



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **30TH DAY OF JULY, 2008** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Potter, Presiding; Commissioners Adams, Leonard and Saltzman, 4.

Commissioner Adams arrived at 9:36 a.m.

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

On a Y-4 roll call, the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>1062</b> Request of Ernie Guerrero to address Council regarding the Northwest Service Academy symposium and the service of AmeriCorps members (Communication)	<b>PLACED ON FILE</b>
<b>1063</b> Request of Wendell Pilger to address Council regarding support for Peterson's grocery (Communication)	<b>PLACED ON FILE</b>
<b>1064</b> Request of Larry Reynolds to address Council regarding homeless protest for repeal of the sit and lie ordinance (Communication)	<b>PLACED ON FILE</b>
<b>1065</b> Request of David Morrison to address Council regarding the "chemtrail" activity in the skies above Portland (Communication)	<b>PLACED ON FILE</b>
<b>1066</b> Request of Daniel Friedman to address Council regarding Downtown Neighborhood Association resolution on Peterson's Store eviction (Communication)	<b>PLACED ON FILE</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>  <b>Mayor Tom Potter</b>  <b>Office of Management and Finance – Business Operations</b>	

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<p><b>*1067</b> Pay claim of Gayle Cottongim (Ordinance) (Y-4)</p>	<p><b>182076</b></p>
<p><b>Office of Management and Finance – Purchases</b></p>	
<p><b>1068</b> Amend contract with Compass Computing Group to continue ongoing support for the Multnomah County Personal Income Tax Program (Second Reading Agenda 1039; amend Contract No. 36890) (Y-4)</p>	<p><b>182077</b></p>
<p><b>Commissioner Sam Adams</b></p>	
<p><b>Bureau of Environmental Services</b></p>	
<p><b>*1069</b> Authorize the Bureau of Environmental Services to acquire certain permanent and temporary easements necessary for construction of the Portsmouth Force Main Project No. 6902 through the exercise of the City Eminent Domain Authority (Ordinance) (Y-4)</p>	<p><b>182078</b></p>
<p><b>*1070</b> Revise to include indemnification to A &amp; K Designs, Inc. for a Pump Station Easement and Deed for Right-of-Way Purposes in connection with the SE 83<sup>rd</sup> Ave Pump Station Project No. 8376 (Ordinance; amend Ordinance No. 180924) (Y-4)</p>	<p><b>182079</b></p>
<p><b>1071</b> Authorize a contract with lowest responsible bidder for construction of Ash Creek Sewer Trunk - Dickinson St Collector Bypass Project No. 8446 (Ordinance)</p>	<p><b>PASSED TO SECOND READING AUGUST 6, 2008 AT 9:30 AM</b></p>
<p><b>Office of Transportation</b></p>	
<p><b>*1072</b> Authorize a Lease Agreement with Chesapeake Hotel Limited Partnership to use and maintain a parking structure under City right-of-way (Ordinance) (Y-4)</p>	<p><b>182080</b></p>
<p><b>Commissioner Randy Leonard</b></p>	
<p><b>Water Bureau</b></p>	
<p><b>*1073</b> Authorize the Portland Water Bureau to acquire fee ownership of a property needed to expand the Portland Emergency Coordination Center (Ordinance) (Y-4)</p>	<p><b>182081</b></p>
<p><b>1074</b> Authorize a memorandum of agreement with Water Services Association of Australia for \$38,000 for the Asset Management Benchmarking project (Ordinance)</p>	<p><b>PASSED TO SECOND READING AUGUST 6, 2008 AT 9:30 AM</b></p>

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**Commissioner Dan Saltzman**

**1075** Authorize a \$50,000 grant to the Oregon Food Bank for 4th of July firework display (Second Reading Agenda 1053)  
(Y-4)

**182082**

**REGULAR AGENDA**

**Mayor Tom Potter**

**Office of Emergency Management**

**\*1076** Amend the Intergovernmental Agreement with Multnomah County to extend the time period for the distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant FY 2007 (Ordinance; amend Contract No. 52304)  
(Y-4)

**182083**

**Commissioner Sam Adams**

**Office of Transportation**

**1077** Dedicate a portion of the Utility License Fee to fund Portland's transportation operations, maintenance and safety needs (Ordinance)  
**Motion to adopt Office of Management and Finance technical amendments:** Moved by Commissioner Adams and seconded by Commissioner Leonard (Y-4)

**PASSED TO  
SECOND READING  
AS AMENDED  
AUGUST 6, 2008  
AT 9:30 AM**

**Commissioner Dan Saltzman**

**Parks and Recreation**

**1078** Authorize a Shared Use/Management Agreement between the Woodstock Neighborhood Association and the Bureau of Parks and Recreation for Woodstock Community Center (Ordinance)

**PASSED TO  
SECOND READING  
AUGUST 6, 2008  
AT 9:30 AM**

At 10:30 a.m., Council adjourned.

