



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF DECEMBER, 2007 AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Adams, Presiding; Commissioners Leonard and Saltzman, 3.

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

	<b>Disposition:</b>
Due to the absence of two Council members, emergency ordinances were moved to January 2, 2008. Non-emergency and second reading ordinances on the Consent Agenda were voted on individually.	
<b>COMMUNICATIONS</b>	
<b>1486</b> Request of Glen Owen to address Council regarding an impeachment resolution (Communication)	<b>PLACED ON FILE</b>
<b>1487</b> Request of Tony Schneider to address Council regarding St. Johns Auto Wrecking LLC (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	
<b>1488 TIME CERTAIN: 9:30 AM</b> – Recognize Diane Sherwin recipient of the 2007 Lowenstein Trust Award (Presentation introduced by Mayor Tom Potter)	<b>PLACED ON FILE</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	
<b>Motion to move emergency items from Consent Agenda to January 2, 2008:</b> Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-3)	
<b>Mayor Tom Potter</b>	
<b>*1489</b> Allow City Council to hold its regular meeting and recessed sessions at Jefferson High School on January 16 and 17, 2008 (Ordinance; waive Code Section 3.02.010)	<b>RESCHEDULED TO        JANUARY 2, 2008        AT 9:30 AM</b>
<b>Bureau of Planning</b>	

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<p><b>*1490</b> Approve annexation to the City of Portland of property in case number A-6-07, on the east edge of SE Tenino Court south of SE Clatsop Street (Ordinance)</p>	<p align="center"><b>RESCHEDULED TO JANUARY 2, 2008 AT 9:30 AM</b></p>
<p align="center"><b>Office of Management and Finance – Financial Services</b></p>	
<p><b>*1491</b> Revise ordinance for FY 2007-08 Fall Budget Monitoring and Minor Supplemental Budget to update the Appropriation Schedule for Other Funds (Ordinance; amend Ordinance No. 181456)</p>	<p align="center"><b>RESCHEDULED TO JANUARY 2, 2008 AT 9:30 AM</b></p>
<p align="center"><b>Office of Management and Finance – Business Operations</b></p>	
<p><b>*1492</b> Pay claim of Nena Enyinwa (Ordinance)</p>	<p align="center"><b>RESCHEDULED TO JANUARY 2, 2008 AT 9:30 AM</b></p>
<p align="center"><b>Office of Management and Finance – Human Resources</b></p>	
<p><b>1493</b> Change the salary range of the Nonrepresented classification of Procurement Supervisor (Second Reading Agenda 1462)  (Y-3)</p>	<p align="center"><b>181480</b></p>
<p align="center"><b>Office of Management and Finance – Technology Services</b></p>	
<p><b>1494</b> Authorize an Intergovernmental Agreement with Metro to enable the City to obtain imagery and data from the Aerial Photography Consortium (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING JANUARY 2, 2008 AT 9:30 AM</b></p>
<p><b>1495</b> Amend Intergovernmental Agreement with the State of Oregon Department of Administrative Services for continued participation in the Integrated Regional Network Enterprise (Second Reading 1464; amend Contract No. 51935)  (Y-3)</p>	<p align="center"><b>181481</b></p>
<p align="center"><b>Commissioner Sam Adams</b></p>	
<p align="center"><b>Bureau of Environmental Services</b></p>	
<p><b>1496</b> Authorize a contract with Berger/Abam Engineers, Inc. for engineering services for the predesign and design of the Umatilla Pump Station Upgrade Project No. 8589 (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING JANUARY 2, 2008 AT 9:30 AM</b></p>
<p align="center"><b>Office of Transportation</b></p>	
<p><b>*1497</b> Authorize an Intergovernmental Agreement with Multnomah County for services related to County bridges and the Portland Streetcar Loop Project (Ordinance)</p>	<p align="center"><b>RESCHEDULED TO JANUARY 2, 2008 AT 9:30 AM</b></p>

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<p><b>*1498</b> Amend an Interagency Agreement with the Portland Development Commission to provide professional, technical and construction services for transportation improvements in FY 2007-08 (Ordinance; amend Contract No. 52651)</p>	<p align="center"><b>RESCHEDULED TO JANUARY 2, 2008 AT 9:30 AM</b></p>	
<p><b>*1499</b> Authorize contract with Harper Houf Peterson Reghellis Inc. for the development phase of the NE Cully Blvd Improvements from NE Prescott St to NE Killingsworth St (Ordinance)</p>	<p align="center"><b>RESCHEDULED TO JANUARY 2, 2008 AT 9:30 AM</b></p>	
<p><b>1500</b> Amend contract with Portland Streetcar, Inc. to provide additional professional services for project management and vehicle engineering services for production of a domestically manufactured streetcar (Ordinance; amend Contract No. 37119)</p>	<p align="center"><b>PASSED TO SECOND READING JANUARY 2, 2008 AT 9:30 AM</b></p>	
<p align="center"><b>Commissioner Randy Leonard</b></p> <p align="center"><b>Water Bureau</b></p> <p><b>1501</b> Authorize a contract with GHD, Inc. for creation of Future Infrastructure Needs Model for Asset Management (Ordinance)</p>		<p align="center"><b>PASSED TO SECOND READING JANUARY 2, 2008 AT 9:30 AM</b></p>
<p align="center"><b>Commissioner Dan Saltzman</b></p> <p align="center"><b>Parks and Recreation</b></p> <p><b>1502</b> Authorize the Submerged and Submersible Land Lease ML-10421 with the Department of State Lands and amend the related sublease with Macadam Bay Homeowners Association for land adjacent to Willamette Moorage (Second Reading 1476; amend Contract No. 21004)</p> <p>(Y-3)</p>		<p align="center"><b>181482</b></p>
<p align="center"><b>Commissioner Erik Sten</b></p> <p align="center"><b>Bureau of Housing and Community Development</b></p> <p><b>*1503</b> Authorize two subrecipient contracts for \$338,043 for winter housing services for homeless women and provide for payment (Ordinance)</p>		<p align="center"><b>RESCHEDULED TO JANUARY 2, 2008 AT 9:30 AM</b></p>
<p align="center"><b>Fire and Rescue</b></p> <p><b>*1504</b> Approve ratification of a purchase agreement with Exercise Equipment Northwest for exercise equipment at a value of \$26,528 (Ordinance)</p>		<p align="center"><b>RESCHEDULED TO JANUARY 2, 2008 AT 9:30 AM</b></p>
<p><b>1505</b> Apply for a \$446,000 grant from the Department of Homeland Security to fund fire prevention and safety programs (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING JANUARY 2, 2008 AT 9:30 AM</b></p>	

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**Office of Sustainable Development**

- \*1506** Authorize an Intergovernmental Agreement with the State of Oregon for the services of the Oregon Climate Change Research Institute to meet with City staff to analyze the most effective ways for the City to address climate change (Ordinance)

**RESCHEDULED TO  
JANUARY 2, 2008  
AT 9:30 AM**

**REGULAR AGENDA**

**Mayor Tom Potter**

**Office of Management and Finance**

- 1507** Amend Code to reflect current structure and operations in the Office of Management and Finance (Second Reading 1479; replace Code Chapter 3.15 and amend Chapters 5.04 and 5.20)  
  
(Y-3)

**181483**

**Office of Management and Finance – Business Operations**

- \*1508** Pay claim of David A. Tracy (Ordinance)

**CONTINUED TO  
JANUARY 2, 2008  
AT 9:30 AM**

- \*1509** Pay claim of Barbara Weich (Ordinance)

**CONTINUED TO  
JANUARY 2, 2008  
AT 9:30 AM**

**Commissioner Sam Adams**

**Bureau of Environmental Services**

- \*1510** Authorize a comprehensive program to replace non-conforming sanitary sewer connections with individual sanitary sewer connections in conformance with applicable plumbing codes (Ordinance; amend Code Chapter 17.33)

**CONTINUED TO  
JANUARY 2, 2008  
AT 9:30 AM**

**Office of Transportation**

- 1511** Establish a Disabled Parking Task Force to develop recommendations for Council on the implementation of Oregon State Senate Bill 716 (Resolution)  
  
(Y-3)

