper or construction waste. Starting in 2009, we may have to take enforcement actions against businesses that refuse to recycle, including penalties, if necessary. Now, that's not how we're going to walk in the door, emphasizing the penalties, but we will work with the larger sources of food, construction, and paper waste to ensure they're doing a good job. Only those companies that actually refuse to be involved to make a good-faith effort to improve their practices would receive a penalty. Examples. They won't recycle. They won't even start a food waste program. They're still dumping large amounts of paper in the trash, say, from an office building or they're doing large construction projects and are still choosing to dump construction waste materials in the trash instead of recycling. Again, if these steps fail to bring the business sector up to the 68% recycling by 2010, we would recommend you consider some of the other options of how the entire system is managed. Of course we're going to continue to work with our haulers. We want to make sure they can offer every business customer a service package that will help the lot businesses recycle more and meet the 75% goal. We'll expand the use of biodiesel, the b 20 that the residential fleet has switched to earlier this year. We're proposing next year that the entire fleet, the commercial haulers, also use b 20. And we're working with metro to develop a funding mechanism to develop emission control filters that would capture more of the tailpipe pollution for both residential and commercial trucks and put that into the system. Finally, we'll have a goal -- a higher goal -- for what we can do in city government. We need to walk the talk, as your offices have all been recognized with the blueworks recycle award. We need to make sure we meet and exceed all the requirements for paper, food, and construction waste. We'll set a higher goal for recycling in the city of 85%. We'll develop waste prevention targets and work with dedicated staff to develop the program within city facilities. The next steps we have for you, after today's hearing, is to return to council with any code changes that would put into action our plan, and we would look to begin implementation of our program next year in 2008. Thank you.

Saltzman: Thank you. Open for questions. We have a couple of invited panels.

Adams: I have some questions. Did you do a carbon footprint analysis of the various options? 'Cause I think you say very eloquently in the opening pages of the report that waste is not only about landfills but also about energy, environmental health, local jobs, and reducing carbon dioxide emissions and other greenhouse gases that create global warming.

Anderson: We looked at the methane generated at landfills and how we could impact that. Also we have looked at the amount of trucks that are out on the road, and we do understand and want to point out that, if we did have a franchise, indeed we would reduce the amount of fuel use probably by about 30%, which would have an impact on carbon dioxide emissions. But by going to biofuels and some of the other things, we'll also help mitigate that.

Adams: My other question at the outset is the last "be it further resolved." would you, commissioner Saltzman and susan, entertain a friendly amendment that we would get an annual report on progress as opposed to waiting till 2010 on meeting the goal specified in the Portland recycles: Plan? Thanks.

Potter: Other questions?

Anderson: We have the first three people who would like to make some comments, katie daily from recycling advocates, mark easeland, and michael lord from the double tree hotel.

Potter: When you speak, please state your name for the record.

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Katy Daily: I'm katie daily from recycling advocates. I'm a board member. Recycling advocates was formed in 1987. It's a citizen-based grassroots group dedicated to creating a sustainable future through efforts to reduce, reuse, and recycle. I was also a member of the commercial stakeholder work group, and I will talk a little about my experiences with that group, but I want to overall address the plan. First of all I want to commend city staff. They did an excellent job of incorporating citizens and incorporating the various interest groups in being a part of the process and the high amount of outreach they did once they developed the plan I think was indicative of the 6000 comments that they got from the public, mostly in support of the plan. So I want to commend them on the job they did. Recycling advocates is fully supportive of the goals of the plan. We would prefer obviously a decrease in the waste stream, but we understand right now we're at a situation where we have to level it off. I think the first draft bruce put up was showing we really have a problem we need to address as far as the amount of waste that we're generating. And support the prevention methodology laid out in the plan. I will comment on both the residential and the commercial. I will say supporting the residential plan -- you know -- there's a lot more to the commercial plan I think that we need to address. But I want to make sure to stress that the second part of the residential plan we think is very important in order for it to be successful. We want to wake sure it isn't just the phase one portion of the plan that gets implemented but the phase two implementation of the weekly yard debris, the composting, and phasing us back to an every other week system will be necessary for us to middle east the goals that we want to residentially. I will say that we have received some comments from people who are already doing a good job that feel the size of the single cart may be a little bit big for their yard, et cetera, and would like to have multiple options available for their recycling, but I think that that's something that you can work out a little bit later. We definitely support the big roll cart and think it will make it a lot easier for people knowing they don't have to sort separate and will be able to do more recycling. I also want to comment about multiuse residences. I think we need to make sure that, in any multi-- excuse me. Multifamily residence, you want to make sure that they have the same options as any other residential customer. And I think people want to do the right thing. And right now they're limited because of the limits, because they're under more of a commercial scenario. And so a lot of people, I think -- I think that part of the plan that brings the multi-residential families into more of regular residences is a good part of the plan. Focusing on the commercial, my experience with the commercial solid waste group was a little bit frustrating. There are a lot of goals laid out at the beginning of the process by commissioner Saltzman and I think the council, and i'll read those goals. It was to reduce possible fuel use and emissions, to improve human health and safety for workers, to avoid environmental impacts from toxic waste and greenhouse gases, to reduce the per capita waste generation, to garner higher recovery of recyclables, to a chief higher level of participation by both haulers and businesses, and reduce collateral impacts such as noise, traffic, road wear and tear. Unfortunately I don't think we focused on all of these goals, and we really quickly went into a debate about franchising, and people were very entrenched from the beginning. And it took until the final meeting that we had -- and we had six two-hour meetings, where there were actually some good ideas that started coming out, and it was too late in the process. I think staff did a really good job of taking what was there, but I will say that we were excited to see one of the options being a full franchise system for the commercial sector, and we will still support the plan if it is clear that, in the future, if the commercial side -- if businesses are not meeting the 75% goal that we will move to a franchise system. I will say that franchise system addresses all of these goals, and i'm not sure that the recommendations that are in place to keep the status quo but with more enforcement, et cetera, addresses everything. Especially the reduced collateral impact such as noise, traffic, road wear and tear. It was mentioned that we could reduce, I think, the fuel consumption by going that a franchise system by up to 30%. Well, that's because of the efficiencies of a franchise system which impacts a lot of these other collateral impacts such as not having four

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different haulers service one corner in the middle of the night like they do. Northwest Portland, I know, has a lot of complaints that come out of the amount of garbage haulers that service that area. And nothing in the plan is going to necessarily change that. But overall, I understand the concerns that the business community has on trying to keep a free market system. But I think it's imperative, if we do stick to that system, that we do fully support and fund the enforcement mechanism. The way it works right now, there is no incentive for the haulers to do any of the enforcement because they want to keep their customers. It's a free system, and they don't want to lose the customers they have. The city doesn't have the staff right now to do the level of monitoring enforcement to be able to keep the recycling levels up. As Bruce said, that's a really key piece of the plan to be able to make sure that we staff that side. We get a lot of complaints about a number of large institutions. The rose garden rose garden for one was a complaint that we received. We don't have the opportunity to do the research. That's something that the city should be doing research on complaints about the lack of recycling facilities, especially in public facilities. And right now I don't think that staff necessarily has the ability to do that. We will support the plan as recommended but would like to make sure that we do look at going to a franchise system if the goals that are laid out are not being met and that we make sure that we fully fund and staff the enforcement side of the equation. Thank you.

Mark Edlen: Mark Edlen, Portland, Oregon. I'd like to thank you for bringing this topic to the city council. We're a local-based company here in Portland. We have a stated goal of trying to create buildings to generate more energy than they consume and produce and consume more trash than they produce over the next five years. We really think recycling and sustainability is a big part of this. We've been frustrated that the marketplace has not necessarily compensated us for our efforts, we think this is the future. We think we should show the way nationally and internationally how to do it. We believe recycle is a relatively easy step. We view it as low-hanging fruit and think it's relatively simple to move forward with it. Some of the things we've done is to recycle roughly 95% of our construction debris. We've been doing that for years. We use agrifiber in the construction of our cabinetry. In our office, we've eliminated our trash cans. A young woman about 26 came up with that idea. Sounded like fun, so we went ahead and did it. Now you either recycle it or you pack it home, and they're not packing much home. We've eliminated bottled water. A lot of people come to our office and bring water. Portland's got pretty good water coming from Bull Run. That's a very simple step, easy to do. I think there are many in our industry that are still naysayers and things perhaps at best we're whacky or unorthodox in how we approach our business. We think this has been good for our business, our investors, our employees, and our community. Based on our experience, the recycling waste prevention goals of the Portland Recycles: Plan are not only easy and achievable but also provide real opportunities for growth. We really see this as an economic development strategy we should be doing here in Portland and literally take the lead nationally, internationally, and export this expertise afterwards. We believe that will reinforce Portland as a nexus for sustainable industry. It's time to just do it. Thank you.

Michael Luehrs: Michael Luehrs. I'm director of operations at Doubletree Hotel. This has been an important topic for us. We've gained a great deal of positive notoriety for many of the accomplishments we've undertaken. We are big fans of everybody in the office of sustainable development. I communicate with them weekly I would say to try and get some additional support. We have -- we were one of the very first businesses to compost. You were there, Commissioner Saltzman. Thank you very much -- to scrape some of our plates. We're now up to 17 tons a month in June that we were able to compost, which is a significant opportunity for us to reduce our total waste stream and help us get that much closer to our own goal of being a zero-waste business. We were able to partner with Portland State University as a number of other hotels were to try to innovate in-room recycle program. We've taken that to the next step, and now we have a much more enhanced receptacle and signage program. We're seeing direct results from that. We were

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proud to have been -- received a blueworks recognition from the city, and we're both humbled and proud to have been recognized by the award for best sustainable practices. This is important to our customers. We are only now, just over the last year or so, beginning to understand more and more the incredible audience of people who have this as a priority for them. So our core audience, our guests, are telling us this is important to them, the broad array of initiatives and recycle of course a huge part of that. So we see it as something that's been integral to the success that we've had. We've enjoyed cost benefits from it. It's not without its challenges, and this particular measure is not without its issues, but we recognize that it's an inevitable thing and want to be leaders in trying to identify those efficiencies that are required leaning i'm sure on our partners there at office of sustainable development to help us realize those goals. I will say I was identified by an organization called green seal, which we were proud to have been recognized by green seal as a green seal-certified property last january now, and because we were the first property in Oregon to have met those criteria and have been outspoken proponents of those measurements, they have asked us to try and approach other hotels to try to identify similar actions. The city of chicago, mayor daly's office contacted me personally. There are 15 hotels fast tracked to be green sealed certified. This is anticipation of the green build conference. And for -- I share this because there is clearly the expectation on businesses that try and do their part. I'd like to use chicago as an example of what can happen when city council gets behind an effort like this and really champions to try and rally around businesses and share with them -- treat it more as a partnership to try and identify improved goals. We have a truly unique opportunity, being identified as the most sustainable city in the nation. It would be such a shame to lose that title or to lose that recognition to a city like chicago who does not have the track record that Portland does. So we understand that when a guest comes to Portland, they expect to have a hotel that reflects Portland's sensibilities, conserving natural resource important to us. We continue to try to do that. We want to be a champion for other hotels to do that as well.

Saltzman: We have one other invited panel, and that is ethan dunnam from the small business advisory council, tracy marks from Portland business alliance, and then somebody from the Oregon refuse and recycling association. That would be brian heiberg.

Ethan Dunham: Ethan dunham. I live in the neighborhood of irvington. I represent the small business advisory council this morning. We're a group of 23 small business owners who then represent a larger almost nearly 40,000-member small business group in this vibrant city of Portland. I have a approximate prepared statement that you have been given, too. I'll go ahead and read some of it for the record. The small business advisory council scrutinizes any new legislation by assessing whether it impacts job creation, retention or expansion. We maintain sustainability as a mark of efficiency when the private sector is brought into the dialogue and listened to, especially when costs are addressed. Historically a light regulatory touch by government if needed, if needed at all, is what it required for various industries when health and safety are at issue. Rate setting, franchising, and city-controlled monopolies have proven disasterous. Headlines abound with cities and nations who did not he'd the words of ralph waldo emerson. We support the office of sustainable development open which maintains the current competitive system. We believe business has shown its willingness to support the department's goals by exceeding the requirements. Voluntary recycling from 60 to 75% spurs innovation for which Portland is famous. Unfortunately the second option, which has the city setting rates, and the third option will both continue the cycle of government intervention rather than foster a government and business partnership. There are powerful alternatives, and we embrace the department as a facilitator in the pursuit of those alternatives. It's our intention to leverage the work of the department and incorporate their key data into our outreach efforts. Looking at changes of how recycling will change the business' bottom line, allow businesses to negotiate frequency and price of pickup and inviting large employers in sustainable industries to Portland that focus on reducing waste remain the best ways our city can

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increase sustainability globally not just locally. Price controls arrest throwback to the early 20th century and never work for the masses unless they're instituted in a supported monopoly. Portland is known to look forward, not backward, for solutions. The s.b.a. supports an innovative approach.

A leading edge education and voluntary business engagement campaign, soliciting engineering studies and changes on human factor and psychological dynamics in recycling, a get out the recycle program where the office of sustainable development canvass all office buildings with paper recycling boxes and instructions, perhaps coordinating a leveraged effort with many of the nonprofits and government agencies already committed to creating awareness of sustainability. Shredding fairs quarterly, biohazards fairs such as those in Washington county where businesses and small -- homeowners and small businesses can dispose of noxious waste. We can improve upon these fairs, we think, by 11 answering the opportunity to educate. Incentives for the innovation community to create vertical markets for food composting, biofuel creation, smart buildings, and transportation. Getting sustainable industries already headquartered here to stay here and then leverage those laboratories of problem solving where innovative and creative classes are known. And then reexamine our own hauling policies and practices that actually promote trash production rather than encourage and reward recycling efforts. The small business advisory council will continue to commit our time, talent, and treasure to these efforts and stands ready to further elevate sustainable industries. We welcome the opportunity to create bridges between the community and promote the necessary collaborate brace that can reinvent the way Portland relates to trash collection industry and process. Thank you.

Tracy Marks: Good morning, mayor Potter, honorable commissioners. My name is Tracy Marks. I'm the general manager of the Portland Hilton. Also the current chair of Oregon Lodging Association. Today I have my hotel hat on. I also sit on perb, so I'm familiar with this topic pretty extensively. The Hilton Portland is one of two green seal-certified hotels here in Portland and actually I think in the state. That's something we're very proud of. We think that Portland also, one of the leaders in green initiatives. We do have some concerns about mandating them. Now, we were one of the first to compost in the city. We spend \$8000 or \$10,000 on equipment because food garbage is very heavy and we don't want to injure any of our team members. We're spending an additional \$10,000 a month to haul all of our composting out. Five years ago in San Francisco, the San Francisco city government actually incented all of the businesses to get onboard with the program in addition to monetary incentives, they also had a terrific training program where people came into my hotel in San Francisco, multilingual trainers working with all of the people in the back of the kitchens where the food garbage is generated and helped us initiate the program. So I would ask that, as opposed to mandates, that we would look at a more voluntary system, and I think there are many, many great examples in the city who are doing this already, and I would ask the city to increase their efforts to entice businesses to get onboard, particularly for many of the smaller businesses. As this gentleman has just pointed out, it is a financial burden for them. They might not be able to \$20,000 a year as we have to administer this program. We need to incent people, encourage them to participate, and I also would be remiss if I didn't applaud Commissioner Saltzman's efforts to look at the franchising. Again, we appreciate it. We think, where there's no competition, we'll end up with a comfortable place sent marketplace, so we appreciate your looking at that again and, in closing, I'd like to say that setting overall recycling goals in businesses is great, but I think that mandating them and not incenting businesses is going to be difficult for all of us to achieve our goals. That's all I have. Thank you.

Adams: How does the Seattle model work in.

Marks: San Francisco.

Adams: San Francisco model. They don't have mandates?

Marks: Anything -- no. They didn't have mandates. Actually, how this started really, in San Francisco, the landfills are all full, and they're actually hauling all of the garbage all the way out to

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vacaville. It's 50 miles away. And so, because of that, the rates went up 37% from the haulers. So we immediately said -- we weren't green sealed at the time, but we were good business people. We said, well, we're not going to be able to sustain a 33, 37% increase in our hauling so what can we do to fix it? We already had an aggressive recycling program in place, but we were not composting. So we started composting. The city incented the composting and, in fact, every scrap of food that we were able to get out of our compactor -- and we had a 40-yard compactor that we picked up every day -- we put in a three-yard bin, and the city actually paid the haulers to take that away. We went from a daily pickup of a 40-yard bin, which is the size after tractor/trailer, to twice a week. From seven pickups a week. Every pickup was \$1100 plus the weight that's in the container down to two pickups a week. So we were able to reduce our removal expense and also be a good corporate citizen by keeping it out of the landfills. And what they did there is they actually took all of the waste from all of the businesses and took it out to actually have it reprocessed into fertilizer and turned around and sold it to the farmers. So I think there's some pieces missing here.

Adams: So there's no mandate in san francisco?

Marks: No.

Adams: No mandated amount of recycling?

Marks: No, sir. Strictly a 37% increase in haulers. That got everybody's attention very quickly.

Adams: Thank you.