GARY BLACKMER  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

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**WEDNESDAY, 2:00 PM, JULY 30, 2008**

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

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**July 30, 2008**  
**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.

**JULY 30, 2008      9:30 AM**

[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 they're authorized to represent. Please read the first communication. Please state your name when you speak and you have three minutes, sir.

**Item 1062.**

**Ernie Guerrero:** My name is ernie guerrero. Mayor Potter, members, i'm the director of the lower columbia center. A number of years ago, Karla santana addressed a large audience and said if we couldn't see with our eyes and our minds, but with our hearts, we would see angels all around us. And I mention this because I think Portland and the surrounding area is blessed by the similar situation. Blessed by individuals who are all around us, somewhat invisible, but the work they're performing and doing is definitely not so. And i'm speaking of americorps members and i'm proudly representing northwest service academy americorps members. Most of them college graduates, have given up 11 months of their lives, for a gray hoody and a small stipend and the opportunity to make a difference in Portland and the surrounding area. These folks are carrying out the missions of our nonprofit organizations, of schools and of the city of Portland. There's not enough time for me to get into the work that a lot of them are doing. There's 120 of them out of our center. And -- but i'm here to invite you to join me in honoring four individuals at this year's northwest service academy achievement symposium. And that's occurring right across the street in the lovejoy room. It starts at noon. There'll be four individuals speaking and we'll provide food and it'll take about an hour. These four individuals will be presenting a slice of their work, their projects and their passion. The four individuals represent many others who are doing the groundwork of the dreams that we have for this area and I think the dreams many people have for Portland and the region. You'll hear from david moen who is working on a project at the Oregon zoo to bring back the condor to the willamette and columbia valley. The condor hasn't flown since 1904. And you'll hear from vanessa harold and her work with the garden of wonders work at the abernathy school where they're learning about nutrition and food security and how to make positive choices or good choices in selecting food. And this food is also being served at the cafeteria. And you'll hear from mike and that team's goal to remove 80% of the nonnative invasive species. So join me.

**Potter:** Thank you.

**Guerrero:** Yeah.

**Item 1063.**

**Potter:** Good morning. Please state your name when you speak. You have three minutes.

**Wendell Pilger:** Thank you, mayor. My name is wendell pilger. My wife's name is tiez. I was born in Portland 71 years ago. I'm a graduate of Portland state. I've been a Portlander all my life. Two years ago, my wife and I bought a small grocery store. 16th and morrison. It's called the commodore grocery store. You can imagine that we've been watching with great interest the quandary that mr. Peterson finds himself in. Because two years ago, we put all of our assets on the line. There's no turning back for us. And if someone were to pull our lease or pull some licenses, we'd be broke. I don't have to give you a lesson in business but there's a lot of small businessmen that have it all on the line. And although we're not poverty stricken, we're not wealthy people. So

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i've had a few sleepless nights and thoughts as I tried to put myself in a similar situation if this were to happen to us at commodore. We try very hard to be good neighbors. We police ourselves. And yet many things happen outside our door that's totally out of our control. I will cite just one incident. I caught a man shoplifting at my store. I -- my daughter was working at the time so I asked her to call 9-1-1 and I tried very hard to keep the man there until the police came.

Unfortunately, the police didn't respond for three and a half hours. But something was quite shocking to me. When he got outside of the door, he turned on me, the very man that had stolen from me, and told me that I better never touch him, and he quoted the laws and rules against me. And I realized the fine line that a small businessman has to walk. Ironically, last week, I was chosen at random to evaluate the city of Portland as a place to do business. And one question that haunts me. How do you rate Portland as a place to do business? I'm hoping that I can put a very good on it. Thank you very much for your attention.

