



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **13TH DAY OF AUGUST, 2008** AT 9:30 A.M.

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

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

DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS NO EMERGENCY ORDINANCES WERE CONSIDERED THIS WEEK AND ITEMS WERE NOT HEARD UNDER A CONSENT AGENDA	Disposition:
COMMUNICATIONS	
1115 Request of Mary Loos to address Council regarding Petersons Store (Communication)	PLACED ON FILE
1116 Request of Edmundo Ed Cárdenas to address Council regarding the urgent plight of the homeless (Communication)	PLACED ON FILE
1117 Request of Richard Ellmyer to address Council regarding the election of the Portsmouth Neighborhood Association (Communication)	PLACED ON FILE
TIME CERTAINS	
1118 TIME CERTAIN: 9:30 AM – Revise the Business License Law code to use the term tax instead of fee, clarify certain sections and create a new chapter titled Temporary Businesses (Ordinance introduced by Mayor Potter and Commissioner Adams; replace Code Chapter 7.02, add Code Chapter 7.03)	PASSED TO SECOND READING AUGUST 20, 2008 AT 9:30 AM
1119 TIME CERTAIN: 10:00 AM – Northwest Institute student projects (Presentation introduced by Commissioner Adams)	PLACED ON FILE
REGULAR AGENDA	

August 13, 2008

<p>1120 Appoint Scott Andrews to the Portland Development Commission for a term to expire August 12, 2011 (Report introduced by Mayor Potter and Commissioner Adams) (Y-3)</p>	<p align="center">CONFIRMED</p>	
<p>1121 Direct the Office of Management and Finance to develop a last chance month-to-month rental agreement with Douglas G. Peterson Investments, Inc. for the City-owned property at 922 SW Morrison St that would entail specific public safety requirements at all downtown Peterson's locations within 15 days (Resolution introduced by Commissioners Fish and Saltzman) (Y-3)</p>	<p align="center">36627</p>	
<p>1122 Authorize the City Attorney to file an amicus brief in Man Aktiengesellschaft and Man Nutzfahrzeuge Aktiengesellschaft v. Daimlerchrysler Ag and Freightliner of Canada Lt. Appellate Court No. A135989 (Resolution introduced by Mayor Potter and Commissioner Adams) (Y-3)</p>	<p align="center">36629</p>	
<p align="center">Mayor Tom Potter</p> <p align="center">Office of Management and Finance – Purchases</p> <p>1123 Authorize a contract with Owen Equipment Company dba Ben-Ko-Matic Equipment Co. to furnish catch basin cleaners for Fleet Services for \$1,256,684 (Purchasing Report) (Y-3)</p>		<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p align="center">Commissioner Sam Adams</p> <p>1124 Affirm Council's intent to follow existing procedures to evaluate street renaming requests as prescribed by Portland City Code Chapter 17.93 (Resolution) (Y-3)</p>		<p align="center">36628</p>
<p align="center">Bureau of Environmental Services</p> <p>1125 Amend contract with Parametrix for additional work and compensation for the SE 83rd Ave Wastewater Pump Station Project No. 8376 (Second Reading Agenda 1092; amend Contract No. 37227) (Y-3)</p>		<p align="center">182098</p>
<p>1126 Authorize a contract with the lowest responsible bidder for the South Airport Basin Phase 4 Pump Station Project No. 6790 (Second Reading Agenda 1093) (Y-3)</p>	<p align="center">182099</p>	
<p align="center">Office of Transportation</p> <p>1127 Grant revocable permit to Fifth Avenue Suites to close SW 5th Ave between SW Washington St and SW Taylor St on September 19, 2008 (Second Reading Agenda 1098) (Y-3)</p>		<p align="center">182100</p>

August 13, 2008

<p>1128 Rename SE 158th Pl between SE Alder St and SE Washington Ct to SE 158th Ave to correct an error that occurred with the platting of the Alder Street Estates subdivision (Second Reading Agenda 1099) (Y-3)</p>	<p>182101</p>
<p>1129 Rename NE Oregon St at NE 113th Pl to NE Going St to correct an error that occurred with the platting of Stonehaven Meadows Subdivision (Second Reading Agenda 1100) (Y-3)</p>	<p>182102</p>
<p>1130 Rename SE Woodward Ave between SE 125th Ave and SE 127th Ave to SE Woodward St to correct an error that occurred with the platting of Jacobs Park subdivision (Second Reading Agenda 1101) (Y-3)</p>	<p>182103</p>
<p>1131 Grant a revocable permit to Citywide Arts Collective LLC to use a portion of the sidewalk area on NE Multnomah St between NE 11th Ave and NE 13th Ave adjacent to Holladay Park for the sale of artwork (Second Reading Agenda 1102) (Y-3)</p>	<p>182104</p>
<p style="text-align: center;">Commissioner Nick Fish</p>	
<p style="text-align: center;">Fire and Rescue</p>	
<p>1132 Amend Code to reflect current organizational structure and mission for Portland Fire & Rescue (Second Reading Agenda 1103; amend Code Section 3.22.010) (Y-3)</p>	<p>182105</p>
<p>1133 Authorize Intergovernmental Agreement with Portland Community College for advanced cardiac life support training (Second Reading Agenda 1104) (Y-3)</p>	<p>182106</p>
<p style="text-align: center;">Commissioner Randy Leonard</p>	
<p style="text-align: center;">Water Bureau</p>	
<p>1134 Authorize an agreement with the Water Utility Climate Alliance and the Metropolitan Water District of Southern California to collaborate on climate change issues (Second Reading Agenda 1105) (Y-3)</p>	<p>182107</p>
<p style="text-align: center;">Commissioner Dan Saltzman</p>	
<p style="text-align: center;">Office of Cable Communications and Franchise Management</p>	

August 13, 2008

<p>1135 Extend term of a temporary, revocable permit granted to LCW Wireless Operations, LLC to build and operate mobile telecommunication facilities within City streets (Second Reading Agenda 1107; amend Ordinance No. 180518) (Y-3)</p>	<p>182108</p>
<p>1136 Extend a temporary, revocable permit to Clearwire US LLC to use City streets to provide wireless broadband Internet access services and establish terms and conditions (Second Reading Agenda 1108; amend Ordinance No. 181246) (Y-3)</p>	<p>182109</p>

At 11:43 a.m., Council recessed.