Brian Heiberg: Good evening or afternoon. I'm brian heiberg. I'm actually wearing two hats today. David white is our representative for the Oregon refuse and recycle association. Unfortunately he wasn't able to be here today, so I wanted to make some comments on his behalf. Regarding the residential Portland recycle plan, our members generally support the move to roller carts. We believe this will increase the volume and reduce the number of workers related -- work-related injury with the roller cart implementation. However, we do have some concerns about the project said cost of \$2.60 as that being the correct number. We'll continue to analyze the true cost of this service and look forward to continued conversations about how to meet the sustainable goals of the Portland recycle plan. On the commercial side, our members were split regarding the commercial recycle plan, so therefore our association has taken a policy of not having a position. Now i'd like to put on my hat for heiberg garbage and recycling. I'm speaking personally, not for the association or any other haulers. Unfortunately the plan that's put forward for the commercial side ignores some of the very important goals that the city council laid out in resolution 36423. A number of those goals were to maximize efficiency, improve worker safety, improve the performance in long-term sustainability of the system. This proposal does not address those goals. The solid waste management system briefing report also states that the competitive system, quote, does not give adequate incentives to either businesses or haulers to reduce garbage or recycle more waste and is inequitable to the small businesses. This proposal just does more of the same but with potential fines. Last year, our company, heiberg garbage and recycling, paid the city of Portland over 33,000 dollars in a commercial permit fee. Under this proposal, you're going to require haulers to provide additional services, purchase more expensive products and equipment, and raise our commercial permit fee to pay for all the additional staff and resources. Yet you've provided us no rate setting to carry out these extensive public policy mandates. Nor do we have an estimate as to the additional costs of these unfunded mandates. One of your goals was to improve worker safety. The u.s. Bureau of labor and statistics has issued its annual report on the 10 most dangerous jobs in america, and refuse and recycling material collectors was listed as number five, the fifth most dangerous. This plan does nothing to address worker safety. Another goal was to reduce noise. The noise review board on september 8th, 2004 executive summary states, quote, the board respectfully recommends that the city council implement a commercial franchise system for recycling and garbage collection. The noise review board learned that all of the communities surrounding the city of Portland use a commercial franchise system, as do many, many major cities

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in other states. And I think san francisco being one of them. The idea is not unusual and should not be regarded as unfriendly to business as the model is used throughout Oregon and is common elsewhere. Let's talk about pollution and fuel usage. Our company alone used over 57,000 gallons of fuel in our operation last year alone. This proposal does nothing to reduce that. In fact it's going to increase our fuel usage with the organics. We'll be putting another truck out on the road, run willing all over Portland to pick up organics inefficiently. You have four different businesses on four different corners, and each of those businesses have a different garbage company. You have four garbage trucks coming, four cardboard trucks, four multi-material recycling trucks possibly four organic trucks. That's 16 trucks coming 16 times day or night on different days. Just how sustainable is this system? The city's own economists estimated a 30% reduction in miles traveled and an overall 60% savings with a franchise collection system. What Portland needs is you, our elected officials to, provide the critical leadership to make sure we meet our sustainable goals and make Portland a better place to live. A franchise collection system does this. This proposal is not sustainable and does not meet the goals you set out in your resolution in february, 2005. I urge you to send this commercial recycle plan to o.s.d. And instruct the office to bring back forward a franchise proposal that will actually meet the goals that meet the needs of the businesses, the residents, as well as achieve the sustainable goals of the city of Portland. Thank you.

Potter: Thanks, folks.

Saltzman: That completes the invited testimony.

Potter: Do we have a sign-up sheet?

Moore: We do. We have eight people signed up.

Potter: Please call the first three.

Moore: [names called of those testifying]

Potter: When you speak, folks, please state your name and if you can keep your remarks brief, we'd appreciate it.

Bill Perry: Thank you. My name is bill perry. I'm with the Oregon restaurant association, and I want to say that the policy here is something that I think most of our membership supports. I think, as we've seen with the green hotels and some of the others, it's become a marketing irk for a lot of members. I would also say that i've heard from several of my members that the office has made the system work a lot better, being able to take napkins and some of the other things, so it makes the system work better. The issue that we have is really with the implementation. As you increase those persons just because of the waste, other policies are set in place. They're going to start to get into conflict. Obviously, with your containers and right-of-way, we've reduced the amount of containers in Portland, and it's really from a space perspective hard to add more containers. Some of our members have statewide programs and don't have them in all their restaurants in Portland because there are also neighborhood agreements that basically stipulate that you cannot add containers. The other thing that relates to food waste is, as you get high volumes of food waste in the high temperatures, in the summer they can become rather odorous, so the regular pickup has to be a key component. As we move forward in looking for increasing the percentage, there are several restaurants where the employees or the restaurants themselves don't dispose of waste. They talk about quick service, commentaries, some of those things like in the bottom of pioneer square where the consumers are actually disposing of a percentage of the food waste. So as those persons get higher, we're going to start to run into conflict with other policies. But -- so as we move forward, i'd just ask that you consider those. I'd be happy to answer any questions.

Jeff Murray: Good morning. My name is jeff murray, and I am a resident of Portland. However, today i'm here on behalf of far west fibers. I am vice president of far west fibers. We handle a substantial percentage of the curbside recycles collected in the city of Portland, and i'm here today in support of the city of Portland moving to roll carts in the collection of curbside recycles, and that is the focus of my talk this morning. Five years ago, far west was adamantly against roll carts. We

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had a fear of the carts. We spent a great deal of time, research, and curbside programs in other parts of the country, in particular in California, and in late '90s and early 2000, a lot of the programs in California moved from no curbside program, no yard debris program and a 90-gallon cart for garbage that a 90-gallon cart for recycles, yard debris, and a 35-gallon cart for garbage. And so you can imagine that big quantum leap. The program really suffered. There are good programs in California. I want to emphasize that, but there are a number that struggle and not just in California. So we really had a fear of the process or of what could happen moving from open bins where haulers could see the material to roll carts. In the past few years, we actually decided to experiment with some haulers down in Salem and Marion County, and we agreed, so long as they expanded their education program at the curb, we would provide their curbside material collected in roll carts. We've had great success with. Since then, we have now moved to processing over 35 hundred tons a month of curbside material that's collected in roll carts. Of that, less than 4% is what we call residual or material that ends up in the landfill. The reason why that works is constant communication between ourselves, the collector, the local jurisdiction, and they're running good solid outreach programs to educate the public on an ongoing basis. Education, as we move into roll carts, becomes the absolute essential for a successful curbside program. We recently analyzed some material out of the Sherwood, Tigard area that recently moved to roll carts. We analyzed 13 routes, which was basically 60 tons of material. Of the 60 tons of material, less than 7/10ths of 1% was what you could categorize as garbage. There were other materials that shouldn't have been in there that was recyclable to be pulled out. Overall, we were only forced to landfill 3.5% of the material that was nonrecoverable. I'd like to say that far west strongly supports the city's program of moving recyclables to roll carts. We expect to see a high level of recovery, ease to the customer, less injury to the haulers. That's paramount. Cleaner streets on windy days and a dryer material that we are able to sort and process. That's one big challenge in Oregon. It periodically rains here, as you well know, we probably have two dry months and 10 wet months. Moving the roll carts, we've found, allows our system to work much better. We have a much higher recovery rate of the materials we receive. Thank you.

Bruce Anderson: Thank you, Mr. Mayor and commissioners. For the record, Bruce Anderson, representing the Northwest Food Processors Association. We organized in 1914 and represent the food processing industry of Oregon, Washington, and Idaho. In Oregon, we employ about 17,000 employees, the third largest manufacturing sector. We've been working the past several years to guide the industry back after years of economic downturns and that of severely hurt our industry. The main goal is to strengthen the food processing industry here in the Northwest to be globally competitive with other countries in regions across the U.S. That's pretty much the main reason why I'm here today. I appreciate the opportunity to testify. We've got a few issues and concerns to bring to your attention. The first thing I would suggest -- and I would probably echo what Mr. Marks from the Hilton said. We would suggest and request the city continue working with businesses from an educational point in building on the work that's being -- that has been done rather than imposing a mandated system. I just don't think that the time period that's been allowed for that educational process has been given enough time to work, and so we would hope that that could continue to work forward before we go down the road of mandating this. There have been some options available that some of your staff work has actually shown, but not all food processors or food manufacturers are able to take advantage of them. Educational process first could go a long way to addressing a lot of issues, we believe, raising the Portland recycling proposal. Processors do try to recycle ways from their operations where they can. There are some issues and concerns that we do have. I wanted to just briefly mention those. Definition of food scraps, that's a real broad term, and I'm not sure how it applies to food manufacturing generally in individual sectors of food processing specifically. Secondly, a market for the waste -- for the food waste. We're concerned about imposing a mandated food waste recycling system which will be a new cost. Without a defined

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market that is for the product, we don't believe that's been developed far enough. We're uncertain of also the effectiveness of the existing composting system and then adding to that. Costs are another big factor for a food processors. We have a great difficulty in absorbing increased costs given the typical profit margins in this industry. The plan does not take into consideration the ability of a food processor or food manufacturer to implement the new manure dated system. Food processors just don't have the ability to increase their businesses to accommodate increased costs. Finally, we would just express some concern about the base of businesses that were sought after in the development of the policy. Just don't think it was quite broad enough and specifically in food manufacturing or food processing. That appeared to be a bit limited, shall we say. Thank you.

Moore: [names called of those testifying]

Potter: state your name for the record and try to keep your remarks as brief as possible.

Denise Foland: I'm Denise Fullman with Cedar Grove Composting. We are the current haulers from the central metro station there on 61st street. We are very supportive of Portland's goals for their increased recycling. And I'm available for questions.

Jerry Powell: Jerry Powell. I'm a Portland businessman and as a businessman and here in support of the proposal. I again point out, as Mark He had Lynn, Doubletree Hilton, and others have said to you, it won't affect me a bit. With the excellent work of my staff and ironically Heiberg Garbage and Recycling, I'm easily passing the requirements that you are going to have at the cost of pennies per day. So as a businessman, I support that. You might be interested, though, what I do for a business. For the last 26 years, I've had 50ed the only magazine focusing on waste recycling in North America. In other words, I have written about what Portland Metro and many other communities have done over the last quarter of a century. And I'm here to suggest to you this isn't groundbreaking where you're headed in this. It's wonderful, sustainable, but it's not groundbreaking. Do you know that recycling is mandatory statewide in New Jersey, that the majority of Pennsylvania programs are mandatory, that the great number of Connecticut, Massachusetts and elsewhere? So I encourage you to go forthwith this. I support the Recycles Plan. Thank you.

Page Stockwell: Mayor, Commissioners, my name is Page Stockwell. I live at 2039 Northwest Irving Street. I live in a so-called mixed use neighborhood. On my street between Northwest 18th and Northwest 21st Avenues, there are apartment condo buildings, multifamily homes, and four businesses or institutions. As far as I can tell, each of the 11 commercial customers is served by a different hauler and, in some cases by several different haulers. This means up to 15 garbage trucks a day passing up and down the street, some for pickups on my street and some traveling between stops elsewhere in the neighborhood. In early 2005, I testified before City Council in connection with the garbage franchise proposal by the Noise Review Board. A vote was promised within three months. Well, here we are in mid 2007. The focus is now on recycling, not noise control. The helter skelter collection system, with its accompanying noise, traffic, and exhaust emissions is still with us. The case for franchising now is even more compelling than it was two and a half years ago. The noise continues. Complaints have diminished because there has really been no progress. As indicated by the Recycle Plan before us, franchising is the most efficient way to enforce recycling targets and regulations. Pollution has become worse, and the need to reduce dependence on fossil fuels have become even more important. Along my street, a franchise would reduce the number of trips by as much as 50%. A flat reduction in mileage has a much greater impact than a 20% biofuel requirement which still produces emissions. A franchise system is in place for single and multifamily residences of four units or fewer, with us since 1992. It works well. It achieves the greatest recycle success rate. Virtually every our municipality in the state and indeed across the country has some kind of franchise or publicly administered system. It's an elegant solution to many of our problems. Why don't we have a franchising system here in Portland? According to the documents in front of us, haulers generally support a well admin

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centered franchising system under which they can earn a reasonable rate of return. Residents support a franchise system. The only ones who don't support such a system are businesses and owners and multifamily infrastructure sures. They enjoy lower rates but don't have to live with the noise, the Stench, and the traffic. Our office of sustainable development does not support a franchise system because setting franchises -- I quote from the "oregonian," setting franchises is a huge negotiating process so commissioner Saltzman decided against that option. This really doesn't sound like the city that works to me. Thank you.

Saltzman: A question? I think we've been operating on the expectation that cedar grove is committed to building a facility if our tonnage gets up to a sufficient level. Is that still the correct assumption?

Foland: Yes. We've been looking for suitable sites for the last three years, and part of that is not having the tonnage that would be in support of the system of the size we're looking at. One scenario would be a temporary system that we would need to have a tonnage that would guarantee around 20,000 tons, and a more permanent system would require something with a longer term guarantee or contract and something that would support anywhere from 40,000 to 80,000 tons per year.

Saltzman: So you're still looking for sites in.

Foland: We've actively been looking, yes, and we're in negotiations with two different places for the temporary scenario mentioned.

Saltzman: Roughly how many jobs are associated with that?

Foland: Actually our system is very low labor just because of the way the technology has developed. So for that system alone, it probably would be less than five people for the 20,000-ton facility.

Saltzman: Thank you.

Potter: Thank you, folks.

Moore: [names called of those testifying]

Potter: Please state your name when you speak and if you could keep your remarks brief, we'd appreciate it.

Jeanne Roy: I'm Jeanne Roy. I've been an advocate of better recycling systems for the city for over 20 years. I'm will founder of recycle advocates -- recycling advocates and the Oregon natural step network and cofounder of the northwest earth institute and the center for earth leadership. In Portland, we have a unique free competitive hauling system that's inhibited our ability to maximize resource and energy savings from recycling. In 1990, commissioner Blumenauer franchised the residential system, but no commissioner has been brave enough to franchise the commercial system because of opposition from large businesses. As a result. The recycle rate has remained essentially flat for the last five years. I had thought that this would be the time council would bite the bullet because of the resolution you passed last somersetting the 75% recovery goal. I don't think anyone in the recycling community believes that this goal can be accomplished under the current unregulated system. Yet the recommendation before you is to wait two and a half more years before you consider further regulation. There is another reason for my disappointment in this recommendation. The part of the plan I most strongly support is adding food scraps to residential collection. 29 purse of what's going to the landfill currently is compostable. For sustainable, it is essential that this food and food contaminate taper, not got to landfill to reduce methane emissions and also to replenish the soil. But adding this service to households is contingent upon a local processing facility and a local processing facility is contingent upon greater tonnage through the commercial program. In other words, we need more businesses to be putting their -- separating their food for collections. So if this council chooses not to set rates for the commercial haulers so that they have an incentive to offer better services, then I support this compromise before you, but I do think that you should direct the o.s.d. To strengthen the plan to require rate setting or

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franchising if a 68% goal is not reached by 2010 rather than just consider it. I've building in communication with seven small businesses who take leadership like doubletree and gerding edlen. They are supportive of further regulation. Some of them would have been here if we had had earlier notice. We didn't get the recommendations until two days ago.

David McMahon: My name is david mcmahon. I'm with cloudburst recycling. We've been providing recycling and garbage collection for 32 years in Portland. I want to state first of all that I support all of the goals as outlined in the initial resolution which brought forth this effort to revise the solid waste and recycling system. First i'd like to talk about the commercial portion of the recommendations. As with all things in life and politics, the choice is a matter of priorities. The option of franchising solid waste and recycling services is by far the most effective and least costly way of accomplishing the city's 75% recycling goal. That approach allows services to be delivered in the least cost manner, allows the city to structure rates in a way to give businesses positive incentives to recycle more, allows haulers to be fairly compensated for providing new recycling services, and allows simple and effective monitoring of the system. Although o.s.d. Never did a serious economic assessment, in my opinion, of commercial franchising, even the thumbnail evaluation it did projected a 6-10% cost reduction in delivering services. I think it would be higher. Perhaps more important, though, the franchise system would allow -- the franchise system would allow major improvements with regards to sustainability goals because franchises with assign a single hauler to each service district. There would be fewer trucks on the road. Trucks would consume less fuel, produce fewer emissions and less noise. There would be less traffic congestion, wear on public truck, and there would be improved public safety. The city's brief analysis suggested these reductions would be on the order of 30%. My opinion is they would be much higher than that. That certainly would be the case for my company. In addition, all customers would enjoy rate equity with customers paying the same rates for the same level of service. Under the current system, there are great disparities. All Portland's neighboring communities open praise with franchising systems, and customer satisfies is extremely high. The option endorsed would require haulers to use b 20, reducing air emissions by 12% but not reducing fuel consumption. It does not compare well with the approximately 40% reduction resulting from the use of b-20 and a franchise system. Moreover, none of the sustainability goals would be addressed at all. If you choose to support the recommended plan, you choose these priorities. Allow Portland's businesses to choose their waste-hauling service, allow large waste generators to negotiate special rates for hauling services, and support the general outlook of the light touch in government, but you do not support the sustainability goals. Mandate enforcement a costly approach. I'd like a moment, if I could, to talk about the residential recycling program. I realize i'm now over.