**Potter:** Thank you.

**Item 1064.**

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

**Larry Reynolds:** My name is larry reynolds. I've been involved with the protests at city hall since april. And this is a continuation of what needs to be said from our last communications meeting. I've got quite a list of individuals who've told me they care in some fashion or another by their presence by the protest, city hall, 408, which continues today or by their signatures in support of the issues surrounding the protest. All of these people have contributed either time, food, clothing or cash or their opinions and ideas, plus moral support for our cause. It continues to baffle me personally how officials elected into office by the public, i.e., the community, the people, can continue to create unjust laws and ordinances which violate or -- excuse me, which violate our human, civil and constitution rights, then have these laws and ordinances over at the police bureau and allow them to adopt their own enforcement policies. Through your actions, you, sirs, those whom we elected, serve the interests of the community have just pitted the Portland police against the poor and the homeless in this community. There's quite a large number of individuals who feel this is a heavy-handed approach to a solvable problem. We feel our elected leaders at city hall, our public servants at Portland bureau and their private security agencies are not serving our best interests. You're taking into consideration the interest of a certain class within a community only. This has become a human, civil and constitution rights issue. We have had enough. So when is enough enough? What does enough really mean? We've been cited, warned, kicked, tasered, pepper sprayed, clubbed, handcuffed, our hands behind our backs, verbally abused, pushed to the very edge of the sidewalk at city hall during protests, harassed, arrested and charged and -- with falsified citations by a particular officer or officers, for a particular offense, yet cited or arrested for something other. Profiled by our own Portland police bureau and the Portland business alliance. Why is this enough? And in light of the war in iraq, the failing national economy, the lack of sufficient shelter and affordable housing, your continued harassment and tactics towards the lower class population within the city is enough heavy handedness. It's time to do something meaningful and realistic about this situation. Citations and fines and jails are not meaningful realistic solutions. I'm out of time. Three minutes isn't enough, so i'll continue later. Thank you.

**Item 1065.**

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

**David Morrison:** David morrison. On september 10th, 2002, berkeley -- 647144, declaring a space above berkeley as a space weapons-free zone. That resolution was the direct -- the purpose of creating an electrically charged plasma as part of a weather modification program in the northwest alone. According to Oregon law, weather modification without a permit is a crime. I've included that information in my packet. I'm asking the city council, the mayor and governor, to follow the

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lead of the city of Berkeley and declare the sky above the city of Portland a space weapons-free zone and enact a law that already exists and make an aggressive statement against this crime. This practice has been responsible for diminished sunlight and results in vitamin D deficiency and the return of rickets. Our atmosphere has been flooded with heavy metals, like barium and aluminum, and there's documentation and tests I've done myself on rainwater and this affects the immune system and causes Alzheimer's disease. And if you follow the epidemiological studies, you'll see that since this has been done, there's spikes in the graphs that go straight up within the last ten years. Independent testing has revealed biological elements, silica and various polymers. Two-time award winning scientist of Los Angeles has discovered testing of material retrieved from aerial applications and this has uncovered a new disease called Borgelens syndrome and I've put information about that. They're affected agriculture, appear to have affected the speed and intensity and unprecedented heat characteristic of the fires in California. While most politicians seem impervious to the pleas of the citizens, good news is coming from the governor of California, Arnold Schwarzenegger, who has called for an investigation into the toxic effects of "jet trails." When I wrote to Governor Kulongoski, I was told it was out of -- oh, crap. All right. Anyway, I was basically blown off by everyone. Do I still have time?