August 13, 2008

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **13TH DAY OF AUGUST, 2008** AT 2:00 P.M.

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

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

<p>1137 TIME CERTAIN: 2:00 PM – Accept the River Public Safety Coordination Task Force Final Report (Resolution introduced by Commissioner Adams) (Y-3)</p>	<p>Disposition: 36630</p>
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At 3:02 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

August 13, 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.

August 13, 2008 9:30 AM

Saltzman: Okay the council will come to order. Karla please call the roll.

[roll taken]

Saltzman: Okay karla could you please read the first communication.

Item 1115.

Saltzman: Morning. If you could just take a seat and give us your name and then you have three minutes and there's a clock right in front of you.

Mary Loos: My name is mary loos. I want to thank the council for keeping the store open because the people who go there like it there. It's very convenient for example I get off max and stop in at the store before I go a couple blocks south to the library. I think the store helps the neighborhood because its convenient for all the people that use it. Mr. peterson also has a reputation for employing people with disabilities and I like that. I don't find work easily so its nice to know that someone is doing it. Also, I think the conflicts that have been discussed have decreased a lot. And I think that this never should have happened. I'm not following my writing because it's not working out to do that. I hope that it becomes possible for a long term lease to be granted because that would support the store improvements and I regret the Oregonian article I which somebody said that the dregs of society go there and the store is disgusting. It's not disgusting and speaking for myself, I don't consider myself a dreg of society. And a lot of what's been said is not really true about the store. The community of people and we all appreciates what's there. Everybody steps in and gets things they need and doesn't stay very long and it's very busy. There are about a thousand customers a day, at least. And it's helpful to have it open for 24 hours. Thank the council for your time and thank you for keeping it open.

Saltzman: Thank you. Read the next communications.

Item 1116.

Saltzman: Mr. Cárdenas here? Doesn't appear to be so would you read the next communications karla.

Item 1117.

Saltzman: Morning. State your name for the record and you have three minutes. There's a clock right in front of you.

Richard Ellmyer: My name is Richard Ellmyer. On June 10th 2008 8,000 citizen's of the Portsmouth neighborhood were discriminated against and disenfranchised from their right to participate in their neighborhood association general election. The numerous, egregious and easily verified violations of Oregon revised statues, oni standards, pna by laws and administrative rules cited below make it clearly self evident that the election itself was illegitimate. Here are the salient points of the pna corporate election. The pna membership was not sent written notices telling them date, time and place of the election. The overwhelming majority of the 8,000 citizens that live in the Portsmouth neighborhood were not notified of the election. No membership records were available at the election. The chair refused to identify anyone in the room who was qualified to vote. The chair announced that the election was being conducted on the honor system. The chair, jeannie nepper, did not live, own property or a business in the Portsmouth neighborhood and was unqualified to be a pna voting member, much less chair. And had no dated written authority to

August 13, 2008

represent any organization. Nonetheless, oni staffer tom griffin-valade, contrary to pna rules said nothing about the procedural violations and participated in the election by counting the votes which is the clear and stated responsibility of the ballot and elections committee. The presence and participation of oni staff member tom griffin-valade makes oni culpable, responsible and accountable as a co-conspirator in the illegitimate conduct of the pna election. The mayor of portland and the city council have spent three and a half years and over a million dollars of public funds to develop a vision portland which includes the maximum participation of all groups in the process of city government. There is no more fundamental exercise of citizen involvement and the right to improve the quality of life by fully participating in the deliberations of a neighborhood association. The discriminatory and exclusionary actions of the Portsmouth neighborhood association aided and abetted by the office of neighborhood involvement are a direct repudiation of everything the mayor and council have been trying to achieve. On behalf of the 8,000 disenfranchised citizens of the Portsmouth neighborhood. I ask each of you to tell your staffs and your bureaus that the Portsmouth neighborhood association election was illegitimate and they should not do business with that corporation's officers until a fair and legal election is held. And increase oni's budget to include one dollar for every person in each neighborhood to cover the costs of a real election. Without fair and inclusive elections, no neighborhood association has any credibility. Oni's participation in an illegitimate election is a danger signal that after 34 years, oni's mission has been compromised by a bureaucracy that has lost its way. Oni's legitimacy is now debatable. It's time to reevaluate oni's role in city government. Suppressing a citizen's right to vote by any means is undemocratic and un-American. The portsmouth's neighborhood association and the office of neighborhood involvement are guilty of the shameful, illegal and illegitimate behavior. The behavior must not and cannot stand.

Saltzman: Time is up.

Fish: I have two questions. Do we have a copy of your written testimony?

Ellmyer: You will.

Fish: And two, is there some administrative appeal that can be exercised short of coming to us and blasting the process? Is there some appeal to oni or some other body and if so has someone exercised that right?

Ellmyer: There's known -- what's known as a grievance procedure that is built into p.n.a. bylaws. However the nature of the grievance has to do with the very election itself.

Fish: When someone raises an issue about an election and fairness and due process, those are important issues. It seems like you've leapfrogged and come to the council for some recourse. If there's some intermediate step where oni or someone else is responsible for investigating and reporting to us, I think you'll find us more helpful.