**36562**

- \*1512** Extend temporarily the privileges for regular disabled person parking permits as provided by Oregon State Senate Bill 716 (Ordinance; amend Chapter 16.20)

**CONTINUED TO  
JANUARY 2, 2008  
AT 9:30 AM**

**Commissioner Dan Saltzman**

**Office of Sustainable Development**

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<p><b>1513</b> Consent to transfer of Eckert Sanitary Service residential solid waste and recycling collection franchise to Heiberg Garbage Service (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING JANUARY 2, 2008 AT 9:30 AM</b></p>
<p><b>1514</b> Consent to transfer of Troudt Brothers Sanitary &amp; Recycling residential solid waste and recycling collection franchise to Heiberg Garbage Service (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING JANUARY 2, 2008 AT 9:30 AM</b></p>
<p align="center"><b>Parks and Recreation</b></p>	
<p><b>S-*1515</b> Accept a donation of \$1,575,000 from the Portland Parks Foundation on behalf of an anonymous donor for the development of South Park Block 5 (Ordinance)</p> <p><b>Motion to accept Substitute Ordinance:</b> Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-3)</p>	<p align="center"><b>SUBSTITUTE CONTINUED TO JANUARY 2, 2008 AT 9:30 AM</b></p>
<p><b>*1516</b> Amend Coordination Agreement with TMT Development Co., Inc. for the development of South Park Block 5 (Ordinance; amend Contract No. 52688)</p>	<p align="center"><b>CONTINUED TO JANUARY 2, 2008 AT 9:30 AM</b></p>
<p><b>*1517</b> Accept a grant from the Kinsman Foundation in the amount of \$50,000 for FY 2007-08 for a repair project at Pittock Mansion (Ordinance)</p>	<p align="center"><b>CONTINUED TO JANUARY 2, 2008 AT 9:30 AM</b></p>
<p align="center"><b>City Auditor Gary Blackmer</b></p>	
<p><b>1518</b> Declare support for improved City process for public records requests (Resolution)</p> <p><b>Motion to accept amendment to add a box to request waving or reducing the charges:</b> Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-3)</p> <p>(Y-3)</p>	<p align="center"><b>36563</b> AS AMENDED</p>

At 11:02 a.m., Council adjourned.

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**WEDNESDAY, 6:00 PM, DECEMBER 19, 2007**

**DUE TO LACK OF A QUORUM  
THERE WAS NO MEETING**

**1519 TIME CERTAIN: 6:00 PM** - Accept report Improving Bicycle Safety in Portland outlining initial City policy improvements and engineering enhancements undertaken to increase bicycle safety in response to recent tragic bicyclist fatalities (Resolution introduced by Commissioner Adams)

**RESCHEDULED TO  
JANUARY 3, 2008  
AT 2:00 PM  
TIME CERTAIN**

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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.

**December 19, 2007**  
**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.]

**December 19, 2007 9:30 AM**

**Adams:** We have the annual recognition of the Diane Sherwin recipient of the Lowenstein Trust award. Would you please come up?

**Leonard:** Should we do the communications first?

**Adams:** That is the communications. Oh. I got an old agenda.

**Saltzman:** Two communications.

**Adams:** Let's do the communications. Sorry. Item 1486.

**Item 1486.**

\*\*\*\*\*: Permission to retain my headgear?

**Adams:** Sure. Go ahead, Mr. Owen.

**Glen Owen:** I'm Glen Owen, and I have lived and voted in Portland, Oregon, since May of 1996. I am active in the 9/11 accountability movement in this city and thus, by necessity a committed vocal and active activist for impeachment of officeholders who have, in truly countless ways, desecrated the commitments they have made as holders of public office in America. I'm here this morning to focus on a decision you have made and are making as holders of public office in this city and state. Electorates are almost always as likely to eject those from office for manifestly wrong or corrupt decisions than for refusal to consider compelling underlying issues that frankly everybody wishes would go away. The resolution by this City Council to advocate impeachment of the national ostensibly elected officials introduced in this chamber on May 10th of last year, more than 19 months ago, is one such issue. Essentially, if nobody among you sponsors a vote on the issue, voters presumably cannot hold you accountable for a corrupt decision. On the face of it, impeachment of national officials should have little or any bearing on the responsibilities that you are charged with by your electorate to manage this city. Let's think again. One of you is charged with law enforcement. Could anyone legitimately say that rules for collection and admission of evidence in a criminal action are not critical to faithful discharge of your responsibilities? Think about it. Does gathering of evidence really matter anymore? Existing publicly disclosed technology provides the means electronically to manufacture any kind of communication evidence one would need to adduce guilt or complicity to perform a specified proscribed action, leaving aside visual effects made possible by today's digital technologies. Let us consider voice morphing technology.

Voice morphing is a process by which a small sample of speech by a given individual can be sampled, analyzed, reconstructed to deliver a highly credible simulation of saying anything to support a prosecutor's case for indictment and conviction, including timbre, pacing, stress levels, and so on. The remainder of this -- I have 15 seconds -- in effect, by failure to include impeachment as something you will vote on, you have voted for unlimited powers to convict anybody you want and manufacture any evidence you want anytime you want for any reason. Thank you.

**Adams:** Thank you. 1487.

**Item 1487.**

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**Adams:** Good morning, mr. Schneider. Please state your name for the record, and you have three minutes.

**Tony Schneider:** Tony schneider. You want to take legal action against the company. We clean it up and it'll look all nice again, and there's been no damage to the company, and I wanted to know if you would not do that, please. You're in charge of the service, and it's been cleaned up. It's got a wall going up and just would rather not do that.

**Adams:** In the two minutes you have, can you give us some more background on this issue?

**Schneider:** The city of Portland asked us to leave or get out of there. It took us a little while to do it. We've done it, and it's not messy no more. It's been cleaned up.

**Adams:** And the city's bureau of environmental services is pursuing legal action against you?

**Schneider:** They wanted to for damage to the property 'cause we wouldn't get out of there. We've gotten out, cleaned it all up, and there's a wall or fence going up now.

**Adams:** My office is in that corner of the building on the way out. If you could stop in and ask for lisa libby and give her some additional background on the issue? This is the first i've heard of it. Be happy to look into it.

**Schneider:** Last week, there was a voice on it. I was too late, but anyways --

**Adams:** All right. Check in with lisa. Thanks.

**Schneider:** Thank you.

**Adams:** That gets us to the time certain now for the lowenstein trust award, item 1488.

**Item 1488.**

**Michelle Harper:** Good morning, commissioners. I'm michelle harper, the board chair of the lowenstein trust, and it gives me great pleasure to come before you this morning to present the 16th annual award honoring someone extraordinary from the community. At this time, I would like to recognize the members of the lowenstein board. Would you please stand? Thank you. And I would also like to recognize jean demaster, the executive director of human solutions. She has staff and volunteers here this morning as well. Would you please stand? Thank you. This award was created by steve lowenstein, who was an exceptional employee to the city of Portland for many, many years. He was a civil human rights activist, community activist, an extraordinary person with many talents and gifts he shared with the community. He really set the standard for all of us to follow. In his passing, he left a legacy for us to pay it forward essentially and to continue to connect with people where he set out this mission and traditional of helping those less fortunate, giving a hand up to those who need it. The person that we honor this morning is diane sherwin. She is the ambassador for the holiday store at human solutions. Human solutions is an organization that builds and strengthens positive relationships with low-income and homeless and disadvantaged families and adults. It's no secret that there is a magnitude of trying to provide assistance to the very vulnerable population, and we do need to pay a lot of attention, and we all need to accept the responsibility. Each one of us needs to make a commitment to try to help strengthen our community. It is all of our responsibilities to share our talent and resources and support. This community really needs to know that they matter. Diane sherwin sets the standard in volunteerism for all of us to follow in meeting the needs of homeless families. Diane, although she is just 70 years young, it has been her passion to help those in need, and the standard was set in paying it forward by her own family. Her grandparents and her parents as well were teachers. She has taught for over 32 years in four separate school districts. She learned that one of the most damaging results of poverty, especially intergenerational poverty, has a major effect on children. It was very easy for her to figure out that children living in poverty situations experience more abuse than any other children in other households. While taking students on field trips, she discovered that many did not have proper clothing or lunches, the basic survival needs. It was that realization and realization that she was moved to take action. In 1994, diane's teaching career ended when a serious automobile accident put her in intensive care unit. There was no time for her to feel sorry