Potter: How long will you take, sir?

*******:** A minute?

Potter: How about a half a minute?

Adams: What your thoughts on residential recycling program?

McMahon: The move to roll carts will be good in yard debris especially with the addition of food waste. The concern it's this. It's a major investment the on the part of haulers. My company would have to spend about \$350,000 for roll carts, and the city is currently floating advancing a proposal to cut the rate of return in residential franchisees. This is a big collision that needs to be watched out.

Valerie Hill: My name is valarie gruder hill. I represent gruder sanitary service. Our company has been in operation since 1951. We're a family company. My parents started the company. We service 3500 residential customers. We're proud of our company, and we're proud of the waste haulers here and the recyclers in the city of Portland. I think they've all done an excellent job. They've carried out all the recommendations from different bureaus that we've operated under. We, at the company, recycled by reuse before recycling was actually popular, since we started in 1951.

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We do have a few concerns. Our company and our customers are concerned about the state that the two additional roll carts are going to take. We service an area that's densely populated and in a congested area, the hawthorne area. So we have some concerns at the first speaker addressed about the size of the equipment that is going to be used by residents to -- you know -- place out their garbage and their recycling and their yard debris. We do support -- we will support whatever recommendations the council does recommend for the recycling and garbage programs. We are concerned about the time that you give the companies to acquire the equipment. We've been advised that 18 to 24 months is a realistic time to consider for implementing this type of service, getting the equipment in place. And a final note, as david mcmann pointed out in his last comments, we are concerned about the cost of service. My father was famous for saying there's no free lunch. There is no free lunch. If you're offering some type of service, whether it be recycling or garbage, there are costs definitely associated with that. So I hope you will keep -- I hope you will keep that in mind when you are setting rates for garbage and recycling. Thank you.

Moore: That's all who signed up.

Saltzman: If the council wishes susan, bruce and babe could come up and respond and answer questions.

Potter: Please come forward.

Leonard: So maybe you could respond to some of the testifiers who suggested that you guys didn't think there was enough evidence or information to support a franchise.

Anderson: The quick answer is that franchising alone won't increase recycling. What will increase recycling is mandates and following through to make sure that that actually happens. The franchise is a tool that could help increase recycling and could have a lot of other benefits related to worker safety, related to the timing of trucks and the congestion and fuel savings.

Leonard: And that was the intent of my question was more that broader issue and not focused just on recycling but the broader issue that mr. stockwell identified in his testimony as a resident in northwest portland.

Anderson: So what you saw here was what we had in a series of six meetings and what happened was we had a very strong contention of business owners feeling unwanted on one end of the spectrum and a very strong feeling on the other spectrum looking at what could happen if we did have a franchise. One thing is we know for sure if we have a franchise, rates will go up for the people who have the largest amount of solid waste, because they are now able to negotiate a special deal. Because of the volumes that they have so--

Leonard: But the rates will go up to reflect the actual costs then, is that fair?

Anderson: One of the things the san Francisco is a good example, you asked the question commissioner adams about how that worked there. Well the reason they were able to give incentives was because through rate setting, you can do cost of service rate setting and you can also do incentive rate setting, which meant that they will, they were able to offer incentives for food waste collection to increase that by raising the cost of somebody else, and that's how we do it, you know, how the electric companies do it, if they want residential rates and commercial rates, and you know, so rate setting can have the ability to get the action we want, but there is still a set amount of costs, and somebody has to pay them, so when we look at the spectrum, I didn't see that there was enough, enough report on council to say, today we wanted to go to a franchise but I felt it was my responsibility to say, we need to potentially go to rate setting or a franchise, but, but let's give the business community a chance. Let's give them very specific chances of a couple of years to get there, and if they can show that they can do that, then let's see if we can keep the system working. If council feels strongly that, that they don't think that's going to work now, you could propose a franchise right now, or you could try and wait and see, you know, in a year or two or three if that makes more sense at that time.

*******:** So I --

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Leonard: So I guess my question is, the issue wasn't so much you reached a conclusion from a policy point of view that, that franchising may make sense. You incensed a lack of political support to do that, and so, and so it did not come forward for that reason?

Anderson: It was lack of political support and that, indeed, if you go to all the franchise areas on commercial around the, the metro area, their rates are higher. If you look

Leonard: But I think the last person addressed that when she said the father used to say, there is no free lunch. Obviously

Anderson: It's a free market. Of course

Leonard: In a franchise, we look at what the true costs are and the cost of the program are, and the rates very reflective of the costs, not who provides the lowest bid.

Anderson: Right, and, and so that's just the way, you know, when you get a good deal because, because, for example, we are the city of Portland, and we currently get a great deal on our garbage because we're able to do this, so we would have to look at this. This little raise, city of Portland garbage rate goes to a straight raise. We could pick up other options, you know, to deal with that, and you know, just like anything you buy in bulk, if you buy a lot of it, you usually get a better deal

Leonard: Thank you.

Sten: I guess i'm confused about supporting franchising because I don't remember us having that debate. But on the, on the kind of broader question that was raised in terms of the sustainability issues of not having so many trucks running around, those kind of issues, how, how -- i'm looking for a sense of how significant that would be on the scale of our other sustainability efforts. It seems to me like it's a large amount of truck transportation and other things, and I think that we've, we've, we are beginning to stall out on, on some of our other goals just like we are in recycling in terms of reducing emissions and other things. So I am just curious. I don't have a sense of is it a symbolic change, are there emissions and other things that could happen with this, or is it something that is a building block that we're going to have to do eventually if we are serious about emissions? We're on that, where on that scale?

Anderson: It would likely reduce emissions by 30%, so in terms of the fuel use. The amount of fuel used by the commercial trucking industry in Portland is very small compared to total miles traveled, so in the big picture, it's not necessarily the first thing that we would do if we were going to try to reduce the vehicle miles traveled, would be to go to our franchise in the commercial setting. With that said, it's one of the pluses in terms of having a franchise, absolutely.

Adams: May I ask a follow-up question? So the 30% reduction of the franchise system, is based on, on that assumption, that assumption is based on current effort or have you factored in the additional vehicles, I guess, will there be additional vehicles required for, for the, the composting and, and increased effort around recycling? So, is that 30%, does that factor in the increase of the vehicles out there to accomplish the other goals of this plan or is that just 30% off the status quo?

Walker: It's 30% off the status quo. So, it wasn't looking at some of the additional services. It was just trying to, to do a modeling review of existing system versus consolidation into the franchise zone.

Adams: Are you able, would you be able to model the implementation of this once a strategy is implemented, what the savings would be from, from a commercial franchise system versus the, the market system?

Walker: Yes. Yes, we would.

Adams: I have a question but I didn't want to interrupt. So, I didn't -- I haven't had a briefing on this. I'm going to have to ask some basic questions, maybe i'm the only one in the room that doesn't understand certain elements, and for that, I apologize but it is my opportunity. I want to follow-up on the notion of mandatory and how do you enforce, break it down for me a bit, how do you enforce and how will we know if, if -- he's finally wrapped himself in the american flag. [laughter]

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Adams: We missed it. No cameras

Leonard: Thank god.

Adams: And you must have thought about this and talked about it. How do you know when we're going to reach 70, or 68% as opposed to 65%, and how is that, how is that?

*******:** Well.

Adams: How do you enforce that goal.

Anderson: First stop will be a lot of education in the technical systems to help predominant until two areas. One food waste and the other being construction and demolition waste.

Adams: Sorry to interrupt you. I'm, i'm, maybe i'm not being clear. How do you actually just, just evaluate the percentage of accomplishments? How do you know the difference between 65% of the mandatory amount versus 68%?

Anderson: Every month we get reports from the haulers on the amount of waste that they generate, and we, we calculate that. We go through it, we look at how much, then, at the end of every year is, is recycling and how much is composting and how much is.

Adams: They weigh all --

Anderson: We get through it all, right.

Adams: They weigh every can?

Anderson: No, they weigh it.

Adams: At the central facility so if they were delivering to a metro station, a composting facility or the recycling markets, they submit to us, as do what we call independent recyclers, the warehouse of the world that collect paper from office buildings, so we get that information and tabulate it?

Since this is a mandatory percentage, and I assumed when I read it, it applies to every business, how do you know if, if sam Adams bakery is meeting the percentage that the randy Leonard lumber mill isn't?

Anderson: Although randy would

Leonard: My wife is a baker.

Anderson: It has to do with the flag. [laughter]

Adams: The randy Leonard biodiesel refinery. [laughter]

Anderson: The last thing I want to be is a big regulator. I wouldn't be in this job, which is 99% of getting people to answer, getting people the answers they need. It will be to target those companies that have the largest amount of food waste, of, of construction and demolition debris, and paper still going into the, going into the trash, and to make sure that those companies are increasing and basically on the right, on the right path. We're not going to go out and look at every bakery and every lumber mill or biodiesel facility to make sure that individual companies are meeting the goal.

We'll look at the aggregate goal and focus any hard, technical assistance, and eventually a year and a half out, any enforcement on the largest companies with the most impact.

Adams: Summarize for me, then, the incentives for an individual company to, to be part of the effort to achieve this percentage.

Anderson: As an individual company, there's none, other than the potential that they may be able to reduce their own bill in terms of the negotiations.

Adams: Describe for me, again, I apologize, but for my own education, how could they negotiate that and get less of the, of the -- reduce their bill?

Anderson: The way the system works now, the competitor is saying, you don't know. You could have the exact same, although you wouldn't because you are a bakery. [laughter]

Anderson: You two could have the same amount of trash and have completely different kinds of contracts, and so that goes back to what randy was saying in terms of equity and parity in rates.

Adams: Is there any incentive for the haulers to provide a financial reward for a customer based on the percentage of compostable materials that they would be setting aside or the amount of recycling that they are setting aside?

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Anderson: Potentially. The haulers get, get considerable amounts of money for the recycle buildings, so it's a company went from, you know, 100% trash to 70% recycling and 30%, or 25% trash and 75% recycled. The hauler can then sell it, and that's in the rate now on the residential side.

*******:** Of the recycling.

Anderson: I'm sorry

Leonard: Recycling?

Anderson: Basically. Recycling pays. We, actually, there is a \$90 million market in the metro area for that, so again, it will, you know, it basically begs the question, buyer be aware, and being able to negotiate that kind of thing.

Adams: The other question that I had was around the application of this. The attachment uses commercial and business interchangeably, and then there is a section on city government. I just need to clarify, does this apply to, to more than just city government? Does it apply to, to the other governments that operate in the city of Portland, and what is the status of schools under this?

Anderson: Currently, the schools, all commercial, accounts, including multi-family would be, we're asking for a 75%. We are just setting a higher goal per city as a model, so it's just city government.

Adams: So the goal applies to --

Anderson: 75% goal applies to the schools.

Adams: And all governments?

Anderson: All governments, right.

Adams: Then there is a lot that the, at the intersection, and these jobs we have are a lot about balancing tradeoffs. We had a very heated discussion some time ago as referenced by earlier testimony, and commissioner Leonard's comment around noise. How do you assure, and I want to follow-up on the question in a different way. How do we assure all the folks that are, that are moving into the mixed use projects that we are trying to, to incent that there isn't -- that this isn't going to produce a lot more noise. How do you, and I saw that, that noise complaints have gone down, but how do, what kind of assurance that we're working on that little aspect, not so little for some, the noise issue will get better on this?

Walker: You summarized correctly that, that the noise complaints from garbage and recycling collection have gone down. We worked directly with haulers, and there's already a requirement in place of not serving a multi-family tenant building or single family residential properties, so, so we can enforce and take action with haulers to prevent that from, from coming in to those buildings.

Adams: However, in certain times of the day?

Walker: We say they can't be in before 6:00 a.m. We're the problem comes up if there's an adjoining, or a nearby business, and, and that's -- we don't have a requirement to prohibit the hauler from being in there. The concern that we have, and again, it's

Leonard: As opposed to the residential.

Walker: Right. We have a requirement on single family residential and multi-tenant. Haulers cannot be there --

Leonard: About if they are across the street, you have in restriction on them?

Walker: That's correct. We're the balance occurs is the business may need that hauler in there in the middle of the night so whether it's a franchise system or, are our current system, we believe that the trucks are still going to be there, and just, just a blanket approach of saying, setting a different time could have negative impacts on the business and on traffic of pushing those --

Leonard: You are saying trucks. If we had a franchise system, wouldn't there be a truck?

Walker: There would be fewer trucks. However

Leonard: Wouldn't there be one truck?

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Walker: There will be one, for that given day, but it could, some businesses have, have daily garbage service

Leonard: They do anyway. The point being, you may have multiple businesses.

Walker: You are correct in that

Leonard: So you could have five businesses with five truck, you reduce it down to one truck for all the businesses every day versus five every day?

Walker: It would be a, a reduction, so I don't disagree with that. I just don't want to make it seem like a panacea that if we move under this then --

Leonard: Understood.

Adams: I guess I need to follow-up on the incentive question one more time. I thought the testimony from the hilton hotel was very compelling. Did you look at, at individual business space incentives as part of this hybrid approach?

Anderson: Well, one of the issues that we looked at are the options, was rate setting, so you could go in between and not have a franchise, but you could set rates, and there are some communities around the country that do that. So, you would still have the freedom to pick the hauler you wanted but the city could set rates be and that way we could do some of the things that we talked about in terms of well, we could set rates for food that would provide an incentive to the restaurant and the hauler in order to haul the food away, so it's another option.

Adams: The series of meetings you had, did you delve into that?

Anderson: There was some discussion of it. The problem was, and this is why when we get to this pointed, this is why we have council. You get to the point we're they are on real ends of the spectrum, and rate setting was set as an option kind of in the middle, and the other in the middle option was ok, prove it. Prove you can get there without having any kind of franchise. So that was sort of the middle ground.

Adams: I think the last question is, is, on page 29 of the exhibit, when I took over as transportation commissioner, one of the goals that I set for myself was to, to provide an onstreet service that many communities across the united states and around the world provide, and that is recycling options on the street, and would you be amenable to, under the city operations recommendation, to add a tenth recommendation that basically says that we're the city government currently provides public trash receptacles, that we will provide recycling options, subsidized by the city-wide solid waste and recycling revenues?

*****: Yes.

*****: Thanks.

Leonard: Just so, when i'm kind of, I want to hone in on one issue, that occurred to me, when we had the discussion about, about you have to pay for the service you get. My sense is from the current system, the dynamic would be that, that, that large producers of garbage have a lot more negotiating power with companies that are going to haul away their recycling trash than do small business owners, so that -- it seems intuitive to me but I want you to tell me if I have got this wrong, but the small business owners will be in effect subsidizing the larger businesses because they wouldn't have the negotiating powers of small business to say, i'm only going to pay so much versus a large business owner. Do you know anything about that dynamic?

Anderson: Right. We did some surveys of businesses. We can't go to the haulers and find out how much everyone is paying but we could get a lot of good information directly from the companies, and we did that about two years ago now, and what we found was that the smallest businesses, the ones that sort of have like a big residence, they actually are publicly paying more than what a franchise system is paying. So you are right on.

Potter: Further questions?

Leonard: I certainly like the direction that commissioner Saltzman has taken with this recycling but I was hoping for more. And, and I appreciate the concerns that have been raised here from both

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sides, but for myself, I believed from what I have heard not just at the hearing, but up until now, mr. Stockwell, from northwest Portland, inc., articulated for me just kind of globally what I think our goal should be. It isn't just to increase recycling, which I think you hit the mark on. I appreciate that. But I think that, that we have to sometimes in basic services like this, step back a bit from, from before, so we can see the trees and recognize that Portland is changing, and changing in really dramatic ways, and in my lifetime, downtown Portland, when I grew up, when all of us were here as younger people, was not the place it is today. It was primarily, I mean, the pearl was an industrial district. Northwest Portland did have residents but certainly not to the extent it does now. The central city, basically, didn't have anybody looking on it, and our focus is changing. So, that we attract more people downtown. I think that makes a lot of sense, but I think we also have to recognize that, that, that garbage hauling really has an impact on livable in communities. I am concerned that we haven't pushed hard enough to balance the interests of people that live downtown with businesses downtown. I certainly don't want to send the message that I don't think businesses that maybe negatively impacted by having rates go up shouldn't be listened to. I agree that they should be and should take into account their concerns. But also don't think that they should have veto power, either, over the public policy. I'm concerned that we may be at that point right now, and so i'm looking to my colleagues seeing if there would be some interest, instead of us pursuing this today, maybe taking another stab at it and coming back after we have some, some discussions with maybe some direction by the council that we want the issue of, of franchises, at a minimum, across, and have some options to talk about.

Saltzman: If you want to direct us to commercial franchising, we'll do that you but I think what we outlined here is what we think is, is, strikes the right balance in terms of giving the sector the three-year opportunity to increase their recycling rate by 5%, and if not, we will, we will look again at the rate setting or franchise, if it's the council's will to go ahead with commercial franchising. We'll do that, too. I do caution that it's going to be a controversial issue and we'll hear from a lot more people. I think our target really is, is trying to tackle food waste. The largest source of what we currently throw away that can be recycled. And my concern is that that whole thrust of the plan, getting to 75%, leveling off waste generation will be, will be lost in the, in the ensuing debate over the franchises.