Ellmyer: I have asked oni, the director of oni to deal with this matter and she's not responded. I've asked the mayor, who is the commissioner in charge of oni to respond, and he has not responded so i'm left no choice. If either had responded, I would not be before you today.

Fish: Thank you.

Saltzman: Thank you. That brings us to the first time certain. Karla, would you read the first time certain.

Item 1118.

Saltzman: Commissioner Adams.

Adams: Thank you, mr. President and staff and guests. This ordinance continues the important business license fee reforms that this council passed in early 2007. Specifically committing to increasing the owner's compensation deduction to \$125,000 and the gross receipts exemption to \$50,000. Currently, the business license is paid in advance. The business license for the city of Portland. This ordinance changes that to move the license to a tax paid after the fact. The same as Multnomah county, the state of Oregon and the federal government. To do that, calculation

August 13, 2008

changes are made on the business tax return in the first year and in the final year. This is an issue that was brought up in our initial round of tax reform and this alignment increases the efficiency and reduces cost for the city's revenue bureau and has the potential to reduce the preparation costs and the confusion for the local businesses that pay our business license fee. This change benefits small businesses the most. No payment is required when someone starts a business. They only need to register. And the new business won't face a double amount due after their first year, like they do now. For the next five years, over 20,000 businesses will receive the initial year adjustment credit. That credit will be anywhere from \$100 up to \$140,000. 19,000 of those businesses will receive between \$100 and \$1,000 credit. It's good time in terms of a slow economy that we're able to give businesses a credit as part of this transition now. We've done extensive outreach over the past two years to different businesses and tax professional organizations about the proposed changes and received support from a great majority of those groups. A total of 12 including The 82nd Avenue business association, east Portland chamber of commerce, the Portland business alliance, the small business advisory committee and others have been part of our outreach efforts. And the Portland business alliance, the small business advisory council have both submitted letters in support of the change and we'll be hearing from the representatives shortly. In terms of the realtors, which has been an area of controversy, currently since the business license tax is paid in advance of doing business, real estate agents are exempt. These proposed changes will remove that exemption. These real estate agents have been taxed by Multnomah county in the past and will be taxed by the city in the future. To be clear, I brought this issue up to the real estate industry a couple of years ago and met personally with the board of directors, my staff and staff from city council have met with them on repeated occasions to have a dialogue about this change.

Approximately 1,000 realtors will now pay at least the minimum of \$100 and the bureau of revenue estimates a revenue increase from the entire real estate industry from \$150,000 to \$200,000 based on the returns currently filed for the Multnomah county business income tax. This has been a long time in the making and I want to thank sue Klobertanz from the bureau of revenue along with terri williams and scott carter and shane abma from the city attorney's office, Kimberly schneider from my office and we're going to have a presentation from sue and terri.

Sue Klobertanz, Director, Revenue Bureau: Thank you. Sue klobertanz, director for the revenue bureau, and with me is terri williams, license and tax division manager. But before terri speaks, commissioner Adams office asked that we provide an update on the whole blf reform, business license reform efforts. As sam alluded to back in january of '07, following lengthy public testimony and input, the city council adopted a resolution. That resolution was very specific directing the revenue bureau to make changes in the city's business license law to encourage growth of small businesses and reduce tax burden inequities and better tie city services provided to taxes received and preserve the financial health of the city. It's this resolution and the discussion surrounding it that set our work plan for the last 18 months. There are a number of pieces to the business license reform. Sam just mentioned the reform ordinance that came to council in march of '07. That in addition to some housekeeping language changes also raised the gross receipts exemption from \$25,000 to \$50,000 and it raised the owner's compensation allowance deduction maximum to \$80,000 for the 2007 tax year. As part of that conversation, received in march and april of '07, council also directed the revenue bureau and commissioner Adams office as well as county commissioners jeff cogen's office to put together a work group that included representatives from the venture capital industry, tax professionals and city and county representatives. This work group was tasked to review the tax treatment of venture capital or diversified investing funds. The final changes to the administrative rule adopted in November of '07 reflected consensus of that group and allowed for equal tax treatment of all the parties involved. Now, in august of 2008, we're bringing forward the ordinance terri will speak about in a moment. But we won't be done after today. Because the january '07 resolution anticipated the city would increase the owner's

August 13, 2008

compensation deduction to \$125,000 jointly with a tiered minimum fee structure ranging from \$100 to \$1,000 tied either to number of employees or Portland's gross receipts. About a year ago, we estimated the annual business license revenue lost are lost to the general fund due to the increased owner's comp going to \$125,000 was roughly about \$1 million. A tiered minimum fee structure would add revenue to the general fund offsetting this estimated reduction. However we didn't have employee information, so it was very -- it was impossible for us to do any kind of analysis as to what kind of structure would be best for the city. Over the last two years, since tax year '06, we've been asking businesses as part of their business license forms to include employee data.

Unfortunately, most businesses have not included that information. So we found ourselves a few months ago, trying to figure out how we were going to reach our fall deadline of bringing back to you a tiered structure of some sort. So we took two steps in the last few months, and today's ordinance, no. 1, you'll see the inclusion of the employee data is mandatory. If the business license forms are filled annually, given to the revenue bureau annually without that employee data it will be incomplete and will not be filed. Secondly, and more importantly, we've shifted some resources using some interns, using temporary and seasonal staff to basically get on the phone. That group of employees have completed calls to all of the non-filer accounts, just under 8,000 non-filer accounts, so people who have filed with us previously but not this past year, and we received a 38% response on those phone calls getting employee information and the group of employees are now working on those that have filed business licenses in the last year. And that's -- that's about 11,000 accounts, and so far, we haven't completed that work, but we have about a 44% response rate. So we are getting the employee data, one account at a time. We expect that this project will be completed in early september, which will then allow us to do the analysis in the fall and bring back options for the proposed tiered fee structure by early 2009. And then this would allow for changes to impact tax year '09 if the council desires. I believe the revenue bureau is on target to complete all the work outlined in that original january '07 expectation, and as further directed by council. I know that I speak for both terri and I when I say that we appreciate the assistance from the mayor's office, commissioner Adams' office as well as the input and assistance from the Multnomah county staff. We look forward to much more lively discussion in the coming months as we bring back the proposal for the tiered fee, but at this point, let me stop and turn it over to terri who can speak to the specific ordinance in front of you today.