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for herself. She used her rehabilitation time to think about making the most of her life and making a difference to others. She feels there's no better way to build a stronger community than helping families. In 1995, she became a volunteer with human solutions providing emergency assistance to the elderly and parents with children. She works very, very hard in collaborating with many nonprofit agencies to prevent service duplications. She even received recognition from the gresham chamber of commerce, a golden note award for her overwhelming support to communities in need. The holiday store was started in 2001 to provide much-needed support to families during the holidays. The benefits to low-income and homeless families are clothing, household appliances, bedding, furnishings, and toys. Diane has been a catalyst for this program's success. She leads a team of over 150 volunteers and collaborates with many churches, synagogues, and businesses for donations of goods and services to our populations most needy. She supervises this project all year long, tirelessly working and motivating everyone she comes in contact with. Many of the families helped by the holiday store have moved into affordable housing after living in a shelter, in a camp or on the streets. This opportunity she provides gives families a helping hand and a much-needed lift upward out of existing unfortunate circumstances. The parents are allowed to develop a shopping list and pick out much-needed items for their family and do it with dignity and respect. This year the holiday store will be serving 250 families and serving 1200 children. Please join me in recognizing this wonderful community angel, Diane Sherwin, a remarkable and extraordinary woman of purpose and her major contributions to the homeless community. The Portland city council is pleased to recognize Diane Sherwin as the recipient of the 2007 Lowenstein Trust Award, and I'm very pleased to award her with this check for \$10,000.

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

\*\*\*\*\*: [applause]

\*\*\*\*\*: She'd like to say a few words.

**Diane Sherwin:** I'd like to thank the Lowenstein Trust and for the city council for this honor. I hope that this will also encourage others to give their time and talent. We need lots of help in Portland. We can make it a better place.

**Adams:** Congratulations.

**Leonard:** Thank you very much.

**Adams:** Would you like a picture with the whole --

**Harper:** Yes. That would be great.

**Adams:** All right. The chair will entertain a motion to move the emergency items on the consent agenda to the regular council meeting on January 2nd, 2008.

**Leonard:** So moved.

**Saltzman:** Seconded.

**Adams:** Call the roll. Aye.

**Leonard:** Aye.

**Saltzman:** Aye.

**Adams:** I think that gets us then to the ability deal with second readings, which is 1493. So would you please read item 1493?

**Item 1493.**

**Adams:** This is a second reading. Vote only. Aye.

**Leonard:** Aye.

**Saltzman:** Aye.

**Adams:** Item 1494 is a first reading, nonemergency.

**Item 1494.**

**Adams:** Does the council have any questions regarding 1494? Hearing none, it moves to a second reading on January 2nd. Item 1495, second reading, vote only.

**Item 1495.**

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**Adams:** Please call the roll. Aye.

**Leonard:** Aye.

**Saltzman:** Aye.

**Item 1496.**

**Adams:** 1496 is the first reading of a nonemergency ordinance. Does council have any questions? Hearing none, we move to item 1500.

**Item 1500.**

**Adams:** It's a nonemergency. Council have any questions? This item moves to January 2nd agenda.

**Item 1501.**

**Adams:** 1501, nonemergency. Council have any questions regarding 1501? Hearing none, moves to January 2nd.

**Item 1502.**

**Adams:** 1502 is a second reading. Please call the vote. Aye.

**Leonard:** Aye.

**Saltzman:** Aye.

**Item 1505.**

**Adams:** 1505 is a nonemergency ordinance. Council have any questions regarding 1506? Sorry. 1505. Hearing none, moves to January 2nd. That gets us to the regular agenda and the first item is a second reading for item 1507.

**Item 1507.**

**Adams:** Please call the vote. Aye.

**Leonard:** Aye.

**Saltzman:** Aye.

**Adams:** That gets us to resolution item number 1511.

**Item 1511.**

**Leonard:** We're skipping over 15 --

**\*\*\*\*\*:** Read the emergency items?

**Leonard:** We can have a first hearing on them. The police chief is here. You have to have a vote anyway if you have a first hearing. They can say what they have to say and then set it over for a second reading.

**Adams:** So I'm going to ask you to please sit back down. Sorry.

**\*\*\*\*\*:** We intended to do 1511 and 1512 at the same time.

**Adams:** Sorry. I got ahead of myself. Item number 1508, which is a nonemergency.

**Item 1508.**

**Adams:** Is there staff? Please come forward.

**John Buehler:** John Buehler from risk management.

**Mary Danford:** Mary Danford from the city attorney's office.

**Adams:** Good morning.

**Danford:** Good morning. We've provided information to your staff about the settlement, but we are happy to provide whatever additional information you might have or answer questions.

**Adams:** Why should we settle?

**Danford:** Because we have risks in going to trial. We have someone who has fairly serious injuries he sustained which creates risk with a jury that they feel sympathetic to somebody who's injured in a confrontation with the police. And because of the risk, because it's a civil rights case and it has the exposure for attorney's fees, we can go to trial and, if we lose at trial and don't beat our offer of judgment, the city ends up in a position of paying -- you know -- lots of attorney's fees, easily close to six figures or more by the time we get to trial. So we do make reasonable efforts to try to settle them, especially where there have been injuries.

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**Adams:** Questions from council? Hearing none, is there anyone here that would like to testify on item number 1508? Seeing none, this moves to a second reading on January 2nd. Item 1509.

**Item 1509.**

**Adams:** Again, why should we settle?

**Mary Danford:** Different fact situation but similar reasons. This was another person in a confrontation with the police that started out of a relatively minor situation and then ended up with somebody with significant injuries. So, again, it's a federal civil rights claim case. We have the exposure for the attorney's fees and again the concern that somebody who is seriously injured -- that it's in everybody's best interest to resolve the case reasonably rather than take it to trial and risk a verdict and large attorney fees.

**Adams:** Questions from council? Thank you. Anyone here to testify in item number 1509? All right. This moves to January 2nd.

**Leonard:** Thank you.

**Adams:** Item 1510, nonemergency. Good morning.

**Item 1510.**

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

**Adams:** Who would like to begin?

**Lana Danaher:** I'm Lana Danaher with the Bureau of Environmental Services. Good morning. And we originally were going to do this as an emergency, but we're going to pull away the emergency clause in order to have the first hearing today. As most commissioners would know, we have had 3000 to 4000 nonconforming sewer connections in the city of Portland. We call them party sewers, even though they're not a lot of fun. And for several years, they have been a very difficult, painful issue when they come up. Basically it's when, over the course of many years, properties have developed and, when they did not have public sewer available, they achieved a private connection across a neighboring property without a legally recorded easement. And this served them fine until many years later and, with aging sewers, these sewer connections are failing all over the city. When they fail, they can get an easement from their neighbor and repair it, and everything's fine. If they cannot get an easement, they have a problem. They have no municipal sewer in front of their property. They don't have legal access to the sewer crossing the neighbor's property. And to extend the public sewer, it can cost many thousands of dollars. We've had more of these lately because these private sewers are old and they're falling apart. So we have, in the interest of trying to come up with something, come up with a solution that we think is as good as possible. This solution has not been talked about in the public as much as I think it should, but we have so many people with failing systems, we wanted to get this through now, and we have an interim administrative rule, and we're going to go out in public and do a more appropriate public process and come back in six months, after doing that, with a full administrative package. We don't want people waiting with failing systems, so we're coming now with this one. Our sewer conversion program will provide flexible options and expand choices to affected property owners, and it will do that by providing a guaranteed price to sewer property owners. Let me first give you an idea by showing you examples of the nonconforming sewer connection, if you'll go to the slide there. You can see, kind of, up in the corner we have a property owner who has a shared sewer connection. And if he extend the sewer on his own through a public parks permit, he would solve his problem, though it would be quite expensive. But it wouldn't solve the problem in his neighborhood because there are other property owners who are also affected. What we need is a solution that not only gives him a guaranteed price but also looks at the whole problem. That's what we have sought to do. Basically now property owners will have three options. They can lock in the price and pay later at the locked-in price. They can lock the price, sign the waiver, and start paying now if they want to begin paying off the debt. Or they can do nothing and pay later at whatever price is in effect at that time. The price will be based on the actual cost of providing sewers in a more traditional type of

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sewer extension program. Currently that amount was about \$29.8 a square foot for line and branch, which equates to about 14,900 for a 5000 square foot lot **Leonard:** \$14,900's?