**Potter:** No, you're out.

**Morrison:** Ok. Well, where am I?

**Potter:** Sir, you're out of time.

**Morrison:** Thank you.

**Item 1066.**

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

**Daniel Freidman:** Good morning, I'm Daniel Friedman, and I'm representing the downtown neighborhood association today. After hearing from representatives of Peterson's and also from downtown clean and safe and NATO properties, the D.N.A. Board urged the city to suspend the Peterson's eviction and we propose instead that city representatives attempt to bring Peterson's together with other interested parties to negotiate a good neighbor agreement that has clear, specific and enforceable provisions. My written testimony elaborates a little bit on what that might consist of. The D.A. weighed in on this issue because the Peterson's eviction touches on concerns. First, we're committed to a downtown Portland that supports small, local, independent businesses. And we favor a mix of national retailers and small, locally owned businesses downtown and we believe that maintaining such a mix requires city policies that are flexible and promote and encourage small independent retail. We'd like to see this city be as assertive as possible in trying to resolve this problem. Second, we seek a downtown that functions as a 24-hour neighborhood. The closing of Peterson's would mean the loss of an important evening and nighttime amenity and represent a regression to a work day downtown that's deserted after -- deserted after dark. And we support downtown Portland as a live-work neighborhood and many of Peterson's employees work downtown. And a fourth concern is public safety and we worry that the closing will make the Galleria Max station less safe. Peterson's attracts a thousand customers a day. These customers, the vast majority of whom are law-abiding, provide eyes on the street and their presence tends to deter criminal and nuisance activity. Peterson's also serves as a safe and lighted place, a haven in what is currently an abandoned stretch of downtown Portland and we think a boarded Peterson's would render passing Max passengers less safe. We work to promote economic diversity. The -- social service agencies and subsidized low-income housing. Many Peterson's customers are people who don't own cars or and the presence of a 24-hour convenience store makes it easier for what is already a precarious foothold in downtown Portland. And we have concerns about fairness, and about Peterson's having to do what is not possible -- to control patrons' behavior. And that concerns us as well. We listen to -- we looked at city of Portland documents and listened to a number of those concerned about Peterson's and were struck with the frequency --



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**Potter:** Sir, your time is up.

**Freidman:** -- with the failure to distinguish between the things that peterson's could control and they couldn't.

**Potter:** Sir, your time is up.

**Freidman:** Thank you.

**Potter:** Move to the consent agenda. Any commissioners wish to pull any items from the consent agenda? Any member of this audience wish to pull any individual item from this agenda? Let's call the vote.

[roll call]

**Potter:** move to the regular agenda. Please read item 1076.

**Item 1076.**

**Potter:** Staff? Is the staff here? Please go ahead and explain what this ordinance will do.

**Sarah Liggett, Office of Emergency Management:** This is an amendment to the i.g.a. for the urban areas security initiative agreement. And Multnomah county is -- it's an amendment to that agreement.

**Potter:** What does --

**Liggett:** It incorporates the urban area '07 agreement which extends the agreement -- incorporates the grant award and extends to the year 2010. It extends the time frame.

**Potter:** Is that the basic description?

**Liggett:** Yeah, there's a lot --

**Potter:** 2007?

**Liggett:** The award of -- the 2007 grant award, yes.

**Potter:** Questions from the commissioners? Do we have a sign-up sheet for this?

**Moore-Love:** I do not have a sign-up sheet.

**Potter:** Please call the roll.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] Please read item 1077.

**Item 1077.**

**Potter:** Commissioner Adams.

**Adams:** Thank you, mayor, members of the city council. The ordinance before you and we have some amendments with some technical clarifications, would take the unforecasted -- any unforecasted windfall from the city's utility license fee, p.g.e. has a rate increase request of 10% to 15%. For example, northwest natural has a rate increase of between 30-40%. To take the revenue generated from those unforecasted spikes in energy casts and -- costs and, therefore, revenue to the city and apply it to the revenue shortfall that the city is experiencing in pdot due to the higher fuel prices over the past probably 13-14 months, we have a revenue short fall judged against current service levels of about \$4 million. The estimated u.l.f. Revenues to the city from the energy electric and gas energy spikes is again 4.3 and \$6.3 million. So that's basically what we have before you. This issue is taken before the safe, sound and green street executive committee and there's three folks here to talk about their support for this approach. This also would set in motion the transferring of management responsibilities of the city's smart park garages from o.m.f. To pdot and this was at the recommendation of ken at o.m.f. Depending on the year and the parking market, this could generate half a million a year to pdot. So ken rust will give us a more detailed presentation in a very succinct manner. Sorry, john. I'm looking at you.

**John Rist, Portland Department of Transportation:** Office of transportation. I have information to refresh the council on some of the issues that pdot has been dealing with over the past 13 months or so. This is very brief. You've seen some of this information before but on page 2, you see a graph showing the cumulative cuts totaling about \$42 million. That's ongoing reductions in our current service levels. Page 3, and you've seen this before too, the escalating costs of asphalt. This

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summer, we're paying over 52 a ton. A year ago it was about 41 a ton. These are the drivers that mr. Adams was talking about in terms of what's -- mr. Adams was talking about. Page 4 shows you what is happening in the city. 1200 of that is arterials and we continue to not have sufficient funds to maintain the arterials, let alone the local streets in front of someone's home. And page 5, since the legislature has not increased the gas tax since 1993, our purchasing power has reduced \$12.6 million due to inflation. Right now, about a \$4 million operating problem on our continuing service levels and that's what this ordinance today would start to address.