Terri Williams, Revenue Bureau: Thank you. Terri williams, revenue bureau. The three key points of this change to an after-the-fact tax revolve around when a business begins, when a business ends and how we treat existing businesses to ensure equity. Reducing the burden for a new business is an important step to show that Portland is open for business. By requiring registration within 60 days of starting business, we establish the first opportunity to provide new businesses with valuable resources and assistance via the city's welcome kit and our business lookup site. No money is due with this business registration, so that's a big change in the business license. And if a business does not have to pay in advance, there is a more straightforward tie to when the profit is made and there's no unexpected surprise, what we refer to as the a doubling up at the end of the first year. That's better for business. Most businesses file income returns and understand the ability to pay principle. Moving Portland's business license to act like all of the other income taxes at the federal, state and county level reduces confusion and creates certainty. Moving to this tax structure will effect each individual business differently, some positively and some negatively. But making Portland's rules more like all of the other income taxes creates understanding and consistency for business and again, that's better. Since many existing businesses have already paid this double the amount in the first year, it is critical that we find an equitable solution since we'll now expect them to file the final year in the future and pay any resulting taxes due. So existing businesses' are going to receive a credit equal to the payment in advance that they made. This ordinance provides that that credit is to be paid out over five years, reducing the burden

August 13, 2008

on the general fund. The bureau estimates that the revenue generated by the taxes from the final year tax returns will offset the payout of the credits. The revenue bureau has been working to determine the exact amount of this credit for each business currently operating and will provide them with a letter and a reasonable -- a letter telling them what that credit is per our records and provide them a reasonable time to protest our calculations if their records differ from ours. In addition, the changes related to the after-the-fact taxes and those are the key areas that's in, there are lots of word changes to reflect the change from a fee to a tax. But the additionally, there are some necessary housekeeping changes. A new code section is being established for temporary licenses. This is not a new fee or requirement, since it's existed for decades. It simply doesn't fit within the tax chapter any longer as it is changed so it needs to be moved to its own chapter, since that truly is a fee that we have for somebody that comes in under very specific circumstances for very short amounts of time. Language was added to clearly state we require information, not just records. And this allows us to require the employee data that sue mentioned so we can continue the analysis that you've directed us to do. Code sections have been simplified, definitions moved to a single section for clarity or have been updated to reflect business reality and again add clarity. And the penalty structure has been modified to allow the bureau to assess a penalty if the forms we've received are not completed as required. Finally, I had the opportunity to talk with most of the 12 organizations that commissioner Adams mentioned. Five of those business organizations included the s back and the cost of doing business committee, 82nd Avenue East Portland chamber of commerce, boma and pimar the realtor association. I also talked with seven tax professional organizations including the oregon association of independent accountants. Three chapters of the Oregon association of tax consultants. The enrolled agents, their the ones that practice before the I.R.S. The Oregon society of c.p.a.s and the Oregon state bar legislative subcommittee. Most feedback was positive. Of course, not all, and I believe you'll be hearing from some of those focus folks in a few minutes. I'm happy to answer any questions you may have.

Saltzman: Questions?

Fish: Thank you for a very clear presentation. I figure if I can understand what you're saying, then the average citizen will likely understand it. Second, do we have any hard data on the economic benefit of increasing the owner's compensation reduction. I'm a supporter of bumping it to \$125,000. But do we have existing data to show what the benefit is in raising that deduction?

Williams: Commissioner fish, hard data, probably not. I think we have a lot of anecdotal data and understand what that means to businesses when they can keep more of that money in their own pockets to spend either on other services in the city, hiring additional employees and things like that. But no --

Fish: We do know the profile, it's about 9700 businesses that tend to be smaller, tend to be more locally owned than not.

Williams: Yes.

Fish: And tend to provide local services.

Williams: Yes.

Fish: And my second question. This may be unfair, but if we had taken the business license fee and originally indexed it using some reasonable benchmark -- I don't know, inflation or something else - - where would it be today?

Williams: I haven't updated that calculation. Part of the issue is where do you start that indexing and it could be anywhere from \$98,000 to \$150,000 depending on when you actually started that indexing.

Fish: Thanks very much.

Williams: Thank you.

Saltzman: I have one question. Going back to the indexing proposal, so the indexing proposal is key to raising the owner's comp, the final amount to \$125,000, is that correct?

August 13, 2008

Williams: Let me answer that in two parts, commissioner Saltzman. There's currently a piece in the code that allows the indexing on the owner's compensation. This year, it went to \$80,000 last year, it will be indexed again up to \$83,000. That's continuing and since 1999. If council chooses to make an additional jump, then we will make that jump and then we still have the indexed piece in there. Once any jump happens, we'll continue to index after that point.

Saltzman: There's no jump in January when we adopt the -- or, the -- the fee information you're looking for, the employee information, there's no link to that with us jumping up to \$125,000?

Williams: There can be. We would expect to propose another jump in that. That's not just an index. But another jump up until -- and then whatever that is, it would be indexed until council determines how we're going to offset any other jump if that doesn't get us all the way up to \$125,000.

Saltzman: Thanks.