**Danaher:** Yes. That's for the public portion. That does not include the cost of changing their private plumbing, which can vary depending upon the complexity of their private plumbing situation. So there's two ways that they would then get sewer, either through an emergency sewer extension project, because they're on -- their on-site system, they can't get an easement and it can't be repaired and it's got to be done immediately -- or through a local improvement project, either voluntary -- voluntary or council initiated. Here you see four properties, a, b, c, and d. And say the property break is between property a and b. Property a has a direct line to the sewer. They're unaffected. But the break is on their property. Property b says, hey, neighbor, give me an easement, and a says no. Don't want to do it. They can now -- they will be guaranteed a price, and we can extend the sewer to provide sewer service to all four properties, and now each property will be obligated to participate in a program and help pay, and they will have up to -- their sewer is in good condition, they will have up to three years to connect, and they can have a locked-in price at the rate in effect at the time they sign the waiver. If you go to move forward to what it will look like then, you will see that they have a sewer in the street and property a will not get assessed because they did not receive any additional benefit. They've kept their sewer line. B, c, and d have connected to the sewer, and they paid at a guaranteed price. This will also allow us to extend all of the financial benefits that are currently in place. So just to contrast these options, i'll show you currently, if you have access to the public sewer, you have to negotiate the easement. You get a public works permit at full cost. Even though it may provide benefit to other property owners, they're not obligated to participate. Or you wait for some public project, which I can tell you would be a long wait. Under the proposed reforms, they would negotiate an easement. That's still an option. Or they would get a sewer within -- through a city l.i.d. process, through a regular schedule which we will hopefully have available within the next six months. Or, if it's an emergency, through a sewer extension program. Currently, the cost of a sewer extension can vary from \$25,000 to \$60,000. Now it will be in the neighborhood for a 5000 square foot lot of no more than 15,000. Current conditions, there's no cost sharing. Whoever's system fails first bears the full cost. And under the proposed reform, there would be equitable apportionment among all benefited properties. Currently, there is no city loans or safety net program available for private party sewers. Under the proposed reforms, all current programs that are available to people on cress pools who are converting -- cesspools who are converting would be available to these people. The city installment program would be available over a 20-year period. While currently no city council action is required, what is required under the new program is council-directed l.i.d.s in some cases supported by waivers of remonstrance paid for by property owners in exchange for subsidized, capped l.i.d. costs. I think the program is actually a fairly simple one. If we were to try to do the sewers all at once, it could cost upwards of \$30 million. Obviously we're not going to be able to get sewers to everybody all at once. We are planning on putting together a program of l.i.d.s going around to neighborhoods and helping people with their easements as possible and then getting an l.i.d. together when they're not. That's going to take time. So we will have the emergency program in place for ones that can't wait. Are there any questions before we go forward?

**Saltzman:** Is there any particular geographic distribution to the 3000 to 4000?

**Danaher:** We don't really know that it's 3000 to 4000. 3000 to 4000 are the ones we know about. I thought it would only be a couple little neighborhoods but, as it turns out, they're all over older parts of the city. The older the neighborhoods, the more common they are. There are a quite a few in northwest Portland and in northeast Portland. It does not seem to be based on income level or anything other than a history of in fill because it tended to happen as properties subdivided and in fills and found the cheapest solution for getting plumbing rather than extending public sewers.

**Leonard:** Ross, do you have anything you want to add?

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**Ross Caron:** I would just echo what lana had said. I think this will be probably the best thing the city can do. It will provide some immediate options for folks that we've already identified through a break-in their lines.

**Leonard:** Why don't you let people know where you're from.

**Caron:** Ross crone, bureau of development services.

**Danaher:** We've worked very hard on this together, our two bureaus.

**Leonard:** I was going to touch on that after you were done.

**Danaher:** There is a lot of blood on the floor over this because, for years, as far back as I can remember in the city -- and, believe me, that's a long time -- every time people would hear the word "party sewers," there would be a groan afterwards because this is something the city has not had a good response to. It's been painful for property owners, a source of neighborhood fights that have been written up in the papers as well as in topic of conversation in many neighborhood association meetings for many years.

**Leonard:** I was actually going to maybe kind of try to humanize what your presentation was for everybody so they could understand maybe why you were as detailed as you were, because it is -- it hasn't such a controversial issue. We were getting calls in our office. Tyco 77 -- ty kovich was fielding them. You're living alone in a house and the sewer backs up and you discover, in order to have it repaired, you need an easement from a neighbor. Add on the fact that they and their neighbor don't get along and their neighbor finds it a great opportunity to be able to put an exclamation park behind the angst that they've probably had for years by saying no, you can't have an easement. You have a single person, sometimes elderly, sometimes on a fixed income, that's told it's going to be \$60,000 just to fix the city part of your problem, and that's the nature of the problem. For some people, it just was impossible to do. Ty worked really hard on this. We got sam involved. Ross got involved, and then lana worked with all of us to come up with this really creative solution to what sounds very technical. But if you can just imagine just the human impact of being told you have to pay \$60,000 just to the city to fix a problem that then you have to hire a private plumber to add on top of to actually have your toilet flush, it was overwhelming for a lot of people. Literally, since I got here, this has been an ongoing hard problem to resolve. I just can't say enough of the great work you've done, lana and ross and ty of course, in trying to figure out creatively how we can come up with a more equitable way to deal with these problems. It takes personal 'tis out of it so you don't have to get sometimes people who don't get along to agree to come up with a solution. This is important work. This is the kind of stuff that really he weres the city the moniker "the city that works" because this is a creative solution of problem solving that hasn't happened, frankly, up till now. I recognize how difficult this has been, and there are a lot of people who are going to be very appreciative of the solutions. So thank you very much.

**Adams:** Yeah. They might be called party sewers, but there's been absolutely nothing fun with them, and it seems to peak during the summer months for some reason.

**Leonard:** Yeah.

**Adams:** And because of the hot real estate market, the issue has been flagged to realtors as well, so there's been a lot more scoping and a lot more sort of discovery by the private sector where the party lines are. So I want to underscore the predictability of the price, being able to lock in a cost -- a guaranteed cost -- for this and being able to sell that guarantee so that, if you're trying to sell your property, you can lock in the cost and transfer that. And then the -- I don't know if it's the best reasonable price -- I should say reasonable terms on a loan. We put the city's credit behind this so that 50 to \$80 a month, people can get a loan for this. They don't have to go to the banks. I, too, want to add my thanks to you and everyone else in bureau development services that we finally have at least a six-month answer, and we'll go out there and get more public comment and perfect it if we need to perfect it, but people can get on with improving their property, selling their property, and we can extract some neighbors -- conflict between neighbors -- over this issue. I mean, i've

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learned ugliness neighbor to neighbor on this issue that I just didn't know existed in Portland.

Happy to get out of the issue. All right.

**Leonard:** Thank you very much. Great work.

**Adams:** Anyone signed up to testify on this issue?

**Moore:** We have one person signed up.

**Adams:** If you didn't sign up but would like to speak, please come forward and please state your name for the record. You have three minutes. Would you like to testify, sir? Hi.