*****: Like I said, it's, it's, if it's a will of the council, we will do that. But we have looked at the permutations. We think that we have come up with sort of a fourth permutation that wasn't part of that.

Leonard: I haven't been involved with it to the depth you have so I am reluctant to propose an idea here. I think you need to, to go back and listen to, you know, i'm assuming we're going to hear whether this makes sense or not, but that you would take into account the concerns in developing this.

Sten: I want to get your feedback. I'm hearing two strains, and I think that's important for me to understand them. What's the best way to get to our goal, and the other is what's the political will to push a little harder. I just, frankly, as somebody who has worked side-by-side with you on these issues for a long time know, know we wouldn't be we're we are if commissioner Saltzman wasn't pushing this. So I know you are pushing in those places. If the question is, is the counselor willing to do something bolder that is better, my answer is yes, and I just think that the world has passed. I don't want to give a big speech today. The point, we have got years to get 5%, we are losing some of our leadership positions to other cities, but more importantly, the clock is ticking on these issues. If we have a way -- I get the issue. I guess it is a strain on business. It will be a worst strain on business when we run out of oil and places to put this garbage and rates really, really jam up a lot more, and, you know, it's not dire any more. It's to the point that yeah, you know, everybody is going to have to take bolder steps, and if taking the bolder step of franchising, which is clearly better environmentally, is not -- doesn't push the goals as far as I think it might, then I would back

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off, but if the argument is we shouldn't push on franchising because it will cause the community to have to react, and therefore, it's politically uncomfortable, then i'm prepared to move forward because I think that, that on the scale of things that we need to do in this community in the next 10 years, this is very modest, and waiting another three years before I think that we're going to end up doing it, I think, only hurts our business, if you take a 10-year perspective. If you take a 10-year perspective, taking longer to change things that we're going to have to change, pushing these goals harder, I mean, mark edland, just so, the real estate in which he's taking out the garbage cans for record amounts of money -- is there anyone who wants to argue to me that mark is not, I mean, no offense to anyone in the room, among the city's smartest business people? I'd like to hear that argument, and he's, I mean, he said gently, this is nothing, folks. You aren't doing anything here. That's what he said to me. That's what the guy who just sold all of the projects that everybody said could not be built in the river district safely, the whole foods, henry, all these things, they said it was pushing the market, and he just came in. This is a person who is killing all the businesses in terms of his foresight, basically came in and said this isn't enough, you know, and kind of walked out, you know. I think we recognize that we don't have three years to do a pilot project on 5% and then make the change we're going to make anyway. So for me, if it's an environmental issue, it just doesn't make sense. This is the fastest easiest to push, it but if it's a political issue, I think we ought to revisit it.

Adams: My point of view is that i'm not, not offended by trying this before we go to, to a franchise system. I'm open to that. But, we're I would like more thought out of the process is providing incentives for individual businesses, so is it, I mean, the goal I would set is, is can we keep the garbage rates the same or reduce them for individual businesses that conduct themselves in the way that, that, that will meet the goals? And that's, that's the part. You gave us some ideas, and it sounds like there's, there's a smattering of discussion on this but I would like you to go back to the group and, and exhaust all opportunities to come up with something that provides more of an individual business incentive, otherwise, I fear that we will be two years from now, and we will not have met the goals and, and --

Anderson: I can say clearly we spent a lot of time doing that and doing a lot of research and doing a lot of looking. Either way, it's a zero game. Zero amount of costs. If we went on incentive behavior, we need to increase costs somewhere else. We can do that on other companies. We can raise fees for everybody, so that everybody pays a little more and some of the companies get the benefit in order to get the food out of the system, and you know, that's an ok way to go, too

Leonard: I think what you are hearing is that we trust the judgment if you have clear direction from the council, and I think the sense is that we haven't gotten clear enough direction. I think that's accurate. I agree with commissioner Sten. I haven't been engaged in this to the level that I should have, so kind of based on these comments, I do want to move to refer back to commissioner Saltzman's office to develop instructions from the council, develop some form of a franchise system, come back to the council at some point in the future.

Anderson: Would you want that?

Leonard: Whenever. I'm not telling you when, just when, when you --

Sten: I want to hear from commissioner Saltzman on this amendment. I guess I just want to ask you the question, at what, I mean, why on earth wouldn't we price garbage to incent -- it's going to cost us, the community 10 times more money in the long road if we don't change our behaviors. There's no sustainable path that any right or left wing person has out there by which our consumption recycling waste patterns can hold, and the cost -- it's not, it's not -- we're not avoiding businesses cost or externalizing those costs onto everyone else and passing it down in the future, so why wouldn't we, we -- there is also a cost of not getting our act together sooner. Why wouldn't we look at pricing structures we're, we're you pay less if you are adapting and doing things well? The market is doing that with gasoline, I mean, it's, it's --

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Adams: Not well enough.

Sten: But I think that's when a market works is when there is pricing structures and behaviors -- when the markets reward the right behavior, they are very, very efficient, and my feeling is that you will see changes very quickly if, if there's the right kind of structure in place.

Adams: If I could add onto that, commissioner, and then I would like to hear from commissioner Saltzman, and that is that there is the opportunity -- I don't agree with your, respectfully I don't agree with your characterization it's just a zero sum game. There is a possibility to reduce consumption, and just, just not do things the same way. Miss Roy was here, and if she hasn't shown all of us how possible that is, I don't know who could, so I don't agree that it's totally a zero sum game. I think we are trying to change our behaviors, and I think that business is, businesses can change their behaviors to reduce unnecessary consumption. I think that they can lean on their suppliers and, and -- to change packaging, and there are opportunities here that, that I would like to have your folks spend more time on.

Saltzman: I think Ben Walters wanted to address.

Ben Walters: The report addresses both the commercial and, and residential side of the program, and on the residential side, we have a franchise system in place. Staff is looking for direction on, on renegotiating the franchises, and, and if the report, in its entirety is, set back, then, then staff will, will be lacking the direction from council as to the, the residential renegotiations, which are ready to start and, in fact, and discussions have begun, as I understand it, but, you know, staff is looking from direction on the residential side.

Leonard: What would be helpful for me is if commissioner Saltzman could articulate the parts that need to pass today. I don't intend -- I shouldn't have said send it back. I mean, we intended you to discuss it along the line because there may be some other -- I'm not comfortable.

Saltzman: I guess, I don't want to be relegated back to -- I think as Susan characterized, the discussions got down to, to either don't franchise or do franchise, so having a clear direction from council, and maybe it's not, maybe we can come up with permutations of the franchise if that's what this council wants.

Leonard: My sense is just as commissioner Sten's, is that inevitably, this is going to be an issue that some council is going to have to deal with, and, and it just seems to me that, that it should be a, a topic of, of negotiations in your office to develop a system that, that ultimately is a franchise.

Adams: I know that's how this constructed, this conversation around the country, that this is Portland, and I'd like to, to push this all, push us all to do something that might be a little more creative then. It's one way or it's either market or it's franchise. I mean. Susan talked about there are opportunities in between. All I'm asking for is that you go back to look and spend more time about individual incentives and businesses, if they make it possible to change the way they do businesses, to keep their rates comparable to what they have now and we achieve the policy objectives better, in my opinion, because there are individual business incentives.

Leonard: I think you are out of the room when I was asking some questions about, about the current rate structure. In fact, O.S.P., according to Susan, did an analysis a few years back to determine that, that small businesses are, in effect, subsidizing large businesses because they don't have the negotiating power, so I do not want to perpetuate, and I am sharing in, in the rate structure, based on how powerful somebody is, if they negotiate, at the negotiating table. That's not the way we should develop the plan. I have to say that I don't think that I support the goal of trying to come up with something that everybody wants. I don't think that's possible.

Saltzman: There was quite a bit of resistance before you today in terms of the three-year, 5%. We tried to strike what we thought was a solid, give the commercial sector an opportunity to prove that they can do it before we, we drop the hammer. But if you are saying to come back with other options, you know, we'll look at them again.

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Sten: Actually, it was the organized resistance to this proposal that pushed me to say I think we need to go farther, we need to be more clear and get it done because if people aren't willing to embrace this program, you know, we're not going to get there. I mean, and there was a huge flurry of emails saying, come in and fight this. This is not adequate to where this community is going to have to get. Still, at some point, if you are going to have the fight, let's, let's do something smart and forward thinking. People will adapt so quickly, um, and, and we'll reach our goals. And, and that's what's got to happen.

Saltzman: I think the discussions have been very helpful, and I think what we'll do is, if we can act on the residential portion of the plan today, we'll come back with ideas about franchising or incentive rates.

Anderson: If I can make a recommendation. Chapter 5 and 6 deal with commercial, and multi-family, which we consider a part of commercial collection. If you can adopt the reports, expect for chapters five and six and have us go back and come back, you know, within 60 days with, with some form of, of a middle ground as a different proposal, you know, that's one option. The other option is to adopt it the way that it is

Leonard: I like the idea of omitting chapter five and six. I think we need to be clearer than middle ground in our direction. I think -- I am persuaded by the discussion here that it really needs -- the direction you need to understand you are working with is, is that we really think that some form of a franchise system has to happen. And that, that, as I understand it, could be in a variety of different models, and so i'm, i'm, I don't think any of us are comfortable sitting here, including commissioner Saltzman, but I think it needs to be clear to you out of fairness, that's the role of the council.

Anderson: That would be helpful.

Saltzman: That's my -- my will is a little different.

Adams: My will is a little different. My will for my vote, only, is I think you need to be responsive to commissioner Leonard on his comments and, and direction about, about, um, about franchise. What I am interested in is, is whether I would like to see some, some individual business incentives, perhaps, inside a commercial system because they are separable issues, within a, a commercial franchise, and then, and then using this approach, but adding some individual business incentives. The two are not dependent on the other. You don't need to do commercial franchises. The only waying to acceptance, but understand that there's interest, and I want to see, I don't even consider it a middle ground. I consider it potentially, you know, a

Leonard: Can you show us a couple options.

Anderson: We could come back to council and propose, let's say two options, you know. The administrative roles could get into more detail. I need to think about and talk to staff about is that 60 days or 90 days or is that, you know, how long to do that, and we could come back in the next few weeks and tell you what it is, but I would like -- if we are going to do that, I would like to come back and just say, here's two options. You five decide which one gets the most votes, and that's the way we proceed. Is that, does that work for all of you?

Adams: I want options. I don't care if it's three, two

Leonard: Three of us want two. [laughter]

Leonard: Maybe four. [laughter]

Anderson: All right.

Saltzman: Do we need to vote to pass this motion of adopting.

Walters: My sense of the motion at this point in time is that the, the council will proceed with a vote on the report excluding chapters five and six with staff to come back within, within 14 days or within the next two to three weeks with a time frame in which they will develop options on a commercial side to submit a report to council along those, along the time frame that they will report back on

Leonard: So move.

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Sten: Second.

Adams: That includes two friendly amendments?

Walters: The friendly amendments, the yearly reporting, I believe that goes both to -- that goes to the commercial or residential?

Anderson: That was on the commercial side, so that would be put off, and then, but the one related to the city operations and setting up the recycling about the trash can containers, yeah.

Walters: I would suggest that be made as a separate motion after this first one be dealt with

Leonard: So move.

Potter: Second?

Sten: Second.

Potter: Call the vote.

Adams: I really appreciate the discussion. I think it's been very informative and, and thanks for engaging in the questions and the issues. Aye.

Leonard: Aye.

Saltzman: I appreciate all the testimony and I want to thank the staff for the hard work that they have done and will continue to do on this but I think the council discussion has been very good and, and the public testimony great, and we're prepared to give it another crack. Aye.

Sten: I thank dan for the first crack and the next crack and all the work you have done on this and the work you have done, and susan and the team and all the citizens, you pushed this. I think, i'm hearing from people in the audience and I think we need to hear over and over is that we've just -- we're a great place that's done a lot and now it's our job to push ourselves harder and get to these next couple of levels. Commissioner Saltzman has been known for doing that, and I suspect he'll do this on the next round, aye.

Potter: I think this is a reasonable compromise to go back and discuss the commercial side. Not having been here when it was discussed the first time, and all of the things, i'm looking forward to the discussion. Aye. [laughter]

Potter: Do we need a second motion to consider --

Walters: Commissioner Adams you wanted to offer your motion.

Adams: Page 29, to add, under the table, as part of the policy that, that, for city government, currently provides public trash receptacles, that it wills, also provide recycling options subsidized by, by the city-wide solid waste and recycling revenues.

Potter: Do I hear a second?

Saltzman: Second.

Potter: Please call the vote.

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

Potter: Aye.

Walters: And then I beg your indulgence. Were he need to vote on the amended report to accept.

Adams: Thank you, commissioner Saltzman, to you and your team for your work on this.

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

Potter: Aye. [gavel pounded]

Potter: We're going to hear the 10:45 time certain and then take a short break before we begin the regular agenda. Please read the 10:45. Folks, if you could continue your discussion outside, I would appreciate it. Please read the 10:45.

Item 955.

Potter: Staff come forward, please. Could staff please come forward on, on item 955.

Ken Rust: Mayor Potter and members of the council, I am ken rust, the director of management of finance. The ordinance authorized an agreement with p.d.c. under which they would lead an effort to negotiate a redevelopment agreement with john carroll investments for the 10th and yamhill

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garage. The sufficiencies in the retail areas are well documented, and at a minimum, the retail areas, elevators and stairwells require a major renovation. We believe through the negotiation process authorized by this, there is a more significant redevelopment of the garage that may be possible. Earlier this year we had undertaken an r.f.p. Process, and carroll development proposed adding 20 offices, excuse me, 20 stories of office and housing uses to the existing garage. In addition, the retail areas would be redeveloped as part of any project with carroll investment. This major expansion to the building would add to the tax base and the, and add momentum to this area of the downtown. The negotiations that we would enter into will be guided by the guidelines in the intergovernmental agreements that call for the preservation of the city's parking inventory and preservation of the revenues of the city, that the city receivers in this garage, which are critically important to the functioning of the garage system. In addition to this action, we will be preparing findings in support of an exemption from the competitive bidding requirements for the state statute and city code. We expect to bring this item to council for approval in early september. We have staff here from my office and from p.u.c. to talk about this ordinance, and we're able to take testimony now, waiting until the other public testimony is in.

Potter: Questions to staff?

Sten: John, how do you feel about garbage in. [laughter]

Sten: I'm just kidding.

*******:** If the truth were known, i'm 1,000% in support of your going back and rethinking. Look down the road 25, 30 years, and the problem is, i'm concerned about it being managed well. So I think that you are, your extra effort here is commendable.

Sten: A great choice for a developer.

Adams: Do you have an opinion on garbage? [laughter]

*******:** Not today, thanks.

Potter: Mr. Carroll, I wanted to have a bit of conversation in public that --

Adams: I wanted to have a conversation you that and I have had around the opportunities for the station at this site given that its at the crossroads of, of light rail and streetcar that, that there's public interest here and given the public facility now, now going to, to joint sort of partnershiping. I'm very interested in getting, you know, a dutch style bike station somewhere in downtown. We've been looking for two years, and every time we think we're getting close, we're either priced out or, you know, the individual developer just doesn't think it will work for their project. Are you supportive of making room for a bike station in this redevelopment project?

John Carroll: Absolutely. That's a very specific program element. As we look down the road. I had some notes prepared, and I identified this area as a transportation crossroad, and, and what's unfolding in the last hour and a half is that its also a very important environmental crossroad. Vehicle miles traveled, carbon footprint, all those, those vocabulary, all of that vocabulary really strongly supports going back and looking at the program that you have just described. If in the process of working through the development of the program, you engaged the shareholders, local retail, local office, commercial operations and just the whole community, you are going to find that its light rail, streetcar, bicycle, pedestrianways. I think you need to look at this in a very solid way, including the recycling and, and including all of the issues you just addressed, but i'm changing the vocabulary to say environmental crossroad that includes those elements, absolutely.

Adams: Thank you.

Potter: Other questions? Mr. Carroll. We have folks to testify?

Moore: We have five, four people signed up.

Potter: Ok. Please call the first three. Thanks for being here. State your name for the record. You each have three minutes.

Geoff Ward: I'm geoff ward, and I am, I am, live in the saint james apartments, and, and i'm on the board of the Portland neighborhood association, but i'm speaking as an individual today. This

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garage on 10th and Yamhill has long been an unsightly problem for this area. Dark overhangs and, and the unsightly elevator corners have kept a lot of people out of this area. I have read this, this proposal. I accept it as it is written but I do have one thing, exempting the project from, from the competitive bidding does cause me some concern as it does, you know, how will it set a precedent for other things being exempted from, from I guess the rules. I don't know exactly how this works, but, but I think if this is a way to get this project done, keep the, the same parking revenue, get some housing downtown and, and make better areas for people to live in that area, would be a good way to do it, so, so just, at this point, as long as the, the, the project is set for the review that we normally have for the p.c.c. Funded project, I accept this proposal. Thank you.

Kryn Scoggins: I'm Kryn Scoggins from [inaudible] downtown Portland, a representative. Thank you for allowing us this time to talk. We would just like to, to give our concurrence and, and the part of the project under the development. We are the number one validator for that parking lodge, and have a vested interest in the renewal and the project. The current conditions continue to be our number one customer complaint, and it looks like we'll see some changes to make it a more visible and enjoyable place for people to come downtown. Not only do we support the, the project, but we would like to see it happen as quickly as possible, and if possible, in conjunction with [inaudible] project so we don't have a perpetual state of construction, and then the, the garage, and so, um, that's our position.