Adams: You mentioned in your testimony, I wanted to underscore, when we had the discussion with the community, starting about three years ago, soon after I was -- took office as city commissioner, the owner's compensation deduction, the fact it was too low was first recommended 13 years ago, raising the exemption, which is specially onerous on newer and small businesses, it was mentioned, we're on track to do the owner's compensation and we've completed the exemption.

And then also mentioned was the fact that insurance agents, real estate associate brokers and we estimate about 1,000 businesses that gross more than \$20 million that are currently paying \$100 in business license fees, those are going to -- been identified by the community as -- and venture capital, those six points were identified as key points of reform and we're making our way through those. Can you provide a little bit of historic background why the real estate agents have been exempt from the city and not the county and why insurance agents are exempt?

Williams: I'll do my best. In the early 1980s, most of the real estate salespeople -- we'll call it that to differentiate from a principle broker-- they were the employees of the various real estate firms, and in the early 1980s, at the state legislative level that changed to be independent contractors. When that happened, the city of Portland said basically if you're independent contractors, then you fall under our law, you should be paying business license fees and approximately 1987-1988, it went back to the legislature and there was an addition into the Oregon state statutes that said if a business license tax that was paid in advance for the purpose of doing business was paid, then the real estate agents would be exempt from that. Based on that, it was the city's interpretation that we met that definition. It was never the -- anybody's interpretation that Multnomah county's business income tax which is truly a tax after the fact, met that definition. So it's that point in time that this disparity between the city and the county's taxing system was created. So --

Adams: And according to our understanding, in the early '80s, when the legislature persuaded legislators to classify brokers as contractors, that was at the behest of the real estate industry?

Williams: I believe that's true, yes.

Adams: And when we starting charging brokers for an annual license fee, the real estate industry went back in 1987 and it was at their lobbying efforts that got them exempt from the business license fee?

Williams: Yes.

Adams: Thanks.

Klobertanz: And it's a similar state exemption that eliminates insurance agents.

Adams: We talked a little bit about why that was put in place.

Williams: The insurance agent exemption in state law now actually effects the city and county identically. I apologize for not having the exact time. Insurance companies were taxed on a gross premium, and you're being taxed before you get any deductions to get to a net income. The commissions that you pay to your insurance agents have technically already been taxed so there's a prohibition in state law because of the way that's taxed to not tax again, because that would create

August 13, 2008

what was viewed as an unfair situation. Back -- and again, I don't remember -- it was in the '90s, that taxation scheme changed at the state level and went from a gross premiums tax to a net income tax. That section of the o.r.s. That prohibits local governments from taxing insurance agents and their representatives was not removed and the prohibition is still there, yet the underlying reason it was there in the first place has disappeared.

Adams: So we're in the process right now of making up our legislative agenda and one of the items to put on the city's for salem is the removal of this prohibition.

Williams: Yes.

Adams: Just like we're seeking to remove the exemption of the real estate agents?

Williams: Yes.

Adams: Thank you. John torino and andy Frasier from sbac and berni bottomly from the Portland business alliance.

Saltzman: Welcome. Just state your name for the record and we'll start with john.

John Torino: Good morning, commissioner Adams, commissioner Saltzman, commissioner fish. My name is john torino. I'm the executive director of the alliance of Portland neighborhoods business associations and speaking on their half. We support the proposed changes in the city's business license fee that would as explained administer the fee as a pay as you earn charge rather than the current pay twice to get started method. That --

Adams: If you're going to put it like that: [laughter]

Torino: Well, you know, at apnba, we tend to be blunt at times, but I think that changing this and Refunding the previously paid final year taxes paid over this five-year period is a fair way of giving that money back. We think that this change, by putting the council's words into action will actually reflect favorably on the city's desire to have its attitude viewed as being more business friendly and the proposed change represents a fair and reasonable adjustment to the administration of the business license fee. And that change will also not only improve the environment for startup and small businesses but also provide efficiencies in the city itself. And as you know, the apnba is on record of supporting the continued implementation of the city's resolution to increase the owner's compensation deduction to \$125,000 in the coming years and we look forward to working with the city and Multnomah county to make that happen. This change is essential in order to reduce the cost of starting, maintaining and growing small and medium-sized businesses on our commercial streets in our industrial areas and foster family-wage job growth. We, therefore, urge your support and thank you for your continued support of the apnba, the 35+ business district associations we support and the tens of thousands of businesses that comprise their membership.

Adams: Thank you, john, and thanks to the apnba for you and the work with us as a partner on in effort.

Andy Frasier: Good morning, my name is andy frasier. I'm with SBAC and am a small business owner and thank you for allowing me to speak in favor of this resolution. I support the proposed changes in the city's business license fee that would administer the fee as an after-the-fact charge rather than the current before the fact payment. The combined city and county business fee and tax are unique in Oregon cities. This represents a significant challenge for starting and recruiting businesses here in Portland. The current blf structure requires a new business to pay two years of the fee in the first year. I welcome the efforts by the revenue bureau and the council to find ways to decrease the unnecessary and unwelcomed burden of the blf that places on the small and startup businesses. This proposed change is fair and reasonable and should benefit the city and improve the environment for startup and small businesses. I understand that current projections indicate that the city will realize an additional revenue within five years and it will be dedicated to the owner's compensation deduction which is also welcomed and expected. I believe the b.l.f. Reform is an excellent start but also believe that continued reforms are necessary for a continued and stable

August 13, 2008

economic environment in our city. Thank you for all of your hard work with this issue and I urge you to continue working for business growth that is so vitally needed here in Portland.

Adams: Thanks and thanks for the sbac for the consideration of the issue.

Bernie Bottomly: President Saltzman, members of the council. Bernie bottomly with the Portland business alliance. You should have a letter in front of you -- i'm trying to butter you up.