**Annette Cragg:** My name is annette cragg, and I come to you today as an anecdotal example of someone who currently has 10 people digging up my yard uncovering a party sewer that has been contested since june this year. We bought a house up in the southwest hills in a very old part of Portland that was almost condemned 11 years ago, and six years ago we raised it up on hydraulic jacks, like so, to completely remodel it and save the life of an old house that was basically falling off at one corner, presumably because the back of our land had a stream running through it at one point. We at no stage had any kind of code or information regarding party sewers or any kind of piping issues. So my first objective today is to advocate for giving people advance notice about this. I know that real estate agents are compelled to do it at the moment and that people scope properties they're deciding on buying, but there are plenty of people in the same position we were who have bought old properties who have no idea that the party lines exist and who need to take some initiative and figure out what their rights are. My second issue is unfortunately our easement has run through 100 years the property. It's raised six feet and thus the sewer workers under it today at the moment. Unfortunately we ran pipes under our house that put us two feet below the sewer main that runs in front of our house, so we had no choice except to keep the easement that has been running for 100 years. So my second point to you today is there is a neighborly issue that you referred to that maybe could do with some kind of a legal structure, because this is an opportunity for opportunistic neighbors to start seeing a gold prospects license running under their house and to charge what ever they possibly can to an income off their neighbors. It does not create good community. I don't know if legal lee it's possible to provide an infrastructure that caps the amount people can ask for, but the amount that -- the people who live in front of us and are between us and the sewer line grab these sewer lines, and so we have a mass enclave in front of us who want a lot of money. Luckily, thanks to mike ebling and joe blanco at the city, who were appalled by the greed of these people, mike epli in hg came out. Mike was at the house when it was hovering in midair, and I think he felt a little sympathy towards us and went above and beyond the call of duty to wander around the yard and try and work out how we could possibly work out a gravity feed, and he did. We did ask a third neighbor that wasn't immediately apparent to give us the easement, and they granted us that, and that is what neighborly people do. I'm here to implore you to try and cap what people can ask for, because it is the most opportunistic aggressive thing, and there no cap on it.

**Adams:** We looked into that issue, and you should defer to your own legal council, but we did not find a way to do that legally.

**Cragg:** A he will? So it's just hijacked sewer pipe. Thank you very much for your time.

**Adams:** Good morning, sir. Please state your name, and you have three minutes.

**Graham Conroy:** I'm graham conroy --

\*\*\*\*\*: Could you try to get a little closer to that microphone?

\*\*\*\*\*: Surely.

\*\*\*\*\*: Thank you very much.

**Conroy:** I'm graham conroy, one of those single people who lives alone and is elderly. Your office has graciously included me in the program, and there are works going on now because the exploratory dig on 24th avenue has been completed, and I guess the program -- ty kovich probably knows more about it than I probably -- would probably start after the first of the year. I assume that

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that's right. Sometime next month. But I wanted to congratulate the city government and particularly the commissioners for having come up with this plan to take the burden off from those who are under the aegis of this misfortune. I'm happy to find out after many sleepless nights and so on that it is also the city who works for people.

**Adams:** Thank you.

**Conroy:** What will be the time line on some of these special cases like my own?

**Leonard:** Stop by my office, ask ty. I'm just right outside the door here. He'll be happy to tell you.

\*\*\*\*\*: Thank you, gentlemen.

**Moore:** Just after the first of the year.

**Adams:** Anyone else who wishes to testify on item 1510?

**Moore:** Jillian conroy.

\*\*\*\*\*: If I could talk for three minutes about the traffic this vancouver?

**Adams:** Please state your name. Who is the transportation commissioner? And you have three minute.

**Jillian Conroy:** Actually, i'm a little out of breath. Coming here, there were two accidents. My dad, graham conroy, was the person who just spoke, and I wanted to talk on behalf of the commissioners and the efforts at b.e.s. and everybody in the group are making toward being able to help the people in a situation not any fault of their own. My father bought the house 40 years ago. Now people have something they can look at, but looking at the history of the city and what's happening in northwest and north Portland, you have city sewers which have had party sewers for over 100 years, and a lot of those sewers aren't even documented. One of the big issues -- you know -- again, we have ours resolved, but what I want to make sure is that the 3000 or 4000 people who don't even know that they're going to be affected, that they're able to have remedy as well. A couple things to take into account on this would be the situation when you have -- when you're landlocked. For example, in my father's case, he had one neighbor on one side on the corner who -- they talk about party sewers as my dad being the benefiting person because his sewer flows across that property. In reality what happens is the benefiting person is the person who has that piece of property that is lucky enough to tie into the sewer. One of the situations -- and i've had many people come to me now and ask, what do we do? Because they're in the same situation and came across our names when this came out in the press. But what's happening is neighbors who realize they're in that prime piece of real estate can ask for a price that they want to be able to get to travel across that property. Attorneys consumer with them and tell them, it will raise your value. For 100 years, that party sewer was there, and it never decreased any value in northwest Portland that i'm aware of, but now it's becoming an issue where people are able to what I consider to be level of extortion. By allowing this program, the city takes that away by giving people remedy. So my dad and our situation for eight months, we had a choice that's paying the neighbor what he wanted, and he wasn't even going to give us the easement. It was going to be a recorded license for zero to seven years. So we'd still be under the gun. Or we could go for \$40,000 or \$45,000 because we had to dig up a neighbor's oil tank and some other things or we could build the city sewer because there was a water main, and we would have to build that out ourselves, and that could be any where from -- I heard a couple of different things. As high as 100 and as low as 60. I want to be sure other people aren't in that situation, because my father, to do all this on his own, he wouldn't have been able to. It took a lot of resources. And I want to thank the city for really coming to task on this, and i'd appreciate it if this moves forward to be able to help others in that same situation.

**Adams:** Thank you very much. Appreciate it. Anyone else wish to testify on this item? All right. This moves to a second reading on january 2nd. Now we're ready for item 1511, resolution.

**Moore:** Did you also want to read 1512?

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**Adams:** Yes.

**Nolan Mackrill:** My name is Nolan Mackrill. The last legislative session passed senate bill 716, which created a new wheelchair only permit effective January 1st, 2008. This new permit would give the person who qualifies the privilege to park in off-street disabled spaces and wheelchair only spaces and grant the privilege of parking on street without fee or limit at any meter or zone 30 minutes or longer. Senate bill 716 also removes the on-street privilege of parking without fee for regular disabled permits effective January 1st, 2008 and create as local authority -- lost control provision that allows the city the discretion to continue the on-street parking privileges for regular disabled permits. It appears that on-street parking privileges for regular disabled permits were terminated to address a perceived problem with permit abuse and parking supply impacts. We regularly survey for the number of permits display on the street in metered spaces. During the last survey in July, we found that occupancy ranged from 9.6 to 21.9% of the spaces on each of our beats. So the number of spaces -- of meter space on a beat -- with the number of permits that were parked there during the survey came up with these numbers. Park enforcement also actively verifies the holder of a permit to determine if it's issued to the person in the vehicle. We have issued unlawful use of a disabled permit citation to 140 persons so far this year.

**Ellis McCoy:** I'm Ellis McCoy, the parking operations manager in transportation, and I'll finish off the brief remarks. So understanding the potential impact of this legislation to those people that currently hold regular disabled placards, we reached out to members of the Portland citizens' disability advisory committee. Over two to three meeting periods, we discussed their concerns about terminating permit privileges, their concerns about lack of awareness and notification on the proposed changes by the state. We also discussed the impacts the permits have on on-street parking supply and the downtown business environment. And we discussed alternative strategies to balance the use of the permits and the impact to on-street parking supply. And that discussion resulted in a letter that was sent to Sam dated 11/30 of this year where the committee expressed their concerns about senate bill 716. So given the time constraints of January 1st when all this would become effective, we felt we didn't have the time to do an adequate job of outreach and involvement to all stakeholders. So as a result, we therefore recommend to council, under the lost control provision that's provided by the state, to extend the on-street parking privileges for regular disabled placards for a six-month period and approve a resolution that directs transportation to establish a disabled parking permit task force. That task force would do a couple of things. It would include representatives from all important stakeholder groups, and they would be tasked with developing the recommendation to council that would balance the important interest of all stakeholders. The task force would report back to city council by May 15th with an alternative for the council to make a decision on. So we ask that council approve the resolution that creates a task force and approve the ordinance, although we wanted to have it approved under an emergency situation given the fact that January 1st would be the effective date for these provisions. So we may have to do something a little different given that we don't have enough people to approve an emergency ordinance.

**Saltzman:** Let me just understand. So the new state law says that, for wheelchair permit holders, you can continue to park in off-street places, but you can also park on street anywhere at metered places for any length of time.

**McCoy:** That's correct. There's a new application and a new permit that would be issued.

**Saltzman:** And for regular disabled permit holders, the new law takes away the right to park in metered spaces?

**McCoy:** It effectively does that, but it also gives counties and cities lost control. It gives them the discretion to provide those privileges for -- in any way that they want for regular disabled placards.