Potter: Thank you.

Mike Dennis: My name is Mike Dennis, and I am here on behalf of the Portland downtown neighborhood association. Thank you very much for this chance to speak. I have written testimony, which I can submit, and I will be very brief, just that, that the downtown neighborhood association as a great interest in this project, and, and strongly urges the city council to approve the i.g.a. to enter into -- to approve the i.g.a., we see this as a project of great importance. It's an underutilized site, a transportation hub with streetcar and light rail and pedestrians and bicyclists all converging on the area, and it's currently an unattractive site that has some, some -- we hear complaints of public safety issues and, and retail visibility issues, so, so we've, we've had, had a board member from the downtown greater association on the, the steering committee, Dan Zalco, former board member, actually, and have been really pleased that, that we've been able to look at all the different development options as they have gone through during the r.f.p. and r.f.q. process, and really, we're struck and impressed by Carroll investments coming and approaching us proactively to get our input on the projects, so on behalf of the downtown neighborhood association, we want to strongly urge you to, to enter into, into negotiations on this. Thank you.

Potter: Is that all who signed up?

Lou Elliott: Good morning, thank you. I'm speaking this morning on behalf of the Bill Naito company, the owner of the Galleria. We're in favor of the proposed agreement, and see it as a, as a, as an appropriate acknowledgement of the investment of hours and hours and years, in fact, of the stakeholder advisory committee meetings regarding this garage. And, and it will also be a, a significant contribution to the efforts that are being made with the Park West development. And, and the development of the Park Block 5 and our redevelopment of the long suffering Galleria, which we have initiated with the Brooks Brothers lease and, and other, other developments that we're moving forward on. We're in favor of it and we encourage you to vote yes.

Potter: Thank you. Could the staff come back up, please? Thank you, sir. Commissioner Adams.

Adams: Lou, could you come up? Sorry I forgot to ask these questions before. Can you summarize the anticipated or desirable impact that this particular project, if it moves forward to fruition, would have on the overall garage fund?

Rust: I'll start out with David, the manager of the parking garage system, we talked about that, as well. Our goal is for you know, to continue to have the garage thrive. It's one of our most

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productive financially speaking garages in the garage system. One of the issues we're going to have to, to manage, as we go through this process, is, is inevitably, the seismic upgrade and, and the changes to the garage structure to allow a development of the rights, may affect the total number of parking stalls that will be available in the garage, so, so they will be some, I think, acknowledgement that we may have, some impact on the garage system. Certainly during the construction process, it will be [inaudible] porn that the garage stay hope, important that it stay open and serve the retail establishments there, but with the long run, if we don't do something, that garage is going to be, to be, not be the kind of, of garage that we would like to have part of the system. It is a greater risk. We really are in a position that we're going to have to do something in order to, to keep that garage healthy, and also to, to make it less than an eyesore for the surrounding community. What we're going to get out of this is, is a project, if we are successful, that preserves the best parts of the garage system financially, but also creates a lot more value for the city overall and, and for the surrounding neighborhood by having uses above that, that are actually going to generate property tax revenues and business license fee revenue, create benefits to the city general fund, and that are far beyond the narrower kind of view of the garage system, so our goal is to try to protect the garages but create some other benefits, as well.

Adams: Are there any limitations on what p.d.c. Can do with the asset on our behalf?

Rust: Well, we are very concerned about, about losing the control of the assets. That's one of the issues that we had during the r.f.p. Process is the way that it was proposed in terms of the two responses we received, is that the garage would actually refer to the private ownership, and we're very concern about losing that asset from the public ownership. That is clearly something that, that is important to us. We also describe pretty specifically what our objectives are in terms of the impacts on that revenue, the number of parking stalls, and, and the parking operation during the construction, and, and we realize that we have to have some flexibility but we think that we have given them good direction as to what our goals and objectives are for them to come back with an agreement that would, that would meet the objectives and allow us to move forward.

Adams: Do you think that?

David Logsdon: No, I think [inaudible] quite well.

Adams: Lou, what do you think about bike stations?

Lew Bowers: I'm in favor of garbage -- no, i'm sorry. [laughter] I think the bike station is a good idea to consider. One of the, one of the original motivations for action here was, was this was, this was is a fundamental part of the park having a vision, which involved redeveloping the entire corridor, and also solidifying the age of the retail core, so we're very anxious to, to have this project result in retail space in the ground floor of the garage, as well as the new retail space in the tom warner tower and in the [inaudible] galleria. We're excited about that and we would like to look at the bike station, the context of how to enhance the retail core.

Adams: Tell me more what you mean by that.

Bowers: It's an option that we should consider. I want to look at it in terms of where is the prime retail space and we're might the bike station go in a way in that, that wouldn't necessarily take prime retail space but could be convenient to the retail core. Did I dance well enough on that?

Adams: I haven't seen that kind of dancing for --

Leonard: Since you gave a speech.

Adams: All right, all right.

Potter: Further questions? That was hurtful. [laughter]

Potter: Thank you very much. Let's take a vote.

Adams: I think the negotiations show a lot of promise. I'm really happy with the quality of the potential development partner that we have -- partner that we have enticed to have this conversation with, and I look forward to following the project and the negotiations and, and revitalizing that end of the retail district. Aye

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Leonard: I would refer to the remarks commissioner Sten made earlier about mark and john carroll. We are very fortunate to have john partner with us on this project. He's known for doing outstanding projects. He's based in Portland, so I couldn't be happier on the prospects of the success of this project, aye.

Saltzman: I echo those remarks. I think this is an exciting project, and backed by an exciting person, so I look forward to good things. Aye.

Sten: I agree. I think john, you do beautiful work, and the property will be terrific, and I also think this is a good example of an r.f.p. process needing to have more work and coming back and renegotiating. It's the theme, so i'm glad you kept at it, and I look forward to seeing what we come out with. I also think, state the obvious, that we own quite a few, and if we can come up with a model at which to make better use of the air rights, perhaps it can be applied to the other garages, as well, and, and so this is, this is, you know, both, both a great opportunity for this part of downtown but perhaps prototyped to actually save land and do other things important, so, so I wish you the best. Aye.

Potter: I want to thank [inaudible] and especially john carroll. The initial negotiations, the people were requiring we would sell the property and fortunately, john carroll saw it somewhat different, so we can't retain ownership, and really make that piece of property much more, um, beautiful and, and also acquire additional revenues from it in terms of the taxes, and, and I look forward to seeing how it turns out. And the negotiations. Thank you all. Aye. [gavel pounded]

Potter: We are adjourned for 15 minutes.

Potter: The city council is reconvened. Call the roll.

Adams: Here. **Leonard:** Here. **Saltzman:** Here. **Sten:** Here.

Potter: Here. [gavel pounded] Please read item 973.

Item 973.

Potter: Commissioner Leonard.

Leonard: We have an amendment to attachment a. Carla, do you have copies of that? It's a technical amendment that the city attorney's office needed. Doesn't have any substantive impact on the language of the title, but it's, it's necessary. So if I could move that amendment.

Potter: What is different about it, again? In the name here?

*****: Anyone from the city attorney's office?

Potter: I saw linda walking away

Leonard: She came to me and said, this was, this was just a technical amendment that she apologized, but they needed to have this.

Potter: Has the board had a chance to look at it?

Leonard: Basically, it says chapter 5, the city of Portland, Oregon, is amended to read as follows.

Potter: Right.

*****: She's here

Leonard: Oh, here's linda. Linda, could you just explain the technical amendment?

Linda Meng: When the new city attorney's office -- with the city's attorney's office. The technical exhibit is, in front of you, it just states that this is an act that will actually become part of the city charter. It just needs to be part of the language inserted in front of the language that you have in front of you, but it's really just a technical requirement. It doesn't change anything about what's being done. Just omitted.

Potter: Ok. Did you make a motion?

Leonard: So moved

Potter: A second?

Saltzman: Second.

Potter: Call a vote.

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

Potter: Aye. [gavel pounded]

Leonard: Thank you, mayor tom Potter and council. The proposal before you is a referral to the november ballot, which would essentially, bring the disability benefits to, to officers, police officers and firefighters injured in the line of duty, the exact same benefit that they get if they were under worker's comp, that would be any, in the line of duty injury that, that acquires treatment after, after they retire from their respective bureaus, will be covered, medical expenses, for which we'll be reimbursed to the officers, and the firefighters. Again, this is a, a, something that we have discussed here at length in the past, including the last legislative session. We had various, various work groups. There have been, um, a number of different iterations of this language, and it arrives to us truly as a consensus document that, I think, that all of us can support.

Potter: Is there anyone signed up to testify on this?

*****: Veronica did. I don't know if she is still here.

*****: Veronica did. I don't know if she is still here.

*****: Good afternoon, city council. Mayor tom Potter.

Potter: Please have a seat.

*****: Everyone. Thank you.

Potter: State your name for the record and you have three minutes.

Veronica Bernier: I'll take less than that. Good afternoon, everybody. I'm veronica from the community health education, Portland state university. I'm an alumni, as of 2005. I just wanted to bring to the city council my position as far as myself, my own interests go, regarding the, the deaf and disability retirement issue. I support the police, the police [inaudible] always have been. My former [inaudible] was police related, and I come from a fire family, which basically, you are.

Leonard: Which is why you like police?

Bernier: Well, yeah. [laughter]

*****: I do. Enough of this.

*****: I understand.

Bernier: Ok, good. I just want to support the police. I think they are doing a good job, and I think that, that, you know, the police don't always get the support that they deserve from the community and sometimes, they do get into positions we're, we're they are like one man down, particularly with the, the [inaudible] I wanted to say the amount of equestrian police, but in those situations sometimes regard them as different and they are basically the same. It's an adjunct but we support them in community health education, and also wanted to add they are doing a fine job. There is no written, written script for what's happening in Portland right now. It's not covered under p.o.s.t. There isn't anything that says, the direction the city is going, so, so more power to you, and, you know, atta boy.

*****: Thank you, veronica.

Potter: That was it?

Moore: That's all.

Potter: Any further discussion by council? Please call the vote.

Adams: I'd like to thank shoshana, wherever she is, from my staff for doing such great work on helping to keep track of this. Aye

Leonard: I would be remiss if I didn't acknowledge that although this appears to be a fairly straightforward issue, at this point, it only is because of the herculean efforts on the part of commissioner Adams. He absolutely deserves public acknowledgement for, for his, his behind the scenes hard work to reach a consensus on this, and as hard of a time as I gave him during that process, I do respect the fact that he stuck with it and helped us find a balance that can allow us all the support of this, so I truly appreciate it, aye.

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Saltzman: It's fundamentally unfair that firefighters are injured officers who remain on disability, receive medical benefits after retirement when an officer who returns to duty to work loses that medical coverage, and this is why we committed ourselves, at some point, last year, to come forward with this charter amendment to fix this inequity. And I believe that this is an issue that the voters of Portland should decide, and I am hopeful that they will understand that this is an equity, an inequity that deserves to be corrected. During the process, the council undertook to refer this issue to the voters. Last year Portlanders overwhelmingly decided to revamp it in our system. I believe that we, as a city council, needed to respect the will of the voters and provide assurances to the voters that any new medical benefits would be granted to legitimate disability claims. [inaudible] council staff, city attorneys and the input of the new fpd&r board of trustees, I believe this strikes the right balance between providing medical coverage and also protecting the public interests. So, I would like to acknowledge all of my fellow members on the council and echo commissioner Leonard's comments about commissioner Adams for all of his hard work there in the ninth inning. 11th inning, whatever. [laughter] And especially the board of trustees of the board for their tireless work on this issue, so thank you all, and I would be remiss if I didn't, once again, acknowledge jan from my staff for all her hard work and commitment to getting this right. I believe this is a right and fair thing to do for our public safety officers, and therefore, I am pleased to vote yes, and I look forward to working with, with the other commissioners on the explanatory statement for this.

Sten: I want to thank everyone. I tried to decide that one more cook in the kitchen wouldn't must have any help so i'm very glad to be able to say that. [laughter] I am very excited to eat this meal that you conducted. I do think, and I guess I might kind of elaborate a bit on what commissioner Saltzman said. I don't think that voters who support, it the reform, would have had any idea this issue is in there, let alone made any sort of, of affirmative statement that they thought that, you know, those folks who did the hard work, getting back to work should lose the benefit in terms of the what they would have if they stayed on disability. If I recall correctly, we found that this was not adequately addressed at the very time that we sent the ballot measure out last time, and there was a discussion in the council chambers about this needs more work, than we can get to today so we're probably going to know that we have to send another measure out, I think this is consistent with what we said at the time, and, and I am hopeful voters will take a look at it and agree there is a fair way to go about it and I think in addition to being fair, we'll probably, um, be another motivator for the folks who want to get back to work so not see reasons not to, and, and so I think it's a good thing, and thanks for everyone. Aye.

Potter: I want to thank my fellow commissioners, and particularly, commissioner Adams for his leadership and, and I think he deserves a lot of the credit for coming up with the language that we're going on today. But also, I want to thank our fpd&r board. Including justin, jeff, scott, and bob, for their work on this issue because you folks brought out the first language that everybody then got to take a couple shots at and, and work on. I think that the result is really, really important, and I think it was, also, due to the Portland firefighters association and the Portland police association for their efforts not only to, to help solve this problem, but in developing the charter reforms that the voters passed last november. I strongly support this and I look forward to working with the rest of council and our unions and fpd&r board to make sure this passes in november. Aye. Thank you very much, folks.

Item 974.

Potter: Second reading, call the vote.

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

Potter: Aye. [gavel pounded]

Potter: Item 975.

Item 975.

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Tom Feely: Good afternoon. My name is tom feely with the office of management finance, business operations division. With me is john hunt, and mike palmer, representing our customers. He's from the fleets bureau. Just walked into the room. This resolution is pretty simple. It repeals the prior resolution 359630 passed by the council in 2001 that required specific council approval for any new vehicle in the fleet, any, any s.u.v., or any sort of upgrade. At the time, I think that there was an interest in very closely managing the fleet on behalf of the city. I think our attitude has changed. Especially since john has gotten here. Our number one concern from our customers is the time it takes to, to buy a new vehicle. Prior to some of our internal efforts and, and hopefully, the passage of this resolution, it could take up to two years or more. We revamped the whole process so we start working with them very early on so by the time the budget is actually adopted, we're ready to order. Repeal this resolution would save us another three to four weeks in the process by not having it come to council, but you, as individual commissioners, will be able to look at your bureau budget requests and see what fleet vehicles they have got in for replacement, what vehicles they are buying, so I really don't think it reduces the accountability in any way. So, if you would like to hear from mike and john, we can answer any questions.

Mike Palmer: Mike palmer, from the police bureau. The police bureau supports the resolution and believes a more efficient purchase process will lead to more effective distribution of the vehicles. Receiving the vehicles is only half the battle. A great deal of scheduling, time and resources then goes into the buildout process to make the vehicles operationally ready. The vehicle is an important tool utilized by public safety officers and investigators to allow them to carry out their missions. Our goal would be assistance of our partners at city fleet, is to accomplish this in the most expeditious and efficient manner possible.

Feely: Any questions you might have?

Adams: I would appreciate if one of the requirements would be that, and I am asking for this, as a commissioner in charge, for my own, the way I conduct my own business with the portfolio that is they have to get my sign-off.

Potter: Ok. We can do that.

Adams: That it doesn't sort of end up happening without at least coming through you.

Feely: Ok. Yeah, no problem

Leonard: I think that would be a good policy for each of us because actually, not so much any more but in the past, I have had that.

Feely: All right

Leonard: Not because of anyone trying to get around us but there has been a process in place, and I think even in the past, the commissioners, all of us, myself included, haven't been as focused on the type of vehicle, the engines, propellant and all of that. We are now, and I think we each have an interest.

Feely: I think it would be easy to do because john, basically, works with them and comes up with a complete list and then feeds it into the budge request so you can sign off on that, and then any, any, anything that comes to the bump, will come through your office.

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

Adams: I want to make sure that I have to sign off on it. [laughter]

Feely: I know. I hear you

Leonard: Good idea.

Adams: Sometimes things end up going to council that I didn't sign off on.

Sten: My question is, having been on the council in this in the past, I guess i'm less concerned about taking another three, say it takes two years then you are going to save three weeks by bringing it to council the concern at the time, which I am not sure your testimony addressed, was if the bureau is making decisions to buy s.u.v.'s that they didn't need, and there is an infamous one, I see mark in the back, someone is not there any more, said it wasn't safe to drive to salem unless mid

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an s.u.v., and, and they drive hybrids now, and they seem to be safe. The question is, for me, before i'm going to vote for this, so why has that problem gone away? And that problem seems to me to be a lot worse from the council's perspective than, than it takes another three weeks, which the bureaus can plan for to get it through. I'm much more concerned about us having an energy efficient forcible policy.