Fish: Hard enough to deal with.

Bottomly: I know; you should have a letter in front of you from the Portland business alliance board of directors supporting this change. There are a number of reasons that they decided that this was a move that they wanted to support. The biggest issue, of course, is the benefit it provides to small startup businesses. The double pay mechanism that we currently have is an disincentive and we see it as being unfair to those folks trying to establish themselves. It also aligns the city b.l.f. With the county bit, which is the goal we've had all along, as commissioner Adams has worked with the county to reform both the city and county b.i.t., b.l.f. And it's simpler and clear that the two mechanisms are aligned. I want to complement commissioner Adams and thank him and the council for your -- and the council for the work on the broader picture of b.l.f. Reform and moving the owner's compensation to \$80,000 has been a big benefit and we look forward to the minimum indexing and how we get to the goal of \$125,000. And also increasing the gross receipts deduction has been a significant benefit and commissioner fish, I know you asked the question about whether there's hard economic data. Like terri, I don't have that, but I can tell you from our experience that it's a significant benefit in terms of particularly smaller owner-operated businesses inside the city staying here, staying in the core, rather than moving to areas outside the city. So it's a significant benefit and one that our members have been focused on for a long time many so we support this change. Recognize and acknowledge it does have an impact on realtors, but also believe that on the balance, it's the right thing to do. So thank you.

Adams: Thank you all.

Saltzman: That's the end of invited testimony. Karla, do we have people signed up to testify?

Moore-Love: We do. Four people are signed up.

Ziegler: Can I trade seats with you and go third?

Jane Leo: Oh.

Ziegler: Please, you go first.

Saltzman: Ok. You can go last. Start with jane, if you could give us your name for the record and you have three minutes.

Leo: Council president, i'm jane leo, government affairs director for the Portland metropolitan association of realtors. I have with me steve lucas, who is pmar's 2008 vice president of governmental affairs. He's also principal broker and owner of Oregon realty. On behalf of the 7500-plus members of the association, I delivered to your offices on friday a letter stating our opposition to the proposal. I'm submitting a copy of that letter today for the record and in the interests of time and in the fact that you have received that letter, i'm going to summarize our comments. To my points, adoption of the business income proposal creates an inequitable system. Individuals who are paid with a W-2, an employee, would not pay the tax, nor do they have it paid for them. But anyone who is compensated with a 1099 would be paying the tax. The city should strive for a system that's equitable and treats everyone equally. It's been said that this proposal will benefit small businesses, under the proposal, individual realtors would be looked at as a small business and this tax proposal won't benefit them. I also find the proposal before you to be confusing, if not silent on when a small business -- when a business starts in Portland. We do have situations in which a real estate licensee will do one transaction in the city. Does that constitute starting a business, therefore the 60 day period to file with the revenue bureau? Real estate listing in Portland or for that matter receiving income from a business physically located in Portland does not mean that the person is using any of Portland's services. It has been said that this would equitably

August 13, 2008

place the financial burden on using services on everyone, however it's possible to have a real estate listing and never physically enter the city. As some of my members would say, crossing the moat. And finally I would like to bring up that the pmar's membership, 4,201-- more than half do not have offices, do not have what we refer to as sticks and bricks in the city of Portland, yet they're liable for this income tax. So in conclusion we ask for your no vote on this business income tax proposal and thank you for your consideration of the comments.

Fish: Jane, first thanks to pmar for supporting the increase in the supporting fee to support affordable housing statewide. We appreciate your partnership on that.

Leo: Thank you.

Fish: On the two issues you raise, I want to explore them. For a minute with you, starting first with the inequity argument. Doesn't the fact that the county already impose this tax and the city doesn't undercut the notion that it's inequitable? In other words, isn't what the city is doing aligning our tax policies with what the county is doing? I know you disagree, but it's a rhetorical question. Because the county imposes this tax, the b.i.t – we have the blf--, I propose if we merge them, call them the b.l.t. But in effect, if the county is already imposing it, doesn't that undermine the argument that this is inequitable?

Leo: Council President and Commissioner fish, I feel what you're asking me is to support what Multnomah county does as far as the tax system and no, we don't. The Portland issue is the current one before us. It doesn't mean efforts won't continue to change the way that Multnomah county taxes businesses.

Fish: Fair enough and I know why you get the big bucks. You're good at your job. The second point I want to raise, you talked about people that don't have sticks and bricks in Portland, who would be subject to the tax, my understanding is there's an exemption, commissioner Adams, that would apply, if there was a certain amount of de minimis activity in -- in Portland.

Adams: We'll bring up sue and terry to address that.

Fish: I want to address that point later on the record. I think the exemption built in would carve out most of the people who did a single transaction in Portland. I wanted to put that on the record.

Leo: Thank you.

Steve Lucas: Commissioner Saltzman, commissioners, my name is steve lucas. I am the vp for governmental affairs for pmar. Another issue that came up in consultation with a c.p.a. that specializes in doing business taxes is currently under Multnomah county and the tax that they have set up, is that if you have a business license fee, you get to subtract that as a cost of business, to arrive at your taxable income. If you change that to a business tax, then whatever that tax is, you have to add back on top of your taxable net to do your calculation for the Multnomah county tax. Which in essence is a tax on a tax. If Portland mirrors the Multnomah county tax, then we'd be in that same situation and you would be increasing the tax actually for the current businesses and those businesses that file Multnomah county taxes. And i'd like to point out that as we're talking about small businesses and investment, those monies could be spent by those small businesses for growth and other job creation. That's another concern we have and would ask your no vote on this. Thank you.