**Saltzman:** You were saying, through your research efforts -- you're saying people didn't know about the state law?

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**McCoy:** That's fair to say.

**Adams:** Very fair to say. You can imagine the controversial nature of this issue, and we just didn't feel comfortable that enough people knew that the state law had been changed, and so we're going to sad here to the status quo while we put together a diversion group of stakeholders to give us some advice on this issue.

**Saltzman:** So will those diverse group of stakeholders include people who are not permit holders?

**Adams:** Absolutely.

**McCoy:** Absolutely, yes. I've got several volunteers already.

**Adams:** We talk about downtown business associations, business representatives, representatives from the disabled community, city staff, and parkers.

**Leonard:** I don't know if there are questions or observations or comments, but first of all you said there were 140 persons given tickets?

**Mackrill:** For unlawful use of the permit.

**Leonard:** What does that mean?

**Mackrill:** That means the person who was utilizing the permit wasn't the owner of the permit. So someone was just using the permit.

**Leonard:** How did you determine that?

**Mackrill:** Our officers, when they see the person at the vehicle, they ask them to show i.d. That verifies that, and we check with the records with the state and make sure the permit is issued to them.

**Leonard:** That's outstanding. I'm glad you do that.

**Mackrill:** And we also found other people who were using permits that were reported to d.m.v. that were deceased, and a number of other reasons that they were using them.

**Leonard:** Excellent. I think that's very helpful. My observation is that I don't think that the citizenry that doesn't get these permits has any objections to those, whether they're in a wheelchair or not, who truly need them to have them. I think it's the 140 folks you ticketed. I think -- and I don't want to get too far out here, 'cause i'm not sure about this point, but my sense is that the criteria sometimes to get a permit, other than if you're in a wheelchair, is of concern. That is true?

**McCoy:** Well, we don't have control of that.

**Leonard:** I'm going to get to that. Because if we have the right under this law to decide whether or not to let people that are not wheelchair-bound to have permits or not, does that also implicitly give us the right to set up some criteria?

**Mackrill:** They're issued through d.m.v. The state, so we wouldn't have direct control over the issuance of them unless d.m.v. Would be interested in working with us to create a different criteria.

**Leonard:** Is there some concern that we have about that criteria for nonwheelchair-bound?

**McCoy:** I've heard it expressed.

**Leonard:** Can you give us examples of what that might be?

**McCoy:** Well, the way I interpret it, there was a representative on the advisory committee that I mentioned that was concerned about the definition because there's a lot of disabilities that doesn't necessarily -- that fit into the wheelchair category -- category but cover the same nonambulatory issues, if that makes sense to you. So they were concerned that that particular category for disability didn't cover all the issues related to people having disabilities that drive.

**Leonard:** I guess i'm just asking, can the group address that issue as well? And if it means talking to the state to see if some at minute stray tiff rules could be jointly developed that would address your concerns, whatever those might be --

**McCoy:** We can certainly address it.

**Leonard:** But that you're actually vigorously going after people that you think might be abusing I think is outstanding. If that was done all over the state, there would probably be less angst.

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**MacKrell:** I believe so. Thank you for that.

**Saltzman:** Given the dilemma of the emergency ordinance, I guess why can't we simply let the law take effect and then, when you cite somebody, give them a notice or make it a warning and -- you know -- maybe point out this task force is being formed and --

**McCoy:** We certainly can do that. Our transportation commissioner can direct us --

**Saltzman:** Do we lose the right to come back and modify the rules if we let the law take effect?

**McCoy:** No, we do not. There's just a couple of days where we would need some coverage, and our transportation commissioner could direct us to maintain status quo.

**Leonard:** Fortunately he's the law and order type. He'll throw them in jail, and they'll rot.

\*\*\*\*\*: [laughter]

**Saltzman:** It seems to me that will really get people's attention as opposed to all the other efforts. We do good process efforts. There's always people that come in at the final minute and say, nobody ever told us about it. This'll get their attention.

**Harry Auerbach:** I would point out that January 1st is a holiday and everybody gets to park free anyway, and your next meeting is January second.

**Leonard:** So you're ruining all our fun. [laughter]

**Adams:** We'll have a couple of hours in the morning. I think we'll be able to handle that. I mean, I don't think -- it's not just that people didn't know that this change had happened. It's that this gives us an opportunity to thoughtfully dig into the issue, and I think the suggestion that commissioner Leonard made is really useful. We can be an advocate to d.m.v. even if we don't have control over the issue that he's talking about. I think this group could come up with some idea of d.m.v. that the council might get behind. I think that's really useful. It's not just that people didn't know. It's that we wanted to use this opportunity to dig into our own protocols and come up with something that really is balancing all the stakeholders that have a lot of passion around parking in the city of Portland. I appreciate all of your efforts. Any other questions for this panel? All right. Is anyone signed up to testify?

**Moore:** We have three people signed up. All three of you come up. There's three chairs there.

**Adams:** Hi, Veronica. Good morning. Welcome to the city council. Please state your name, and you have three minutes.

\*\*\*\*\*: Three minutes together or --

**Adams:** Each.

**Bernie Lowenthal:** My name is Bernie Lowenthal. I'm here because I take this very personally. A number of years ago, I met the speaker of the Oregon House, and I talked with her and asked her if there was any way of extending the law -- the state law -- which only gave the right to handicapped parking privileges to quadriplegics, and she said, well, Bernie, why should we do this? And I said, because it would make the life of handicapped people in the state of Oregon a whole lot better and easier. And Vera Katz said, I'm for that. And we went to work, and we got the amendment passed. And it has made life a lot easier. I think that this is a bad notion. It's a poor idea. Portland, the city of Portland, has moved backwards. Under the administration of Vera Katz, there were 17 parking spots in downtown Portland dedicated for the handicapped. Those are gone. Now the state of Oregon wants to create a two-tier system for people in wheelchairs and then people who are not in wheelchairs. It's just a crazy idea. I suspect that the federal government, under Americans with Disabilities Act, is really going to have something to say to Portland, Oregon, about a two-tier system. I mean, I don't know why the city would want to do that. I'm sure police officers have better things to do with their time than to drag handicapped people out of parking spaces. It's just crazy. It serves no purpose whatsoever. By the way, the gentleman who said here that there has been lack of notification, that's the understatement of the year. Not only had I never heard of this until I read about it last week in "Willamette Week" paper but, at the end of October when I renewed my license, I also got my handicapped placard for eight years. D.M.V. said absolutely nothing. I don't know

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frankly, gentlemen, how they can even pass a law when they didn't ask for testimony. They didn't notify interested parties. Nothing. It's my fervent hope that the city of Portland stays clear of this. It's just a terrible idea.

**Leonard:** If I could just -- I think your passion is right on. And I wasn't in salem to listen to the debate, but i'm only guessing -- and this is just in an attempt to maybe a leave some of your concerns. I'm guessing that they weren't trying to exclude people such as yourself. It's because of these more notorious cases where people have actually defrauded for a variety -- through a variety of methods getting the permit or using it when it belonged to somebody else, and I think they were probably thinking this might be the cleanest way to get rid of them. I don't think that was the most thoughtful approach, because I would guess at the end of this process that we're going to engage in, if I can speculate, i'm pretty confident you and people in the condition that you are are not going to be excluded by the city.

**Lowenthal:** Mr. Leonard, I would agree on what you said about trying to clean up fraud, which is a separate police problem.

**Leonard:** Right.

**Lowenthal:** The thing of it is I think that the state of Oregon government really, really messed up on this one. It would have been simple simon stuff for them considering they know exactly who has the disabled parking permit. They're key to an Oregon driver's license. It would have been easy for them -- for somebody to press the button on a computer and send us letters, but they did not do that, not even once. And I really resent that, because I suppose it wasn't malice. I think it's probably just incompetence. But in any event, sir, it has not been done, and I think that if the city of Portland, which has been very, very good to handicapped people, gets into this, I think it will be a singular mistake. I think it will be a step backwards.