**Adams:** Any questions of john?

**Saltzman:** Are we going to hear from o.m.f. On this?

**Adams:** Ken, do you want to come up?

**Saltzman:** Casey short.

**Adams:** What do you want to hear?

**Saltzman:** Mr. Adams, when you presented this last week, the memo said this was going to be for five years. I don't see that in this ordinance now.

**Adams:** That's right.

**Saltzman:** There's a change?

**Adams:** Well, after you've talked to ken, the notion of cutting it off at five years, after my conversations with ken, made less sense. Council on a year by year basis can change this in any given year. So I was convinced after conversations with ken that it seemed artificial to cut it off at five since we can do that any particular year we want.

**Ken Rust, Director, Office of Management and Finance:** For the record, ken rust, the director of the office of finance. We've been working with pdot on this particular ordinance. By way of background, I think the council is familiar that we have a set of financial management policies that restrict the dedication of revenue and initially we had some concerns from that. The way the ordinance is drafted, at least it complies with the direction set out in our policy so we're certainly more comfortable with that. I think the issue we've had is the dedication of a slice of discretion, in effect, senior lien basis is a new concept for the city, but given the problems with pdot, is one worth considering at this point in time. The way that the ordinance is working now, we're looking at the increases above the license fee forecast as a basis of one-time transfers to pdot up to the point where we've realized about \$4.3 million of additional revenue above the current forecast, increasing at a rate of inflation. It does continue beyond the five-year period. From the standpoint of the general fund, we'll know what it is. We think that's a benefit and improved language in this ordinance that we concur with. In the short run, it does assist pdot, creates some predictability for pdot which is going to be important. It does take away from the general fund resources that might be available to balance other needs but that's something that we'll have to manage as part of the general fund management process and it's simply something that we'll be paying close attention to. The other thing I will note in this ordinance, mr. Adams, you noticed the transfer of the parking garage. Right now that's not in the ordinance. But we've had the discussion. We think it makes sense, that the parking garages inside of the o.m.f. To be transferred to pdot. They're really part of the downtown parking and circulation system. We think integrating that with the on-street parking and off street parking makes sense. We do think there's resources that can be made use of for pdot to take advantage of. We're still working through that, but that's our intent is to make that transfer occur as well.

**Adams:** Thanks for that clarification.

**Saltzman:** I'm trying to understand how this works. If the fees for this year or next year exceed the forecast by \$5 million, let's say, \$4.3 million goes to transportation or --

**Casey Short:** Casey short. Commissioner Saltzman, it would be \$4.3 million that would go to transportation and anything above that would be a discretionary fund. The way it's written, once

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that \$4.3 million threshold is reached above the existing five-year forecast, then that 4.3, becomes an ongoing resource to transportation.

**Saltzman:** That's the part that confuses me. Can you give me a little more clarification on that point?

**Short:** I'll do my best. The forecast on which this is based is the most recent financial forecast we have. It came out last march. Four months ago. And that estimated utility license fee revenues and other general fund revenues annually over our five-year window, which is the period we do the forecast, for the '08-'09 year, if the revenues come in higher than forecast, any funds above that for the utility license fee will go to pdot in the follow year's budget, up to \$4.3 million. As a one-time resource. So just for example, the funds exceed the forecast in '08-'09 by \$2 million, pdot gets \$2 million in one-time. The same process goes on throughout the five years of the forecast. If, during that time, the total for any one year exceeds the forecast by \$4.3 million, it's not going to be one-time money anymore. That's going to be put into the general fund forecast essentially as a current appropriation level figure ongoing for transportation. Did that help?

**Saltzman:** What typically --

**Rust:** What typically happens otherwise, as we go through each year and redo the forecast, increase above the utility license fee that we recognize gets built in. What we'll do now is not making that adjustment, holding that until such time as the total increase above the forecast meets or exceeds the \$4.3 million. At this point, we're turn it into an ongoing appropriation and beyond that point we'll continue the past practice of the way we deal with the franchise fees and begin baking that into the forecast in the general fund on an ongoing basis as well.

**Adams:** One small addition to the comments he said. We do cover the increased energy costs to the city before pdot gets any unforecasted revenue.

**Short:** For the general fund bureaus.

**Adams:** So parks and utilities costs or electrical utility costs will be covered before pdot gets its money.

**Leonard:** Just to be clear, this does not dedicate all revenues that may be beyond what the forecast. Just utility license revenue. For example, business license fee revenues that come in at a higher amount than what are forecasted are not included.