Kyle Ziegler: Good morning, commissioners. My name is kyle Ziegler with castlegate realty. I've been in real estate for 14 years. I contend to be the smallest real estate company in the city of Portland. And i'm glad I got to speak last because i've been learning a lot this morning. I think you've done a great job organizing, researching and even outreaching. I feel very badly that i'm at the tail end of this effort. But I did want to come down here at pmar's request and represent myself strictly. And my opinions and views. I believe both steve and jane have documented some very good reasons for the exclusion not to include -- or the exclusion to not be applied to real estate agents but I wanted to say this morning that we as an entity in real estate have very unique setups within our offices, within our structures of city, county, state and federal rules. And I can only

August 13, 2008

Speak for myself, but frankly, I've never heard of a tax that simplifies anything -- ever. So that's my opinion and I stand with Jane and Steve and, you know, it just gets more complicated to be in business. And I'll say that for the record, and you know that to be true. Not to mention, our industry has taken a really big hit the last two years, and it's hard. I'm going to tell you right now, it's hard and it's harder for the little guy. And I'm the little guy. So I'm speaking today to ask you to oppose, join with them and oppose this tax. Isn't there enough tax yet? Thank you for your time. I appreciate it.

Saltzman: Ok. The next --

Moore-Love: The last person who signed up is Sean Gillian.

Saltzman: Anybody else in the audience who wishes to testify on this matter? Ok.

Sean Gillians: Thank you, Mr. President and members of the council. For the record, Sean Gillians, legislative policy director for the Oregon Association of Realtors. At the outset I'd like to thank Commissioner Adams and the city staff for the outreach they've done with our local association here to try and work on a compromise and work through the issues associated with this ordinance. With the discussion of the legislative history and the intent of the legislature and what might occur in Salem, I thought it was important that the Oregon Association of Realtors weigh in a little bit on this issue. As you know, the city of Portland certainly is a leader throughout the nation and definitely within the state of Oregon, as goes Portland a lot of the other cities in the state go. We're concerned with particularly the definition of employee that's in the new ordinance. When -- in 1987, I think Terri Williams gave an excellent recap of the legislative history, but when it was put in place, the argument was that our independent contractors were more akin to employers and that was the reason they were exempted from the business license tax. At that point in time, the legislature also has subsequently defined what an independent contractor is. It talks about means of control and direction over individuals, and to be perfectly honest, we think this new definition tends to not take that into account, merely discussing W-2's or whether they're paid with 1099. Your previous definition of employee actually mirrored the state statute to a great degree and we found that to be a lot more acceptable to us. So I would reiterate what our local association has said, we're in opposition to this proposed ordinance. From the state perspective our biggest concern is this new definition of employee. I'd be happy to answer any questions you have.

Adams: I want to give you a chance to respond if your understanding of history is different than what's been provided to me. What's been provided to me is that the industry itself in the early '80s sought and lobbied the state legislature and was successful in getting this clarification of associate brokers as independent contractors and it's reported that it was to get out from the burden of paying, you know, the employee-related taxes and benefits. Do you have a different understanding of the reason that your industry sought those changes in state law?

Gillians: To be honest, Mr. President and Commissioner Adams, to be honest, despite the fact that I'm aging by the minute, I was not around in the early 1980s, all I can do is look at the legislative history as well, and it was some time ago. From what I have gathered, there were issues with becoming independent contractors. However if you look at the state definition of independent contractor, there's a weighing and balancing of the various factors, whether or not they're treated as independent contractors under the employment law in the state of Oregon.

Adams: Thank you. Terri, if you could come back up. I saw maybe -- maybe run through six points very quickly. One of the issues raised, I think, Jane raised it, was the sticks and bricks issue, and I wanted to make sure that -- I mean, the sticks and bricks issue exists for a variety -- this is Shane -- it exists for all kinds of industries and do you want to talk a little bit about that?

Williams: Sure. For businesses doing business in Portland, one of the first evidences of that business is, of course, the sticks and bricks. Having a business operation here. Another measure is doing -- providing services here. So many, many people provide services here, consulting services,

August 13, 2008

legal services, accounting services, inside the city of Portland that don't actually have a building or office in Portland. The -- both -- i'm sorry?

Adams: And whose employees might never set forth.

Williams: Truly if employees never set foot in the city and there's no physical presence either by the employees or buildings, then we don't have an incidence to tax. There has to be some reasonable touching of that activity to the city in order for us to have a jurisdiction to tax. That's called nexus. You either get that with the buildings, or with your people or property that's coming in. Leased property is -- a physical property in Portland and that can be subject. That happens across every type of business. Professional services, retail, they all have aspects of that. It's not limited to --

Adams: Talking maybe the one-off transaction during the course of the --

Williams: Ok. Commissioner fish, I believe you mentioned the exemption. First, anybody whose gross receipts from all of the business less than \$50,000 doesn't pay a minimum. If we believe they've got enough activity here and it looks like they might be doing business we might require a filing so they can prove that to us, but there's no payment that comes with that. That's the first piece. The second piece, we additionally have two different administrative rules on the books that deal with de minimis levels of activity. One is for tangible personal property, things you can touch, and the other is for services. Currently the services one was written approximately six years ago. Six, seven years ago. And it hasn't been adjusted for inflation or anything like that. So certainly, this is a concern and we want to look at that de minimis level of activity, we can examine that and change that administrative rule.

Fish: That's the 2500.

Williams: The ten visits and less than \$2,500, yes. We, at this point in time, that should be \$10,000 or whatever. So that can be adjusted. So those are the two measures that you initially have. Additionally, with the service, you look at the amount -- the income-producing activity that takes place there Portland versus everywhere else and I know when doing a lot of discussions, we get simplistic in explaining that but it can be very complicated. In a case of a real estate agent or consultant or professional, if they come in and do five hours -- let's say 50 hours of work here versus a thousand hours, it works out, that's like 5% and so that makes that amount very small. If you're looking at that de minimis level and say that that two visit, that percentage makes that to be \$2,000 when you get it down, then that might still hit that de minimis level. We haven't gone into very complicated scenarios, but we can and we want to educate and help. We don't want to tax more than what we're entitled to tax. But we do want to tax what we are entitled to.