**Leonard:** I don't think we're going to.

**Lowenthal:** I hope not, sir.

**Veronica Bernier:** Good morning. Veronica bernier from p.s.u. alumni 2005, community health education and public health. I'd like to speak to the issue of access to parking for disabled people, and i'd like to point out first that, as my former head nurse said at peninsula hospital in burlingame - - she said, some people's disabilities don't show. I would like to underline that, because whenever a person has been disabled, there is some part of them that they lose, and it doesn't always show. However, at the same time, there are some people who take advantage of that and use a van to get into a place where they can block the view of passers-by and somebody might trip or fall, and so those kind of things need to be looked at, too. I want to point out one specific thing. I think that the d.m.v. is doing a great job of watching the disabled permits, but at p.s.u. at the starbucks parking lot, somebody got real creative and put in a curb in front of the two entrances. One is to panini, and one is to starbucks coffee house. And I noticed myself the other day that a man in a wheelchair really couldn't access it. He had to go around. And he had to go around a painting truck which obscured him from view of another truck -- commercial truck. Those kind of things are important. We can't really block access to people that are manipulating their wheelchairs to get in and out of pedestrian traffic. That a store. I underline that as just a little small area that can be improved. I had a problem with my ankle at the time that didn't show, and I had to go around the curb instead of stepping up on the curb. I really would have questioned that. The man who put in the curb was not a licensed contractor for the city. I double-checked that. And so those kind of things are real important. Access for pedestrians, particularly disabled people with walkers, wheelchairs, and people using quad canes are really important. Those people need to be mainstreamed into the city, wherever it is, whether at p.s.u. or the malls of america or whatever. Even the quadriplegics, it can't be stated enough that they need to be put into society, too. That little trip to the mall helps them all day long. They talk about it for weeks. Just underlying that. Be sure that you sport pedestrian access for people who are disabled and also taking the curbs away from the trips around the

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sidewalks of Portland. As former mayor vera katz said, Portland's a city that works. It works well for all the people included. And mayor tom Potter, who isn't here today, supports that, too. I know him well. He's always sported people in all walks of life. Thanks very much.

**Joe Uris:** My name is joe uris. I'm representing my wife in this situation. I rushed down here because I only today realized that this hearing was taking place. I apologize i'm not all dressed up. Not very well prepared. My wife could not do this because in fact she cuffs from an intermittent m.s. condition. It has challenged her. She is a very bright and active woman, but she just simply wasn't up for it. First of all, what happened in salem, as I think almost everyone here agrees was a bizarre travesty, an organization allegedly representing veterans that has an incredibly bad record in terms of how much of its monies -- you may not know this. How much of its moans gathered from citizens actually go to supporting veterans -- successfully lobbied in a situation in which there was no testimony, as brought out before, no adequate information to the citizenry, and created a law which apparently will help people with wheelchairs but in fact begins a process which has a precedent implication that will disallow persons with a variety of handicaps from being able to have access to the city. I think it's interesting that you're creating a committee in this matter, but that means in fact that many people are going to have to be engaged in testimony and argument in a manner that really does not require that. If there's an issue of enforcement, then clear live the responsibility of the city and others in that enforcement area is already in the books. For my wife, her condition is not apparent. She's a very bright woman, a fairly physically active woman, but many, many days her neurological situation makes it impossible for her to walk more than, say, half a block. This, if passed as presented by the state, would in essence take her out of the action in a variety of ways. And the destruck fun shot access in the metered zones would have even more implication for her because it would mean that she would have to try to rush to get back to her metered parking spot. Any kind of effort that puts real stress on her legs can injury her. That injury can last for several months because it's neurological in nature. I know she hates anyone having to talk about it in this way. She's a very proud person. I am quite angered and very upset with this whole situation, and I think many of you are as well. I don't see that a committification with testimony will resolve the problem in a manner that's favorable to the many, many, many people who have disabilities that are not obvious or app parent, nor do I think those in wheelchairs would want this kind of discrimination against their fellow handicapped persons. So I urge you to just tell the state to back off.

**Leonard:** I would just say, for both of you gentlemen, i'm particularly getting the passion with which you feel about this, so I feel compelled to say that I -- that when this comes back before us, I would not support anything that took away the privileges that you currently have.

**Uris:** That's a relief.

**Leonard:** And I would venture to say that the whole council would feel that way. But there is this other area that --

**Uris:** The enforcement.

**Leonard:** It might be the criteria as well. I'm not sure. For some who give permits. I don't know enough about that to say. But clearly your wife fits the criteria and clearly, sir, you fit the criteria, but I just want to have some questions asked about that to make sure that others aren't taking advantage of it, and that's it. For the for examples you're giving, absolutely, I mean, I can't imagine this council not agreeing.

**Adams:** And, we're trying to make more space and more access available. And every time someone abuses this --

**Uris:** Of course.

**Adams:** So, like I said, this is -- we wanted to be very public and open and transparent about this and have groups that -- have a group put together that includes stakeholders and experts and expose

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them to some of the situations that we face on trying to manage the situation and benefit from that enter as. Do we have any additional people to testify? Thank you all very much. Appreciate it.

\*\*\*\*\*: I have nothing to say, but I do have one comment.

**Adams:** You have to get near a microphone, and please tell us your name, and you have three minutes.

\*\*\*\*\*: I don't need to say anything.

**Leonard:** You may change our mind. [laughter]

**Albert Hogute:** My name is albert hoguet. I have postpolio syndrome and, as you can see, I can walk, but I have many of the same problems that mr. uris's wife has and value the handicapped placard, and it's a big part of the my life. The downtown area is my neighborhood, although I don't live right downtown. It's where I come for essentially everything I do. The definition of wheelchair user, as I looked it up on the web -- I did not know anything about this until I read the "willamette week" thursday. I read the papers religiously. I'm sure I would have picked up on it. It's defined as a person who uses a wheelchair or similar low-powered motorized or mechanic: Propelled vehicle designed specifically for use by a person with a physical disability. So if you were to defer taking any action and let this law go into effect, the enforcement the types basically want somebody -- no handicapped placard could satisfy that definition, because there's no wheelchair on it, and everybody would be subject to a ticket. Unless you're just going to say, well, we'll let it go. Who knows how tight control or traffic people would be in giving tickets. But there's nothing that would hold them back from giving a ticket and forcing somebody who got a ticket to have to go into court and say, well, you know, the city says they're not going to enforce this law. But I think it would be creating an extreme can of worms, 'cause i'm sure d.m.v. Is going to start cranking out these wheelchair placards as soon as the law goes into effect. I urge the council to adopt the resolutions as proposed and let the situation be as it is until this task force does its job.

**Adams:** Thank you, sir, very much. Unless there's anybody else that wants to testify, the issues move to january 2nd when we'll take the vote on the resolution.

**Moore:** 1511. Adams.

**Adams:** Great testimony this morning. If you're interested in serving on the committee, talk to us. Vote aye.

**Leonard:** I wouldn't support and I would just venture to say the council will not support a restriction of people who have disabilities, whether they're in a wheelchair or not. I do think this is just one of those examples where a very small group of people have abused this system and created a problem for a larger group of people who don't, and so we'll be very careful and thoughtful in sorting that out. Commissioner Adams will, I know, bring back a very well thought outset of recommendations, and i'm positive we can all support them. Aye.

**Saltzman:** Well, I think that this is an important task force, but I will say that I do think there is a lot of abuse, and that is really what has to end. I think the numbers that you showed of 14-21% of parkers at any given time in a zone are displaying disabled permits, I think that's volumes above probably what the proportion of the population are on any given time. I guess i'm having a hard time thinking about the rationale for -- although I think joe yuris gave a good example, but the rationale for being able to park unlimited -- I see having spaces adjacent to public entrances of buildings and in private parking lots, but the rationale for being able to park unlimited time in a 30-minute zone in the middle of a block, i'm not quite sure if I see the nexus of the benefit there, other than it's an historical benefit that has been enjoyed for some period of time. So I guess I for one and sort of open to exploring the rationale behind that a little bit more. Aye.

**Item 1513.**

**Adams:** All right. Resolution passes. We're now to 1513, which is a nonemergency, first reading. Any questions from council. If not, it moves to january 2nd for a second reading. 1514.