**Short:** Correct.

**Leonard:** In this proposal. Or property tax revenues beyond what are projected. Just the utility license franchise fee?

**Rust:** Right, and then only a portion of whatever that increased revenue. Up to the \$4.3 million. So we're just taking a slice of the general fund discretionary resources and making the commitment for this particular purpose.

**Saltzman:** And what about the question I was engaging about with mr. Adams, said it was a five-year experiment, let's say, and how is it no longer of a concern to you that it goes on in perpetuity unless council changes it?

**Adams:** I never proposed this as an experiment.

**Saltzman:** Wrong word to use. A temporary dedication of extra funds.

**Rust:** The intent is to have it to be a continuing appropriation beyond the five years, once it gets to this \$4.3 million number. For us managing the general fund going forward, that is something that we will bake into the financial plan, something we can manage. Council always has the prerogative of changing any future commitment it makes with respect to the dedication of current service level programs and the use of the general fund, with the exception of paying debt service on bonds. But has the ability to make those changes and it becomes the will of the council that that no longer seems to be the priority, maybe pdot is awash in its own resources in the future, we can hope for that, then they might want to revisit this. I think that would be how it would be managed, mr.

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Saltzman, I think that's the intent we had here. But once we have an ongoing commitment, how we handle that in the general fund, it simplifies our management and the predictability for pdot.

**Potter:** To be clear again, for those listening, the \$4.3 million is for the first year? It's indexed, tied to the cost of living?

**Short:** Once it becomes an ongoing resource, yes, it will rise from the cost of living.

**Potter:** It's not tied to the actual utility licensing?

**Short:** Correct. Once the utility license fee proceeds exceed any one year's estimate by the \$4.3 million, then it becomes a resource from the general fund to transportation of \$4.3 million, which will be indexed with inflation.

**Adams:** Like I said before, for the council knows this but for anyone listening, the city is getting a windfall from its tax on utilities at the same time we're being punished because of the gas tax is on a gallon of tax. The nexus is sort of trying to balance the fuel energy experience in terms of the city's revenues. We've got, I think, four people I see in the room. Unless you have more questions.

**Saltzman:** No.

**Adams:** All right. Chris and marilyn and buzz and joe. Do you want to drag up -- marion and buzz and joe. I want to underscore to the council that the stakeholder committee has been meeting. We do not have a 90th member. We have trouble hanging on to the folks we have. No pay. After a year of effort, the polling showed that the transportation concerns were the number one category for Portlanders but showed that while it was its no. 1 concern they wanted us to address, because of the economic difficulties just don't have the -- can't support a new tax at this time. We're going to be going to the state legislature next session and we'll be back for a conversation hopefully in better economic days to have with the community. But in the meantime, these good folks have put in a lot of hours on this issue and I want to make sure that council knows that. Marian, do you want to start?

**Marian Haynes:** My name is marian. I represent the Portland business alliance. As sam said, we've been participating in the 89-member stakeholder commission. And he pointed out the poll in which transportation was the number one concern voiced when asked about the concerns from the public and that's unusual. That's the first time I think that's come up as number one. Unfortunately, again, we aren't going to be able to pass a transportation package locally but we're working on a statewide package currently. Transportation is a high concern for the Portland business alliance. We did the cost and the economic impacts of an inefficient and unreliable transportation system are significant, approaching \$1 billion by 2025. And that also brings in people's personal time lost stuck in traffic. So this is an very heavy concern for us and we're supportive of the proposal before you. We think it makes sense. And returns to a policy that was instituted a number of years ago. There's a nexus between utility license fees, use of streets and maintenance of the transportation system. And so the Portland business alliance and board of directors would urge you to support this. Again, it makes imminent sense and the transportation system is a core system of the city we need to maintain. There's billions of dollars of assets in this system and it's important that we maintain for future generations so we urge your support on this.