Feely: I understand. I think the scrutiny, I don't mean any offense to myself but the scrutiny of it having to be on the council calendar is highly more likely it will get caught in my office, particularly when you have big departments, than it is, you know, once it goes, it gets thrown into budget. When it gets thrown into the budget, it's often lineup items for cars, and, and so there's a whole other question that I think, you know, I frankly think that if the council has a policy that says, if you are going to buy an s.u.v. It, has to come before the council, I think you are going to get, even if it's close, people won't buy them because they don't want to come to the council.

Feely: Right now it requires the approval of the c.e.o. But i'll let john answer because I think the numbers have gone down.

Sten: That's a different matter. I mean, having to get it through an internal process we're your testimony, I mean this in the friendliest fashion, is what we care about is we having to this faster, versus you are going to have to be on the council docket and you might, probably not consent but might get pulled off because someone is going to say why are you buying this, this car. I think it creates an accountability mechanism that you are pulling away for what I think is a fractional savings in time that is completely avoidable by planning.

Feely: I would say it's one aspect of the reduction in time we have made, so it's not the only action we have taken.

John Hunt: I might just say, john hunt, pleat manager. Very concerned about what you are saying, and, and what we have created is, is a fleet service request form that addresses any new additional upgrade rents or leases, any, any special projects for fleet, and basically, they are signed by the department director. We price out the form, and then it, it goes back for approval, and, and in the case of commissioner Adams, who would be approved by you, and it will clearly state that its an s.u.v. And a description as to why the operational need is there for an s.u.v., why we need to, you know, lease for long periods of time. That's all on, on each one of these forms that, that we fill out, and again, price out, and it's very clear. In the past, this piece didn't exist, and so now, we can clearly identify again, need, cost, and everything that you would need to know to give that assurance that you are approving something that we need to move forward on, and then we would move forward, wouldn't move forward unless it has been signed off by yourself and the budget office, and I sign each one, too, as far as the estimates and so forth that I agree that they are appropriate, so we, we think with, with the program like this in place, that we can, we can get to the same send result, and you are right, I mean, we want to reduce the number of s.u.v.'s throughout the fleet. We track the number, and each year, we look at numbers of lease vehicles, and in fact, we just reduced last year, 30 lease vehicles for the police bureau and 12 s.u.v.'s.

Sten: The other way to get at this would be to have a more clear city-wide policy that just told you, I mean, because try to recall the conversation, and I believe I do recently well, the problem was there's attention, a tension between, you know, the, I think our, our fleet, and this has gotten better since you have taken over so I have nothing but compliments for you. I think our internal bureaus doing very well but there's often a perception from somebody somewhere in one of the bureaus, if I didn't have to deal with the fleet, I could avoid this. I want to just call up wherever, and, and the fleet, as it should, has an enormous need to provide superior customer service, and so you are not -- it puts you in a tough position to enforce policy, and that was the whole reason that, you know, that this council should decide the policy, and fleet should be fast and responsive, and when we had the discussion a few years ago, it was like, the fleet guys are saying well, you know, it's not our jobs to

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decide what to buy, you know. If what we want to do, if the water bureau wants, you know, an expedition, we want to get it out fast, you know. They don't, but, I mean. [laughter]

Sten: But that was the conversation at the time, you know. And my concern is, ok, this sounds great because right now you have got a fleet director paying attention to this and council members who are paying attention to it, but it seems like we should have a city-wide approach, and then just have some kind of policy that says this is our priorities, you enforce it, but not have a sign-off one by one process

Leonard: I'm persuaded by that argument. I'm reminded of the discussion I think you got in on the tail end of it. I actually had this discussion with the water bureau, and they made a persuasive case why they needed to have expeditions. We finally ultimately just said, actually went up and measured ourselves what they needed to haul, and they got jeep liberties, and they love them now, but listening to them back then, I mean, if you are all unsure about your convictions to use alternative fuels you would allow them, we would have allowed them to buy expeditions so i'm really persuaded by the idea of that. I'm not sure there are many cases we're we actually need to have s.u.v.'s, at least to the extent that they have been used.

Sten: There is two parts in this. All vehicles coming to us and s.u.v.'s or just s.u.v.'s?

Feely: These are new vehicles, upgrades, and, and leases longer than six months. S.u.v.'s. All kind of wrapped into part of a package, and, you know, again, don't disagree with why it was put together because I think that we were looking at, you know, fleet groups, we're you couldn't pay attention to the amount of vehicles, and looking at s.u.v.'s and so forth. I guess we're coming to you today just saying that we have, have a procedure in place that actually lists, you know, the, the project, the request, and the, the, still, there is opportunity to, to approve. For us, you know, this is one piece of a very large puzzle in that each year we'll actually do a, a replacement list based upon age and mileage. We go out to east customer through our liaison meeting, and we discuss whether, whether a replacement in kind is needed or, or an upgrade, and then if the upgrade is needed, actually, forms are filled out. They are submitted to be signed off by the commissioner in charge, and then put forth through the budget package, so we believe that that's a much better process because we can go to work july 1 to buy the equipment that we need. What was happening in the past is requests would come in a little later, and then move through the bump process, and then once we learned about it, we would pull all the data together and process, sometimes three times, we would need to go before our council. Once for the approval before the upgrade. Once if it's over 500,000, and yet one more time for the purchase agents approval so what we're really asking is that, that one layer that, that, you know, could take, if it's not an emergency, you know, about five weeks because it's red once and then a second time, and then a 30-day wait period, but the reality is we get them in the office and, and kind of start pulling together the information on the exhibits and pull that together so now you added a couple more weeks to it, and so we're already pretty far behind the curb before we can begin, so we're really redoing the way we buy in that we're starting in july, actually, looking at the next year down the road, so we think that that's going to speed things up dramatically, but also, we would like to remove that one, one layer but still give you, you know, a chance to review each project before it goes forward. So, that's our intent. I have to tell you with some of the positives that we have done so far, you know, in the last year, we've bought over 500 pieces of equipment for the city. That's about 18% of our total fleet, and, and very proud of that, and we're reducing life cycles and, you know, and controlling our cost much better than we, we were in the past, so, so anyway, that's why we are before you today, is asking, asking if there's, there's a way that we could eliminate that extra step.

Potter: Could we pull this back and have, over the next two or three weeks, have them develop, by going to visit the offices, a policy that we could all adopt and live with and still give them that authority, but based with that policy, is that ok?

Sten: That would be my preference

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Leonard: That would be really helpful.

Saltzman: I'm fine with it. I just wanted to add, I raised this at an earlier time, maybe it was jeff barrett, but having some sort of a checkoff that when a vehicle is purchased, that there's not an alternative fuel. Alternative fuel vehicles have been looked at first and for whatever reason, you know, decided not to.

Feely: Yes.

Saltzman: I would like to see that.

Potter: And visit each of the commissioner's office.

*******:** Right, I get it.

Sten: I would propose something simple that says, if it's in the adopted budget and it's, and it's the most fuel efficient vehicle available, you know, you need very little process. If it's, you know, something more, then maybe you need to send it to the commissioner's office. I want to make it fast. I just -- what issue is that, is that there is certain behaviors that we want to look out for.

Feely: I understand. With john's new policy, too, most of it is going to be coming through the budget process.

Sten: And also, I feel like, you know, if it's clear this is going to be streamlined, if you get it into the proper budget process, and if you, if you make john go through the bump and do all of that stuff, it will slow you down. I think your managers will figure that out pretty fast. Ok.

Potter: Come back in early september, about three weeks or so, would that be ok?

Feely: Yes.

Potter: Thank you. I'd like to read 976 and 978 together since they are with the very same issue, is that ok? Save that, yours to the end?

Leonard: Yes. I think all my invited testimony has left at this point. Maybe not all of it.

Potter: Read both 976 and 978.

Items 976 and 978.

Potter: Commissioner Saltzman.

Saltzman: Thank you, mr. Mayor. We'll be brief here, but this is really good news. The Portland community center was built in 1998. At the time, there were insufficient funds for a pool but a master plan for a new pool was created as part of the design, and thanks to, to the 2 on your side parks levy, included funds for the design and construction of the pool complex, and that was augmented by the city council with a special probation in last year's budge, an additional \$3.8 million to get the job going, and has exciting sustainability features, and this was the contract to start building it. I'll turn it over to, to maybe richard our parts architect to say a few words.

Richard bosh: I'll start it. Richard bosh. The architect, parks and parks and recreation, also the project manager for the project. I think commissioner Saltzman has hit upon some of the highlights.

We have gone through a public process in 2004, we brought onboard architects to work with us, and we have gone through the public process and design confirming the scope of work. We have a beautiful project. It has been presented before in new locations. About a year ago, in an attempt to meet certain deadlines, especially since the levy is going to expire in a year, we also decided to go through a process, I think barbara can explain, an accelerated process to bring the contractor onboard, and that process was brought onboard by crutcher lewis. We worked with them for eight months with the architect. He rye find the scope and developed what we call, in legal terms, a guaranteed management price but I think a better way of talking about it is the cost of work, cost of construction, and that's about 8.2, million. We're ready to comments. We have pretty much all the work ready to go, and, and we plan to be on our way the start of september, and this is a wonderful construction firm be if you don't know them. They are one of the biggest in the region, and very excited and they are going to be able to meet our opening date of -- our full season starts after labor day, our year-round season, so next year we will be having a grand opening for this pool complex.

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Barb Gibson: Good afternoon. I'm Barb Gibson, and I am the supervisor for the bureau of purchases. Before you is the purchasing agent report recommending an award for requests for proposal number 105688 to Crutcher Lewis in the amount of \$8,280,644. This is for the east Portland community center pool addition project on behalf of the bureau of parks and recreation. Crutcher Lewis LLC has currently identified a 5.7% participation in subcontracting opportunities for the MWESB during the construction phase of this project, which they believe should result in approximately \$365,733. They have agreed to continue their outreach and subcontracting efforts during the construction phase of this project. At this point, I'll turn it back to council for any questions you might have regarding the selection process.

Potter: Questions from the commissioners? Thank you. It's always guaranteed you won't have any questions.

*****: Exactly.

*****: Thank you.

Potter: Is anyone signed up to testify on this?

Moore: No one signed up.

Potter: Is there anyone here who wishes to testify on this matter? Please call the vote on 9, actually, it's a report, I need a motion to accept 976 and a second

Leonard: Is move.

Saltzman: Second.

Potter: Call the vote.

Adams: Aye

Leonard: This has been a goal for east Portland for a long time, and it's really, really wonderful to see it come to fruition, thank you for your work, aye.

Saltzman: I just wanted to mention before voting that this has some really exciting sustainability features. 100% of the stormwater managed on-site, and we are shooting for a platinum rating and also working on a very exciting [inaudible] project. This will generate electricity, so it's got great features, and, and long overdo. Aye.

Sten: Very exciting. Aye.

Potter: Great project. Aye. [gavel pounded]

Potter: Call the vote, emergency vote on 978.

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

Potter: Aye. [gavel pounded]

Potter: Please read item 977.

Item 977.

Potter: Commissioner Leonard.

Leonard: Thank you, Mayor Potter and members of the council. I bring before you today a, a, a product that is the result of, of nearly a year's worth of work in my office, and in that past year, we began with concluding, and then having it be reinforced by, by, by the police bureau data and, and [inaudible] data that graffiti doesn't feel like it's increasing in Portland. It has reached pandemic levels in Portland and has increased exponentially over the last two or three years. We worked with businesses. We worked with large residential property owners. We worked with individual property owners. We work closely with the police bureau and the development of the language. We work closely with the, the officer in the development of the language to assure ourselves that what we are developing was something he could, he could barely adjudicate if and when cases arrived in front of him. I think it's fair to say not everybody is happy with this. It's because it is going to have a dramatic impact if you look at what other cities have experienced when they have dieted, adopted similar ordinances on the sale of spray paint at retail outlets and other graffiti making materials. It will cost businesses money because people now that have been buying these materials, to vandalize and frankly ruin some neighborhoods, will not have them as available to

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them as they were in the past. So, aaron johnson from my office has been the point person. He has now a master's degree in graffiti after all the work that he's done. He's a walking, talking encyclopedia of stats and, and research on the issue and has put together a very tight but, but illuminative talk on, on graffiti that includes a power point.

Aaron Johnson: Aaron johnson, commissioner Leonard's office, I will burn through this pretty quick, given the time. Let's get going. Graffiti cost more than a million dollars each year. Last year, traffic rules and fines cost \$72,000. Water bureau, spent 80,000. Police, 87,000. Maintenance bureau, 120. Parks, 250, and 400,000. Traffic fines are a popular target. Just as of yesterday, we had 1250 reports in our database. These are just city fines, not odot property at all. Water bureau property, also another popular target. Especially water tanks and isolated properties such as kelly butte. The bureau, as a matter of fact, spent 67,000 last year. [inaudible] businesses are also hit frequently, although we provide small businesses with, with reduced cost graffiti removal, those who don't qualify for that service by code are required to remove graffiti themselves within 10 days. At their own expense. Otherwise, the code empowers the city to seek a warn into the property, removing the graffiti and charge the property owner for the cost of the pavement. Owner occupied properties also, also, also qualify for, for a free or reduced cost of agree feat removal. One of the problems many property owners encounter is that, is that the contractors have a hard time matching the paint colors, so, so sometimes they are encouraged to provide the paint themselves at their own cost. Here I have an example of asset etching, we're not just talking about spray paint but window etching material, which is popping up in the city. Vehicles, of course, seem to be a new trend, graffiti's like to pack the vehicles. Despite the money we spend, reports to the city of graffiti vandalism has increased 3% over the last year measured from july. 2006-2007 and the vandals are cited and released, and there is backlog of cases awaiting them, and the vandals know this, the fact that there is no prosecution of the taggers. We have reports on the websites such as myspace.com and [inaudible]. Here's one example. This is a website, the chatroom, if you look at the left, top left, entitled parting in Portland. If you jump to the portion highlighted in yellow, it says 2007 is going to be a good year. Fuzz, police rolling, got popped last night. Locked up, let go. Court date, I believe I finished my work. Let's paint. Police tell us that, that on average, 10 taggers are arrested per month. And just to give you an idea of how broken the system is, here's the list of, of 10 cases awaiting follow-up by the police for prosecution. I'm going to flip through examples of the work. Delk goss and fader part of that crew. Arrested in january. Delk has been active since 2004 with 104 reports on the database, goss, 61, fader, 15. Snore, a member of the crew, was ap, wasn't apprehended, 106 reports in the database. [inaudible] was arrested in july and august of 2006. Think currently tagging across southeast Portland. And again, keep in mind these people have been arrested and they are just waiting for follow-up by the police for prosecution. [inaudible] arrested in july of 2006 with 47 in the database. By far. [inaudible] skiing arrested in march. 130 in the database, july of 2005, still tagging as of last week. I saw a skin tag on my way home last night. Meter arrested april. 84 tags in the database. Active since march of 2005. July 4 this year, he hit multiple buildings. And zombie arrested or, arrested april 2005, at least 20 tags in the database. Police officers report a large percentage of taggers [inaudible] and we responded with the anti-graffiti program. Only one responded by locking up spray cans. 30 other cities in the nation, cities and jurisdictions from the counties have, have noted this link between that graffiti and regulated [inaudible] graffiti material. These are los angeles, harrington, albuquerque, cornelius, Oregon, as of july, passed the storage reimer. Las vegas, you know, the list is pretty long. In terms of the effectiveness, we heard back from yonkers, new york, and they, they implemented the ordinance restricting the display of graffiti in 1991, and, and between 1996 and 2000, they were able to apprehend 249 graffiti vandals as a result of their, their requirements. Effectively what happens is when they run across a business that isn't storing the material, in compliance with the code, they immediately issue a summons. Investigations get done and taken from there. It's

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important to understand that the language, and I will get into the details in a moment, is just one part of, of it. It won't work by itself. That's very clear. We need to insure [inaudible] the city also needs to encourage surrounding cities to pass ordinances regulating the display of graffiti material because there is nothing to prevent someone from jumping on the max and going to hillsboro or gresham and getting spray paint and tagging Portland. And if there are any questions, i'll move into the specifics of the language.

Potter: Are you going to describe how you did outreach to businesses and other groups in your next section or is this the section?

Leonard: I'm happy to do that. We spoke with, with and worked with a number of businesses, some of whom are represented here this morning and left, one left a letter for the record, east bank investments, that, that were, were the victims. We worked mainly with the victims, the business victims of these crimes. And they expressed to us extreme frustration because they felt like they were not only the victim, but being treated like the criminal by the city because as aaron alluded to earlier in his testimony, they get tagged, and if they don't remove the material themselves, and the city comes in and does it, it leans the property, and, and they literally remove the, the offending graffiti, and that night, it's back. And it is, it is a vicious, frustrating cycle for these businesses. We worked closely with multi-family residential property owners. It's, it's -- the story is the same, literally, throughout Portland. I believe we have one resident here that will testify on her own experience, but it has become clear that, that this, this is, is an issue that requires a different approach that what we've been using because what we've been doing doesn't work. I will be the first to tell you that if you expect the business community to come in and say they like this idea, they don't. Those that are members of the business community that are in the business of selling the materials as I alluded to in my opening remarks will find they won't sell as much of this material because people who buy this stuff, basically, anonymously now steal it, won't be able to, and it will have a huge impact on the sales. But, but that's a decision that, that, that, that we thought on balance, weighed in favor of the community and the victim businesses throughout the city.