**Item 1514.**

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**Adams:** Any questions from council? This is 1514. Moves to January second for a second reading. 1515, nonemergency.

**Item 1515.**

**Adams:** Any questions from council on 1515? Hearing none, it's a nonemergency item.

**Moore:** With substitute.

**Adams:** We have a substitute?

**Saltzman:** Yes, we do have a substitute. A substitute that reflects some comments. I guess I would move the substitute.

**Moore:** That was distributed yesterday. I have an extra copy if you need it.

**Adams:** What's the nature of the change?

**Leonard:** Oh, here it is.

**Saltzman:** Frank, there was nothing substantive to my mind. It was pretty simply wanting to make sure the language looked good.

**Adams:** There is a second to the motion to move the substitute?

**Leonard:** Seconded.

**Adams:** Moved and seconded. Any discussion on the substitute? Hearing none, let's vote on the substitute. Aye.

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

**Adams:** All right. As substituted, 1515 moves to January 2nd for a second reading. Please read ordinance nonemergency 1516.

**Item 1516.**

**Adams:** Any council questions or discussion on this issue? All right. Moves to January 2nd for a second reading. That gets us to nonemergency ordinance 1517.

**Item 1517.**

**Adams:** Without objection, moves to January 2nd for a second reading.

**Harry Auerbach:** Commissioner Adams, I noticed you refer to these as nonemergency ordinances. They still have their emergency clauses on them, but you're just not voting on them until January 2nd. They'll be emergencies when you vote on them on the second.

**Adams:** Thank you, Harry. Let the record show what Harry said. That gets us to item 1518, which is a resolution.

**Item 1518.**

**Adams:** Good morning, Auditor Blackmer.

**Gary Blackmer:** Good morning, Council President Adams and other members of Council. What this represents is a response to the 2007 legislature which had revised the laws regarding public records requests to help with issues around timeliness, costs, and better access to the contact person.

The law now requires that jurisdictions respond to requestors in a timely way if not with the records with some description of what the next steps would be and also posting the charges in a public place as well as the contact person or persons. We put together a work group comprised of members of the city attorney's office, the bureau of technology services, the office of management and finance, and the auditor's office, and I wanted to extend my appreciation to them in terms of helping us through the various issues here. With me is Christine Jividen from the city attorney's office who actually performed most of the day-to-day work around this. She communicated with the bureaus about their response, practices for records requests, their charges for those requests, and the contact person. So we put all that together and circulated several drafts to the bureaus, to Council staff, to get their feedback on the request form that we prepared as well as the charges, and we also have a frequently asked questions document, one for the public and one for employees. Before you is a resolution that basically declares that the city will start using this new public records request form on or before January 1, 2008, which is the deadline set by the legislature. We believe it will assist the public when they're seeking records from the city. We also intend to come

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back, the work group, to reform in a few months, talking to the bureaus to figure out if there's anything we need to refine in terms of the form. There are likely to be more frequently asked questions that we can add to help people guide their way through getting responses to record requests. Also before you is an amendment that the mayor suggested. It's a small change to the form. It adds the box that is a statement for the requestor requesting the consideration of waving or reducing the charges. The check box signals to the city to consider whether the request primarily benefits the general public. Now, we know that some bureaus waive all or some of public records requests charges, and that's permitted in this process as well. This is a box that's in the upper box under the requestor information. It states copies may be furnished without charge or at substantially reduced fees if the custodian determines that the waiver or reduction of fees is in the public interest.

And does this request benefit the general public, yes or no. And then requesting the requestor to describe how they see that as a public benefit. So we have no problem -- the committee had talked about this issue and, from our standpoint, it's a consideration that can be added without any serious problems. This is one of those things, in terms of an amendment, we're more than happy to support that.

**Adams:** Do we need to amend your item today then?

**Blackmer:** It's a resolution, and it can take effect as soon as it's voted on. Yes, if you can do that, that would be great.

**Saltzman:** I noticed the other box about is the request related to a lawsuit. Does that have any bearing on whether we --

**Blackmer:** No. It's more a signal for us that it's something that the city attorney's office would like to see what records are being obtained from the city related to a lawsuit.

**Adams:** So if they refuse to answer that, do we still give them the information?

**Blackmer:** I believe the records law holds regardless.

**Adams:** Yes.

**Blackmer:** Yes, we'd probably notify the city attorney's office if they refused to answer.

**Leonard:** But passing this resolution doesn't require people to fill out this form to get a public document?

**Christine Jividen::** No.

**Leonard:** I think we need to make that really clear to the bureaucracy. Bureaucracy. When I got the water bureau two and a half years ago, if somebody called up to get minutes from a public meeting that were one-page long, they would make them fill out the form, pay the fee, and it made people really suspicious of the water bureau. So one of the things we did was discontinue requiring those -- these forms to be filled out for routine requests. Now, if they were more complicated like analyses, reports, those kinds of things, even then we didn't make them fill it out. If it was just generally somebody wanted it e-mailed to them. Knowing how I do how the bureaucracy sometimes follows the rules to a t, there are documents easily e-mailed there isn't that big of a deal and require this stuff to be filled out.

**Blackmer:** That's a very good point.

**Leonard:** How do we make that point, though?

**Blackmer:** I think that's in our frequently asked questions that it's the easiest -- that requiring this - - I mean, we require -- there's a companion form, which is the city's response to public records request, but you only have to fill that form out if you don't give them the information immediately. So that a certain degree, there's an incentive for someone to say, well, here's the information, 'cause I don't feel like filling out this form. That says, here's the response, which is it's going to take us a while or cost you money or whatever.

**Leonard:** I know two and a half years ago, the water bureau for some reason thought it had to have every request reduced to writing and had to be a public records request. It was just kind of a

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culturally entrenched process that created suspicion amongst the public, more suspicion towards, in this case, the water bureau.

**Adams:** Do you have anything you want to add?

**Jividen:** Let me just add on that note that, as it stands right now, several bureaus have conformed. They're slightly the same. Some are different. Some are similar. This is intended to at least have one rather than five or six different forms saying the same thing. I think lots of times people will call in and say, how do I make a request? You can fill this out, and that helps us to get all the information we need, too. It's got their name, phone number. Sometimes you get an e-mail and that's all you get. You can't always contact them. It will be helpful, I think.

**Blackmer:** One of the other good things, we have some more standard copy fees, and we didn't have that before. Each bureau set its own fees for eight and a half by 11 pages. So what we did, christine, in surveying all the bureaus, got their costs, and then basically looked at what the most common one was and sent it back out and said, can you all live with these costs? For the standard kinds of requests, it's a much more predictable cost for the citizens. Some bureaus have specific kinds of documents that require additional scrutiny, like blue prints may require additional equipment or redaction of confidential information requires extra costs. So those are separately listed. But for the standard kinds of documents, there is a much more predictable cost for the public. And that's -- I mean, that's again something the bureau can waive. If it's a few pages, it's probably easier to give it out than to collect the money and do all of that. But for very large requests, hundreds of pages, it gives much more predictability for the requestor. Add add questions or discussions from council? Entertain the motion for the amended form.

**Leonard:** So moved.

**Saltzman:** Seconded.

**Adams:** Let's vote on the amendment. Aye.

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

**Adams:** Unless there's other discussion or if there's anyone signed up to testify --

**Moore:** You want to announce the evening meeting?

**Adams:** I've got to take the vote first.

**Moore:** It's a resolution. Sorry.

**Adams:** Anyone who would like to testify on the matter? Anyone from the press who would like to testify one way or another? Silence of course means you love it.

\*\*\*\*\*: [laughter]

**Adams:** Let's vote on the resolution. Thank you for your work on this. It's a very useful tool, and I can imagine all the effort that went into it, and I think the point of especially trying to standardize our response so that we improve the overall quality of our responses I think will be very useful.

Aye.

**Leonard:** Yes. Thank you. Aye.

**Saltzman:** This really is good work. Thanks a lot. Aye.

**Adams:** Tonight's meeting is canceled due to lack of a quorum. That agenda item will be heard on January 3rd.

**Moore:** 2:00 p.m.

**Adams:** 2:00 p.m. on January 3rd. Happy holidays, everybody. We're adjourned.

At 11:02 a.m., Council adjourned.