**Chris Smith:** Mayor Potter, i'm chris smith and a registered lobbyist but speaking as an individual today. I'm disappointed. I was hoping i'd be here supporting a much bolder initiative for our transportation needs. I've accepted the political reality that can't let us do that right now. And it's not stopped the bleeding. It's stopped the acceleration of the rate of bleeding. Our transportation funding system is broken. In Portland, in the state and nationally and the rising energy prices are underscoring how broken it is. Until the paradigm shifts and I believe it must and maybe we can start that at the legislature, I think this is an appropriate remedy to keep pdot as whole as we can make it and let them provide critical transportation services. Some of the policy questions you've been grappling with. As marion said, there's a nexus. The utility license fee is the recognition that we allow the public to use the public right-of-way. Folks may remember a couple years later,

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measure 5 happened and a lot of policies shifted but council has recognized that nexus in the past. I think it's appropriate. As Mr. Adams said, it balances the impacts to the rising prices in the city that keeps pdot whole. I hope you adopt this today and I also hope that when you craft your legislative agenda that you put the \$430 million and growing transportation maintenance backlog at the top of the agenda compared to some projects that increased capacities that may not be the priority at the moment. Thanks.

**Joe Gilliam:** Mayor Potter, members of the commission, representing the northwest grocery association. I'm a registered lobbyist for them. We have a lot of concerns about customers getting in and out of stores. We have had a lot of healthy debate on the amount of the tax and things like that. I think the choice is wise to pull it back at this point. I can tell you from our perspective, we see the impact every day on the pressure on price. For the first time in 20 years, we're seeing grocery prices going up and hearing about it from our customers and I think the reality and the political reality is just that. It's the real thing out there. And with utility prices going up next year, what we're seeing from northwest natural and p.g.e., I think being out there with the good of ideas as the street plan is, it's a bad time to go out. After looking at that and seeing the proposal from the -- that you have before you today -- the proposal you have before you today, I don't think you have much choice but to take the windfall and apply it to this. Because the discussion doesn't get easier among the 89 if we're backlogged three years from now, however long it takes to rebound the economy. I think this is the best, most fair way to get it down and at least keeps some of the repair going on. If you don't, we'll be in a bad way, in two or three years. That discussion is going to get tougher and tougher.

**Adams:** You're going to have to scoot over to let buzz get to the microphone. I think it can go without saying, but I wanted to underscore the folks in the maintenance bureau and all of pdot have been working very hard to keep a system maintained and safe against some amazing odds. And frankly, it gets dispiriting, especially when you're on the front line when you see so much of the system literally crumbling and there's only so much that you can do, as one of our front line workers, and buzz represents the bulk of those employees threw the laborers but I wanted to publicly acknowledge the good folks at pdot who are laboring under -- at pdot who are laboring on - - under a lot of stress.

**Richard Beetle:** Mayor Potter, commissioners, I'm the business manager for laborer's local 483 and coming to speak in favor of this ordinance. First, I'd like to talk about my deepest disappointment that we're not moving forward with the street funding proposal. I applaud Sam for his public process. That he's made the public aware of -- an infrastructure investment has been a real victory for him. I understand the timing of this is really critical and the challenges that Portland citizens are currently facing, paying the mortgages, feeding the families with increased grocery costs, the high cost of fuel getting back and forth to work and the insecurity on the job being created by a sinking economy that that is not the atmosphere to be asking Portlanders to be making a major investment in infrastructure for their city. That's why I fully support pulling this absolutely essential and overdue transportation investment from this November ballot. I represent about 300-plus members who provide vital services to the city through the department of transportation's maintenance yard. We maintain the streets, sweep the street, we fill the potholes, repair the sidewalks and bridges and repair and clean the environmental collection systems just to name a few. And with the ever-increasing demands made by our city, my members have found creative ways to do their jobs with ever-decreasing resources. We've shown over and over again that we're up to this challenge. It is very frustrating to know while we're doing more with less, our backlog of streets in dire need of repair is endlessly growing. That's why it's essential that not only to my members, but to the public's good, that we maintain our services, our maintenance services at current levels even though they're admittedly inadequate. To do this, I support the proposal to use the unanticipated windfall revenue from the utility license fees in order to fill the short fall and the operating funds at

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the bureau over the next few years. Also, I would like to challenge the labor community to work with the council in putting together the city's legislative agenda. The city, along with the labor community, both public and private, need to go to the 2009 legislature and work together to find the increased funding so desperately needed.