Potter: Did you contact the small business advisory committee or d.b.a.?

Leonard: I met with members of the small business, members of the small businesses that group represents, and I met with businesses with the, that the p.d.a. Represents but neither of those two organizations, I hope you understand, represents all the businesses in Portland. There are a number of businesses that do not belong to either the p.b.a. Or the small business association, most of whom it was that we, we worked with, traditionally, many of these kinds of taggings occurred not in the highest income areas of Portland. And by definition, these are many folks, and that is the same with, with the residents, too. You don't see the outbreak of, of graffiti in the west side of Portland as on the east side, and on the east side than in the core parts so those communes hardest hit are the ones we work the closest with, and including the police officers involved. Which we're going to hear from.

Saltzman: What do we know about the cost associated with purchasing walkable display cases? Maintaining purchasing records?

Johnson: The language won't require that the graffiti be locked, just inaccessible.

Saltzman: Whatever the cost, you know

Leonard: Won't necessarily be a cost. They can keep it in the storeroom when it arrives and have the displays out on the front counter much like they do if, if you shop at costco, and you go and you look at a watch, and you look at the displays and you get, you get a sheet of paper, and you write down the stock number and you take it to them. In that case and in this case, they would bring you the, the key.

Saltzman: I guess, i'll let you finish, aaron, but part of what's nagging me is I don't feel that, that those businesses have had a chance to even analyze the cost, and I know --

Leonard: That's not true. That is absolutely not true.

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Saltzman: I'm looking at what they wrote about this ordinance, and they say that, that, you know, the cost to the city and cost for private businesses, there is insufficient information available to reliably estimate the costs

Leonard: That's a different question than the one you just raised. Businesses have, have, um --

Saltzman: Seems like way back when, as a council, we used to have an economic impact of the ordinances like this, and I feel there needs to be something like that

Leonard: We can give you an economic analysis of the damage done.

Saltzman: You are answering me with a one-sided approach, and, you know, you are putting me in the uncomfortable position of having to speak on behalf of the process, and you know how uncomfortable that make me

Leonard: You have never asked me about the process, and what I am telling you is I have probably done more process on this project than on any single project that I have ever work on. It has been talked about more. I mean, I would tell you that the biodiesel, we don't include as many people in that process for a specific reason because we knew there would be a backlash. On this one I count last night, and every talk radio station in Portland, talking about this, at length, and I have been interviewed by every news publication in the city, and there are weekly stories written about it. I talk with businesses, residents, victims, the police, and each of you during the last budget session, during oney's budget presentation. I specifically said my support for their request for more crime prevention staff would be in agreement by them that they would agree that they had the hours to, to enforce this, you were all here when I asked the question. There is nothing that I have done in this, in this, since being on the city council, that has been more public, more process oriented, and more reflective of different stakeholders and, and the result is an ordinance that reflects everybody's input, including the police bureau, businesses, oneys, so you have never asked me this before so I think it's a little unfair of you to sit here and say this needs more process. You have no idea what process has been undertaken.

Saltzman: I didn't see it until this week's agenda

Leonard: You have to ask me first.

Saltzman: What do we know about [inaudible] what have they told us, what have we told them?

Leonard: There isn't necessarily any cost. They can leave the stock in their storeroom or put it in anything that's a secure area. They are not required to lock it up, and then as I said, have, on display, those items that they are selling, and on, on, to go up and get the product. That's how other cities do it. It's non invasive.

Saltzman: Is that what [inaudible] arc brothers or the hardware store, is that you --

Leonard: Since 1998, we have had a policy on the books, asking the businesses to cooperate with us, and you may be aware, none of them, accept the fred meyers on 39th and hawthorne, get, did anything about it so today, today, if somebody comes in and gets a case of paint, and they don't look like they will go home and paint their lawn furniture with it, they sell it. And the next day, the entire neighborhood is vandalized, automobiles, homes, fences, businesses, and, and you are going to hear this from the professionals that are out in the street. It is a -- they don't have the tools necessary to combat this. I took this project on, and, and, knowing it would be controversial year ago. Began doing the research, and then developing this, and, and didn't do it in a vacuum. Contrary to what you are suggesting, or anybody else would suggest. I would be the first to tell you that those, those that are going to be the object of, of the regulation don't like it. I understand that, but, but the people that live in homes, that, that struggled to get by this their cars that come out in the morning, and find their windshields, graffitied, their cars graffitied, have expressed to me, and I think you will hear from the police officer, that if they ever catch person that does, it there is going to be violence. And I believe that's inevitable, and I think that this is a measure that's responsible, that's been tried in communes. It works, and, and we can't turn our back to what's happening throughout the city.

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Potter: I agree with almost everything that you say, randy. My concern there are business people who told me their organizations, specifically, the small, the small business advisory committee, established by city council to offer the council on small business issues was not consulted. We have folks here to testify about that. I'm suggesting that, that I'm not sure that -- I support the idea of restricting access to spray cans. What I think you need to do, though, because this has done some pretty, pretty huge ramifications, is that we need to hear from more people. And yeah if, people oppose it, that's, so be it, but also there is people who will support it, that perhaps help us design it so that it can actually accommodate what we want, and I also, reduce the impact on businesses

Leonard: I appreciate your point.

Saltzman: That's what I'm trying to say

Leonard: I appreciate both your points of view. As I remarked earlier, I do take advice, and I did talk to members of all businesses. I don't give them veto power over what I'm going to do. I listen and reflect in what I'm proposing, what sounds, what sounds like it makes sense. And, and I have heard from members of the organizations that don't like the ordinance. That, that doesn't mean that I don't work with them. It means I don't agree that, that doing nothing is appropriate any more. And at this point, I think that we should hear from, from the professionals in the field, as I explained, for whatever reason, both of you have listened to others and haven't asked me about the concerns that, that. Last night, you said you hadn't read the ordinance. At 9:15 this morning was the first time you told me you might have an issue.

Potter: You told me you hadn't read it because you hadn't seen that's what you told me, and I asked you for a copy, and you said I will send one up

Leonard: And I did aaron, would you care to respond to that? You delivered it, in hand you e-mailed it and delivered it by hand.

Potter: How was I going to ask any questions if you hadn't seen the ordinance

Leonard: Mayor Potter, you just said you hadn't gotten it until monday. That's a staff problem. It sat up there. That's not my problem.

Potter: This is a question for the city attorney. Going through the, the last page of the exhibit a, section 14-b.85.30, civil penalties and 14b8540 criminal penalties. Section d of the civil penalty sets they are imposed pursuant to this section shall be the only penalties authorized for such violations and no further penalties should be imposed under section 14b85440.

Walters: I'm sorry, what?

Potter: Section d, says civil penalties shall be the only penalties authorized for such violations and no further penalties shall be imposed under section 14. It refers to the subsequent one, it describes the criminal penalties. It sounds contradictory. How does that work when you get to court, and, and, and defense attorney is fog about the fact that it appears as if you have ruled out criminal penalties and then you put a paragraph in about criminal penalties?

Walters: I think I see your point. That, that this language could, apparently, be used by a criminal defense attorney in arguing that, that criminal penalties aren't allowed whatsoever. My understanding is the intention is that, is that this, this gives the, the graffiti manager and, and the, the police bureau an opportunity to make a first evaluation as to whether the civil penalties should be undertaken, and if they decide not to pursue that, then it would go to the district attorney or possible criminal prosecution. How that process is undertaken would be useful.

Potter: Have you read d?

Leonard: He wrote it.

Potter: How does d relate to, to the subject of 14b85.0.

Walters: Again, the intent is to allow the graffiti manager the opportunity to make a determination, initially, as to whether to seek civil prosecution, civil penalties from the code hearings office.

Potter: Could you translate the paragraph within the d that says, no further penalties shall be imposed? No further penalties other than civil penalties?

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Walters: Yes, sir. Once that, that process is undertaken, at the code hearings officer, then 040 would be taken off, off the table, and, and no criminal prosecution could then proceed. This is language that, that, that exists right now in the time, place, and manner ordinance, so, so it's drawn from other sections of the code. But, if, if, if it's the council's directive that this could be clarified, we could go back and, and rework the language

Leonard: I'm open to that. I trusted the drafting to what we were doing and the result that you see before you, was not drafted by my office or aaron, but by the city attorney's office. So if there is some technical change, that needs to be addressed, i'm open to that.

Saltzman: What i'm interested in, at this point, is, is an opportunity. You are telling us you talked to a lot of businesses but just as we discussed, the Portland recycle plan, you know, there was a pretty good council discussion about what I had been talking to businesses about, and some clear directions to me as a result of the testimony. It's now late, 2:00, and I don't want to, to take the testimony of the people that are here, but I feel we need to schedule another hearing, not a second reading, we're at a time convenient to people, that probably were here earlier

Leonard: I'm sorry, commissioner Saltzman, but the analogy between the recycling issue and this can be more different, and in fact, if you would have handled the recycling issue as I handled this, we probably wouldn't have had as long after discussion this morning, but what I don't allow the community to come in and dictate the limits, and some did. Say this is what I want. If you will recall three years ago.

Saltzman: I'm saying as a council we have the right to hear about what people say, whether we agree them or not

Leonard: Call them up and ask them.

Saltzman: We have public hearings.

Leonard: That's it, right now, that's what this is, a public hearing

Saltzman: It's 2:00 in the afternoon.

Potter: It's a problem.

Leonard: Well, that's not my problem. You are looking for a problem, instead of finding a solution. You are looking for anything that you can to stop this, and this is, i'm telling you, this is, this is an issue that, that is decimating certain parts of Portland.

Potter: Why would I want to stop this

Leonard: That's a good question. I don't know. Maybe it wasn't your idea, I don't know.

Potter: I told you at the beginning I supported this but I have concerns about the process. Do we have folks signed up to testify on this matter?

Moore: We have six people signed up.

Potter: Let's hear the testimony, please. Please call the first three.

Valerie Curry: I am valerie curry, I live in east Portland, and I want to thank you for, for taking the time to listen to me here today. I'd like to share some of the things that happened to people individually. I live in a homeowner's association, in east Portland, and, and most of the people who live there are seniors. They are on fixed incomes. A lot of them are long retired and going to their 70's, 80's, and 90's, and some of those are still doing volunteer work. We have, we're we live, long fences around the property. And they are regularly tagged. It's gotten much worse in the past year. I don't know why. By the end of may of this year, we had incurred about \$1,000 in expenses, which to you is nothing, but to us, it's a lot. We haven't had an arrest over there in this area of town for tagging that we know of ever. And if they were arrested, as far as we know, they can just get a slap on the wrist and go right back to tagging, and other homeowners and businesses in the area are experiencing the same thing. This isn't just we're I live. I might mention to you that k-mart has a store at 1122 and sandy boulevard, and they have tried to start their own program of, of keeping track of people who are buying spray paint because they are tagged regularly and have spent thousands and thousands of dollars in the last year trying to paint it out, and it never gets painted

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out, and despite the millions of dollars spent by the city, or over a million, we are having to spend our own money, too, and in some cases, it is a hardship on, on elderly people, who have a sixth income which keeps shrinking. We keep having more and more costs incurred. Nothing else is working. I don't know what to do. Portland doesn't seem to want to get this under control, and I think it would be heart-breaking for a city that could be so pretty to simply finally cave in to the taggers. You don't seem to be able to handle it nor the police. I really am, am begging you to, to just, just take steps to, to do something because it's getting so much worse, from I didn't know, I didn't know it from the website, but what that this, if the word is getting around that this is the place to come to, to, to vandalize people's property. Thank you.

Carey Gribbar: My name is Carey Gribbar, I am the graffiti coordinator for the youth employment institute, and I am the guy doing all the free paint jobs along with my partner here. I have a ph.d. in graffiti, not to one up your masters here. [laughter] I'll glad that something is being done, personally. I think that, that any sort of proactive approach is proactive. You guys are in a war whether you know it or not, and, and reactive has been the, the story of the day up until this point. Um, i, I -- I don't know. I don't know that necessarily that, that this should be the strategy that, that, that the number one thrust, as far as spending your energy. I think the prosecution and policework would be the priority. I think in reality, 20 to 25 guys are, are doing 80 to 85% of your damage, and, and I think a week of, of serious police work could do that. The bulk of, of what I have seen in the last month are, are arrests waiting for prosecution. I mean, everything. And, and it's laughable. I think better reporting would be also critical because, because I think of the tags represented in the database, there are, there are hundreds, if not thousands more that are going unreported. It would be interesting to bring more community members into it, especially in regards to the Oregonian boxes, waste management dumpsters, places visited daily by people or weekly by people who own them and maintain them. It would be nice if they maintained them while they were owning them. And, and there's a lot of things. But the thing, I would say, too, is, is enforce the code that you have right now. 10 days to remove your graffiti from when it shows up, and if you have graffiti on your building, one of three things is happening. You are either cheap, lazy, or you are stupid, and you usually it's a combination of all three. I don't know what to tell you. It's, it's your building. I didn't tell you to buy it, and if you don't, you know, can't handle it, we could burn it down for you because you can't tag what's not there. That's how we look at it. I would say, too, I mean, ok, I use to own this old jeep. Broke down, sitting on the side of the road. City tagged it and said we are going to tow it in 48 hours if you don't move it and they seemed serious about it, and they never offered once to give me four new tires and a tune-up, so, things are pretty good here so far but let's not, not go crazy. Thank you.

Brian Wilkins: I am a graffiti crew coordinator with youth employment institute. I've spent 3 years now removing graffiti around Portland and there are very few people in this town who have seen more graffiti than Carey and I. And I've spent, I heard about the proposal long time ago for the locking up of spray paint and I've heard of other cities doing it and they've had success. Portland's a very unique city in the fact that we have many neighboring cities around us that will give access to the vandals to get the spray paint marker tips, whatever they're going to find. Along with that most of the spray paint this is being used that is wanting to be used by the taggers is bought over the internet. So locking up spray is going to do some, but it's not going to solve your problem. It might slow them down from getting it from division hardware but they're just going to go somewhere else. They will find ways to do it, and, you know, there are many other things that need to be done. I think, you know, I think that the police are doing a great job of trying to, take the proper steps to make sure the prosecution will have everything they need. But I still think that, that they are probably understaffed and undermanned to the point that they are just overwhelmed, you know. They, they -- Duke has been arrested in 2006, it has been a year, and he's, he's up. He's more up in town, he's up on top of the rooftops. Look around, you will see him. You know, we're, we're if we

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spend our time focusing on, on doing was we need to do to put these guys in jail, to make it, make a penalty for the fact that they are out vandalizing people's homes, understand that there are people that are victims, they are elderly people that can't remove it, that's what the city has set up now. They have us to go out and try to help them but, but whenever, whenever property owners, owners have, have their maintenance guys call us up to have them come out and take care of their building, that's not the proper use of what bureaucrats had planned for this program. After 10 days you no longer become a victim. You become someone that leaves graffiti up on the building and by leaving it up on the building, you attract more graffiti, not the fact that, that we have this huge explosion of graffiti. It's the fact that most people don't take care of their graffiti. They leave it up, attracts more, and, and the neighborhood looks like crap, and that's what it boils down to. The, the places that we have been able to deal with the graffiti right away and the people that have been proactive about taking care of the properties, no longer have a graffiti problem because they are aware of what's going on in their neighborhood, they are aware of what could be done, steps taken to try to improve it, so, so I thank you for your time and I hope you guys come up with the right ideas.

Potter: Thank you.

*******:** Does that mean I go first?

Potter: Yes, it does.

Matt Miller: Thank you. I'll be brief. Thank you for is giving me the opportunity to speak on behalf of the police bureau. I am matt miller and I am a scientific bureau graffiti investigation unit, as the lead investigator for a graffiti crime. During my tenure as a graffiti investigator, I have seen graffiti related criminal mischief explode. No neighborhood seems to be safe. Every home, business, street sign and vehicle is a target for a criminal whose only intent is to gain fame, notoriety and media attention through the unlawful application of a moniker, a nickname. The consequence of these criminals actions creates [inaudible] an unnecessary burden on our citizens. The presence of graffiti affects we're people live, do business, and spend money, and dramatically can alter people's perception about the safety of the city of Portland. Limited resources make my job and the job of the district attorney's office more difficult. The majority of taggers believe that there are month consequences for the actions and regularly boast about their latest endeavor on websites and chatrooms. Citizens are fed up with being victimized by serial taggers, and then fined when the damaged property isn't cleaned within a timely fashion. My level of frustration is beyond description. I am quickly running out of answers for an epidemic that I have little control over. I, along with the Portland police bureau, support commissioner Leonard's graffiti proposal but I am saddened this dilemma couldn't have been controlled by any other means. If the ordinance takes effect, I want to thank the local businesses and business owners for accepting the added burden faced on them. We have the highest hope the ordinance will reduce the number of graffiti related crimes. We, at the police bureau will work to find new and creative ways to quell. As I have seen time and time again, we cannot succeed in this endeavor or any other without the assistance and partnership of our citizens and business leaders. Thank you.

Potter: Just for the folks at home, watching this on their cable television, they may wonder, are there different kinds of graffiti?