**Potter:** Thank you. Is that it? How many folks are signed up to testify?

**Moore-Love:** We have three people. Did you want to take the amendment first?

**Potter:** Ok. Call the vote on the set of amendments. Have they been put into the record?

**Adams:** Yes. I move the amendment.

**Leonard:** Second.

**Potter:** Call the vote.

**Adams:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. Please call the three folks to testify.

**Moore-Love:** I believe the morrison's may have left.

**Potter:** Ok. Please state your name and you have three minutes.

**Ed Cardenas:** Ok. My name is ed. I live over on 13th avenue. Right across the street from julia west drop-in center. A drop-in center for homeless, basically, but others come there who live in small studios. I'm one of those. I'm the quartermaster, social worker. They call me prof, teach, rabbi. A lot of names. They're meant in good jest and fun. I don't know if I can say what i'm going to say constitutionally, but there's a verse in one of the things that said he did not have a place to lay his head. Talking about christ. When you go down that area, 13th and 12th and so forth, even on rainy days, you see guys sleeping on cardboard or with cardboard above them, even in the rain. And they have no place to lay their heads. I've learned a lot of these guys that are there, a few women too --

**Potter:** Is this in regard to the issue at hand? Regarding the use of the utility license fee funds, or is this about homeless people?

**Cardenas:** About homeless people.

**Potter:** The testimony has to be specific to what we're considering.

**Cardenas:** Can I turn it to make it --

**Potter:** Well, that's I think a problem for you. [laughter]

**Cardenas:** Excuse me.

**Adams:** You can sign up to have three minutes to talk about this issue for next week or any week after. It's a different process.

**Cardenas:** I'm not used to your system at all. I'm new to your town.

**Potter:** Ask the council clerk. Karla will be glad to help you.

**Cardenas:** Ok. Sorry about that. Didn't mean to take you off on a --

**Potter:** I understand. Thank you very much. Did you say that's all who signed up?

**Moore-Love:** That's all who signed up.

**Potter:** Go ahead and read 1078.

**Leonard:** Did that pass to a second reading?

**Potter:** I'm sorry. It's a nonemergency. Moves to a second reading.

**Leonard:** It was response to you saying this was not a bold move and from your perspective, I suppose I understand that. From my perspective, it's a very bold move and I want to put it in context why I think so. As I discussed with mr. Adams and the potential impact of dedicating \$4.3 million a year, in our budgeting process, \$4.3 million would not quite, but almost, fully staff four fire stations. It would hire almost 43 full-time officer positions. \$4.3 million would allow us to treat nearly 500 addicts in a 30-day residential treatment program which we have learned has a significant impact by providing that treatment on crime in Portland. So I want to assure you from my perspective, this is a bold move that actually makes me a little nervous given the context of the other commitments that we have. Not to mention that I do this fully cognizant that we have

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collective -- cognizant that we have agreements -- that this would have an significant impact in having us meet those obligations, whatever they end up meeting. I want to be clear that being an advocate requires that you always advocate and -- but from our -- I think I can speak for all four, five of us here, that we consider this, and thus, commissioner Saltzman concerns, we consider this a huge step, albeit a necessary step, in really a significant policy decision on the part of the council. And had commissioner Adams not articulated as clearly as he did the need, I don't think I could have got there, but I do think he's met that never high bar for me that makes this a necessary, if not a bold move. Thank you.

**Potter:** We'll be able to make other comments next week. Any other comments?

**Adams:** I think this translates to a \$2.05 tax gas increase. So I do want to, while there's a tension - - attention on it, thank the council for their consideration given the competing priorities of the city. This is a major new commitment and stronger commitment to transportation as indicated in the testimony and is well known by people. We've got this huge gap remaining but it could get a lot worse if it wasn't for council consideration of this ordinance. I think that what commissioner Leonard just said is really important to be understood and known by the public. So thank you.

**Potter:** Any other statements? Nonemergency. Moves to a second reading. Please read item 1078 again.

**Item 1078.**

**Potter:** Commissioner Saltzman.

**Saltzman:** Thank you, mayor, members of the council. This is an item that could have easily been placed on the consent agenda, but I wanted to take a moment to thank the incredible volunteers of the woodstock neighborhood who have continued to show their commitment to the community center. I think many of you will recall in 2004 and 2005 budget season, the woodstock community center was slated for closure, but a group of community members stepped forward to comanage the center. Parks continues to provide programming at the building in the way of classes and events but it's the volunteers that make this center run. It's just a great example of dedicated community members coming together to make their neighborhood center healthier and safer. So thank you to the woodstock neighborhood and i'm confident that council will approve this item at its second reading next week.

**Potter:** Anyone signed up?

**Moore-Love:** No one.

**Potter:** Anyone here who wishes to testify? It's nonemergency. Moves to a second reading. We're adjourned to next week.

At 10:30 a.m., Council adjourned.