Miller: There are several different types of graffiti we see and hear. The major type is, is tagger graffiti, which makes up about 80% of the graffiti that we see here in the city. Most people assume that its gang related but it's not. Generally, it's, it's committed by tagger graffiti, committed by persons between the age of 18 and 30. Generally non juveniles. The majority of the gang graffiti is committed by juveniles.

Potter: Is that the other 20%?

Miller: No. We have hate and biased graffiti which makes up another percentage and political

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Leonard: In our original iteration, in working with pat, we had prohibited the, the outright prohibition, but after consulting with matt and hearing what you just heard here, for a variety of other reasons, we took that prohibition out.

Saltzman: You said you thought 20 to 25% of the taggers were part of the problem and the internet sales were a, were the primary conduit for purchases?

Miller: I would have to disagree with that, yes. The majority of the taggers that I speak to arrested tell me they steal it, and at this point, I don't know of any other way or any other ideas that we could come up with to control the spread of graffiti. I think it's, I think it's a novel idea, and I know it's going to, to take place in a necessary, or a necessary burden on our, on our business owners, but frankly, I have run out of ideas. Limited resources. I'm one officer charged with investigating graffiti for the entire city and frankly, it's a burden that I can't handle alone. I'm looking for anything, when this proposal presented itself, excuse me, I was excited about it, and i'm excited to see what may happen if we enact it.

Saltzman: What about the 20 to 25 people being responsible for 85%? You talked about the internet. You don't think that that's really the case, but what about the others?

Miller: I can't testify to that. I know there's a lot of taggers caught. Much more than 25 people. I would say the problem is broader than 25 taggers. I think that there's 25 prolific taggers out there, but there are hundreds of taggers active.

Potter: Thank you.

*****: Thank you.

Potter: Is that --

*****: That's all who signed up

Leonard: Do we have marcia dennis? Or do you not want to say anything?

Potter: If you do, please come forward

Leonard: She's the graffiti coordinator for the city of Portland. I'm sorry, graffiti abatement coordinator.

Marcia Dennis: I am trying to abate graffiti. I would like to mention in regard to a situation that valerie was talking about, and compare it to what kerry and burt, brian from yei said. We do know that, that, that removing graffiti quickly tends to discourage the tagger vandals. The 25 to 30 prolific taggers, and, and we didn't show any examples of gang graffiti in the power point, but what's happening out in our day and other places in east Portland is almost exclusively gang graffiti.

We know that most of the people, at least who are arrested for doing gang graffiti are juveniles. And we also know, and it's very difficult, juveniles are handled on a totally different way in terms of the prosecution. That's not even a word that's used in the juvenile court system. And that graffiti is harder to, to make go away. They seem to be much, much, much less discouraged by rapid removal because I know the people in valerie's homeowners association have been painting this out religiously, and it keeps coming back, and there are, there are other places out there that are constantly hit. We don't have an answer for that, although, although I tend to think that there's, there's more, a better likelihood that, that, that the materials used are probably shoplifted.

Adams: You have had this position for how long?

Dennis: 100 years.

Adams: In graffiti abatement years.

Dennis: Four years.

Adams: So you weren't around when, when we worked on the 1998?

Dennis: Yes, I was. In 1998, I was a crime prevention specialist. And in the early 90's and I can't pinpoint the year but when the graffiti hotline went online I was at the police bureau and was the lead worker on the graffiti hotline. So I've been involved with it close to 100 years.

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Adams: My perspective on this and I just wanted to see if you had a similar perspective is in 1998 with the katz administration we spent a year or so working on a package of elements that are now part of the cities code . And one of them was a voluntary restriction--

Dennis: The responsible retailer program.

Adams: Correct. The responsible retailer program. And I fee that since that they would remove graffiti from it would be behind some sort of--

Dennis: The material.

Adams: The materials, very similar to what commissioner Leonard is proposing. That they would do that voluntarily. I view the intervening 9 years as the test of that responsible retailer program and has failed. And I think this is the logical conclusion of the responsible retailer program effort with all the best intention having failed. And we now need to move to a new level of policy implementation that requires them to take it out of the ready, however you want to say the ready consumer --

Dennis: Easy access.

Adams: Thank you, easy access. Would you agree with my sort of historical analysis?

Dennis: Yes, I would and although in the powerpoint presentation it was stated that one retailer complied. There may have been more in 1998 but the only one that I was aware of that I know did actually lock up their spray paint and at that time I think it just dealt with spray paint as I recalled, was the fred meyer on 39th and hawthorne. Maybe other fred meyer stores did but I'm not aware of them.

Adams: And I don't think the sponsor of this ordinance nor would I nor would you I believe say that this is the panacea. This is just another tool that does follow up on the existing council policy of the responsible retailer program which has failed.

Dennis: Yes.

Adams: Could I, mayor if its okay with you. Could I ask a question of you officer? Way back when 100 years ago, when we were working on this, we made sure that, that we did stings, part of the overall effort and we had an agreement with the d.a. that there would be certain sort of slots or beds made available for quality of life criminals that otherwise would be matrixed out based on a purely sort of life safety so those two elements of our city graffiti abatement prevention or enforcement, do those two elements still exist? Do you still do stings and does the d.a. reserve for us beds for the most prolific graffiti vandals?

Miller: When you say stings, are you referring to search warrants?

Adams: No. I'm saying we used to stake out --

Dennis: Surveillance?

Adams: Yes.

Miller: Of residences?

Adams: Yes. Wherever the tags are happening.

Miller: No. And the second part of the question, reserve beds for taggers for criminal mischief crimes?

Adams: For the worst offenders, yeah.

Miller: Not that i'm aware of, and I don't know, I know that they are not covered under project 57.

Potter: Well, that can be changed.

Adams: We have a lot of luck, and graffiti was, if you recall back in 1997, 1998, the library was graffitied? And that was, that allowed us to make a lot of changes and get the d.a.'s attention, and I know your frustration. I can hear your frustration. There's a lot that you can do, and you arrest people and rearrest people but if there is no real sanction, there is no interruption to it, sort of why bother. I would really like to see -- that is a matter of city policy right now. I would like to see that sort of reinvigorated, along with this aspect, commissioner Leonard is moving forward.

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Leonard: I appreciate the suggestion on project 57. I think that's an excellent idea to add this to that list of crimes that will land somebody immediately in jail.

Miller: Excellent.

Adams: And you are the boss but if we could squeeze out a sting or two, it doesn't take very many is what we found. They don't know how many stings we are going to be doing.

Potter: So you set up places we're they go to, and then you arrest them from there? How do you go about enforcement right now, matt?

Miller: Can I -- mayor, may I go back, when you are saying stings, you are saying at a fred meyer where they sell paint and watch who's purchasing paint?

Dennis: He's talking about the vandals.

Adams: Thank you for the follow up. No don't necessarily start out with stings inside fred meyer. I have to shop there, too. No. What we did is we would, we would, set up at the locations we're tagging was happening over and over and over again. And it didn't take long. It did not take long or very much time before we nabbed folks, and we had prearranged with the district attorney that if that individual was one of the repeat performers, that they would, they would get, they wouldn't be matrixed out. There are a few beds set aside so they did real time.

Miller: I received information from kerry and burke who just testified on locations that are tagged on a regular basis, and I can't tell you the number of evenings I have spent hiding in bushes, sitting in a patrol car, and waiting for these guys to come back. It doesn't work. It quite simply doesn't work. All of the other aspects of a successful program are very difficult for me to involve myself in, like with the limited resource that is I have. Gathering intelligence is extremely difficult when I have a stack of reports on my desk waiting for follow-up. Each follow-up report, for each habitual or serial tagger can take me three or four months, and that puts me three or four months behind for the next one and next one.

Adams: Again, maybe we could find the folks, if their around, involved in our first go around and sort of how they got around the sitting around problem. And I know that we used a video surveillance and a variety of other techniques that maybe we can, we could dig those folks up and, and provide them to you as just sort of what worked last time and what didn't. I know that what it comes down to so you have got to catch them in the act if you can.

Miller: I'm open to any suggestion.

Adams: I know you are. Thanks.

Leonard: Thank you Matt.

Miller: Thank you.

Potter: Anyone here who wishes to testify to this matter? You want to come up amalia?

Amalia Alarcon-deMorris: Council, i'm Amalia Alarcon-deMorris i'm the director of the office of neighborhood involvement, and I wanted to say that a lot of the things you have spoken about in terms of the broader strategy for working on the graffiti issue, is they are issues that we are taking up on a committee that we just formed. It's met a couple of times. Officer miller is on the committee. We've got aaron from your office, commissioner Leonard, and jeremy van kueren and jane ames from commissioner Adams, mayor and commissioner Adams office who also sit on that committee, as well as government relations and the d.a. and working to find other ways to enforce sanctions and create tools for the officer to use in investigating graffiti crimes. I wanted to let you know that we are looking at a longer term strategic effort and making changes that might help to do that

Leonard: Thank you.

Saltzman: Under this ordinance, is oni supposed to contact affected businesses prior to november 1?

Alarcon-deMorris: According to the ordinance, what we are going to be able to do is, that crime prevention staff will be able to do spot checks on businesses, but we currently don't have the

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resources to do any systemic sort of geographically-based approach to checking in on businesses. Anything that, that would entail would require additional staffing. So we could do spot checks and then we would report back to the graffiti coordinator.

Saltzman: You are talking about after the ordinance?

Alarcon-deMorris: After the ordinance, right.

Saltzman: Prior, it has a november first effective date. Is there any obligation on on to do any outreach?

Alarcon-deMorris: Outreach as opposed to enforcement?

Potter: To educate business owners.

Alarcon-deMorris: Right. No, there's nothing, there's been no conversation about that, and there isn't anything in it that i'm aware of that would require us to do any of that work. Go ahead.

Johnson: Of course I left my findings but we do have a point, its point one or two in the findings at the bottom we're we require or ask them to come back. Notify all the community businesses and report back to council. So you would only--

Alarcon-deMorris: Right, but after the ordinance --

Johnson: Right.

Alarcon-deMorris: Not prior to. I think commissioner Saltzman asked if it was prior to.

Saltzman: Yeah, I was asking about prior to.

Alarcon-deMorris: Right.

Johnson: Ok, i'm sorry.

Saltzman: Prior to november 1.

Alarcon-deMorris: Correct. So afterwards, the spot-check would include education to the businesses, and the idea, I think, would be that, that there wouldn't be immediate penalties, that there would be a period of time when people would get educated about it. That would be after the enactment

Leonard: And the intent behind the effective date, we picked that intentionally to give to us, enough lead time to contact through all of the business associations and business groups, businesses affected, so that is our intent.

Potter: Any questions for these folks?

Adams: I just wanted to underscore your folks and sort of, take exception to, the testimony about, about, um, businesses or either, either -- there are three options that a business could be, and I think the fourth option I would add to that, and take exception a little bit to your characterization but I have a feeling that you are trying to be provocative with an intent, constructive intent, and that is that many businesses do feel overwhelmed by this problem, but also, believe that the other, the other colleague that talked about it is the responsibility of the business owner to deal with this. I agree with that totally, as well. So, it takes a variety of different stakeholders acting in a number of different ways in order to get on top of this thing, so I know a lot of small businesses out there are just feeling absolutely overwhelmed by this, as well. That does not lessen their responsibility for cleaning it up quickly.

Leonard: So, aaron, and ben in the intervening time since mayor Potter raised the potential technical problems with the criminal and civil language has developed some, some language with ben.

Potter: Exhibit a.

Johnson: Right. Under the civil penalty section. Item d it currently reads civil penalties imposed pursuant to this section shall either only penalties authorized for such violations, no further penalties shall be imposed. Ben has come up with alternate, and I will read it. The managers decision to file a complaint under subsection a, to seek sole penalty for any violation under this chapter shall be exclusive, shall be an exclusive choice of remedies for enforcement of the

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requirements of this chapter for those violations. In such cases, no criminal penalties may be imposed under section 14b 85.040.

Leonard: I would move that.

Johnson: That clarifies that, yeah, there's one --

Potter: You may want to go back and look at all the civil penalties section. There are sections uin there that says specifically that the only authority the code hearings officer has is to impose civil penalties. So, if there's going to be -- you may want to --

Johnson: No, the second would be criminal.

Potter: I understand.

Johnson: I'm not following.

Potter: I am saying that section a and b both contain sections that says, that only civil penalties can be imposed for the violations of this. I'm suggesting you make sure that all of it is aligned. What I am trying to do is to make sure that, that if this goes forward, that there's not going to be some, because I think that we are going to be taking folks to--

Leonard: Do you have a comment on that, ben?

Walters: I'll take a look at the language as the mayor has suggested.

Leonard: Maybe what we could do is, is, is pass this to second reading and by next week you could take a look at it. Would that be ok?

Walters: With this amendment? Or with the language?

Leonard: I guess I'm unclear.

Potter: I want to make sure all the language is consistent. It looks as if under, as described, civil penalties, it seems to say in a, b, c, and d, only civil penalties can be imposed. It mentions criminal penalties, but, it says that these folks can only impose civil penalties.

Leonard: Yeah that's true because the hearings officer doesn't have the authority to --

Potter: I want to just make sure it's consistent, that's all

Leonard: You can look at it and by next week if after looking at it, after hearing this discussion --

Adams: Who decides which tract to go on?

Johnson: The manager.

Adams: The manager is Marcia?

Johnson: Right.

Adams: I just want to be clear that there's a decider here defined, and that the decider decides, is it going to go to civil tract or the criminal tract? The way that, I think, the last clause reads ben, is that if we pursue this civil track, we will not pursue the criminal tract.

Walters: That's correct, and given the mayor's prior comments, I had drafted up a clarification of that, that was the amendment that, aaron had offered up

Leonard: Is it your opinion that that language then fixes any issue, even in other sections whether you are a criminal or civil tract?

Walters: I believe so

Leonard: Maybe we can adopt that language today and next week after reviewing it, given the comments, you can, if there's other language needed, we can adopt it then.

Walters: Yes

Leonard: Can I move the language as it has been drafted by ben and recited by aaron johnson?

Potter: I'm just concerned, can we bring some stuff back before we take that vote? Just to make sure that its confirmed that all of those sections, it just looks in there, and, he's the attorney but i'm concerned that there's going to be some confusion about how, what the authority of the, of the people managing this will have

Leonard: Will that have an impact on it passing next week?

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Walters: If there are amendments next week it would have to be held over for a further hearing, a second reading after that.

Leonard: Um, well, mayor --

Saltzman: I'd like to request that we take testimony at the second hearing next week.

Leonard: I was going to offer that anyway. What I would like to do, I don't think it interferes with what your stated goal is, to adopt this language today. If there is further language that ben concludes is needed next week, we'll adopt it then and wait another week but assuming that this, that we adopt this today, fixes the problem, we can pass it next week.

Adams: If we get lucky and the ordinance is structurally ok, then we could have --

Leonard: Right.

Walters: You need a second?

Adams: Second.

Saltzman: We're going to take testimony next week?

Potter: Yes. Call the vote

Leonard: This is on the amendment.

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

Potter: Aye. [gavel pounded]

Leonard: I'd like to request, too, that we, next week, for anybody who couldn't come today or who didn't come today, wants to testify, that we, we allow testimony before the vote.

Potter: Ok.

Adams: One more item.

Potter: One more item. That's right. Which one did you pull?

Saltzman: It's been so long ago, I forgot.

Potter: 963.

Adams: Now that everyone is cranky and hungry and tired.

Saltzman: We still have to have our picture taken.

Moore: I need to read it.

Adams: What are we getting our picture taken for?

Saltzman: A good cause. Wait we've got one more item.

Item 963.

Adams: This amends, this should have gone on the regular agenda, my apologies. This amends the amount to \$49,500 to do polling. One of the options for me would be to go out and get money for a pole, and this all relates to the county and my and the states efforts to try to address our failing infrastructure. The concern that I have about going out and getting private funding for a poll on this issue is the perception based on who paid for it. This issue has stakeholders that view each other with a degree of suspicion that is quite strong. And where the money is to pay for these polls is in one category of stakeholders, and I think it meets the public purpose of trying to figure out exactly what Portlanders want to improve safety and maintenance and there are many, many options, and I don't think we're going to find a level of support to pay for all the maintenance needs and all the safety needs. This polling will give us some direction from Portlanders of what they want.

Saltzman: I'll just say i'm going to support this but the reason I requested it to be pulled was not unique to this circumstance but it's my increasing concern about, about using taxpayer dollars or gas tax dollars or anything for public opinion polling. I think there's a fine line that has to be walked, and I have seen other governments, not so much the city but other governments cross that line. The library, Metro comes to mind, we're they are using public dollars for, basically, polling how to advance the passage of a ballot measure, and I think that's what concerns me about things like this, but again, it's not, not unique to commissioner Adams' polling here, and what I want to do is come back with a policy that I think will address some of the concerns that I have and hopefully get the

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council support on board for that. Because I do think it's a fine line that we have to observe. It's easy to cross. That was my reservation, and my reservations are withdrawn at this point.

Potter: Can we hear this next week?

Adams: This is just the first hearing this week. And a vote next week. It's not an emergency.

Saltzman: First reading.

Potter: Are you doing the presenting? Is this your presentation then?

Adams: That concludes my presentation.

Potter: Questions of the commissioner? Ok. Moves to a second reading. We are adjourned until next week.

At 2:32 p.m., Council adjourned.