Adams: I wanted to make sure the real estate industry is coming off, five of the most successful years in the recent memory of the industry but currently in the doldrums now. There's no question about it. They haven't been taxed during the good years. We are looking at this being applied in the bad years and I wanted to be clear that in terms of your comment of not helping small business, we raise the exemption interest \$25,000 to \$50,000. If you're a very small realtor or associate broker with transactions less than \$50,000, you're exempt.

Williams: And again, that's not the gross transactions. It's the commission coming through. It's not gross.

Adams: And if you're an independent contractor, as an associate broker, you also true or false, benefit from the raising of the owner's compensation deduction?

Williams: Yes.

Adams: So two benefits that this overall reform do provide in terms to your good question. I understand the question, this is complicated, two benefits that apply to the real estate industry as it does all small businesses.

Williams: Yes.

Adams: The issue of the subtracting the business license fee raised by steve?

August 13, 2008

Williams: That is something that we can look into. There's a small piece in the law that talks about not allowing certain tax deduction at the same level that's easy to change if council decides that's what we need do. That would impact everybody, not just a particular industry. But that's absolutely something that we can do and bring back.

Adams: Looks like there might be two follow-ups as we continue our efforts to ever perfect the system. One is the de minimis rule. And the other is the subtraction issue vis-à-vis the county.

Williams: Yes.

Adams: We'll keep working on those.

Shane Abma, Deputy City Attorney: The other thing I would like to add is follow-up to what commissioner fish said. When we hear this is going to be complicated and can't figure out when it's going to apply to me. As you pointed out, they already do the county tax, which is the same as ours, with the exception that we have a first year double up and they don't pay the final year. But any rule you're looking at, when I come into the county and do I qualify, do I need to be filing this return, it's the same analysis with the city and county as you mentioned earlier. For fairness reasons and calculations they're identical.

Adams: Thank you, very much.

Saltzman: Thank you. This item moves to second reading. I assume that will be next week. If you could read the next time certain.

Item 1119.

Adams: That's me. All right. The northwest institute educates a new generation of journalists and conscious-raising artists who seek to bring positive changes to their communities. Hosts a dozen college students from -- for an intensive and eight-week session. Students attend study classes and attend development workshops with the long term goal of helping to build a strong community that is representative of all voices and they're going to give us a presentation of their presentations in the making. And i'm on the board of directors of this great organization.

Phil Bussee: Good morning, i'm phil bussee, the executive director for the northwest institute for social change. Every summer we bring out a dozen college students from across the country and bring them to Portland to use Portland as a laboratory. And this year, we've -- the students have focused on audio video. We worked with opb and closing the achievement gap and students did audio documentaries about chicken coops in the backyard which are prevalent in the backyards. Including sam's.

Adams: Chickens were not involved in making this documentary. I wish you hadn't mentioned this.

Bussee: I now have a four-year-old who wants a chicken coop in the backyard.

Adams: You should give your four-year-old --

Fish: It's a good solution for local production of food.

Bussee: So the students, they today are going to show two documentaries, both relevant to issues that city council's been working with. The first is with mile post five and the idea of affordable housing for artists and to introduce his film, will bains.

Will Bains: Good morning, commissioners, thank you for taking time to meet with us. My name is will bains and i'm from the other Portland, in maine. And i've had an amazing time while being here in Portland. The city has a great reputation that certainly is -- it has lived up to that. I've had a great time at the program and had a nice stay with paul van ordan. I've heard great music on mississippi street and really, for me and a lot of people, art and artists is what makes the city exciting and Portland seems to be a latest in a long story. Greenwich village, haight asbury. But from there, the story seems to unfold in the same way. The artists -- the very people, artists make the city interesting, struggle to find affordable places to live and the places they made interesting art and cultural scenes. It's clear that arts and culture are important to people in Portland. Based on 2005 public opinion, 89% of voters believe that arts and culture are important for the growth of the

August 13, 2008

community. 72% of Portlanders attend an arts and culture event once every few months and believe that arts education is vital to the future successful of our children. Our piece is how we can continue to support the arts and culture scene. So it's -- our film is about affordable live-and-work space for artists here in Portland. Thank you for your time.

[Video]: ¶ ¶

*****: Over the past several years, Portland, Oregon has attracted national attention from artists from across the country would moved here. And brings the city \$318 million every year. In the next ten years, the City's population is expected to double. But the artists who made the city hip are slowly being priced out of the affordable housing that drew them here. As Portland artist t.j.

Knows this struggle first hand. His income hovers around the poverty level.

*****: Most artists are in general, a little bit transient and part of that is because of their income.

*****: Artists are probably in one of the lowest income brackets, so that they're working really, really hard and then when they're not working their day job and working in the studio, there's not much time to be out there advocating.

*****: A few years ago, the pearl district was filled with old industrial warehouses where artists lived, swatted and worked. Art galleries began to host eclectic events, but as developers rushed in and the majority of artists were priced out.

*****: I think the pearl is phenomenal as far as new communities within major cities in the united states.

*****: I would also say that that is one area that is an example of where artists have been pushed out.

*****: In spite of gentrification and other setbacks, artists stick around because we want to contribute to Portland's culture.

*****: We're here do on one level is entertain, on another level is to educate. And another level, we're here to sort of make you think and make you question and look at culture on a different plane. Because culture is built from backgrounds and histories. And that's what goes into the making of our work.

*****: I think one of the great things about the art, is that it gives you a tool to talk about experiences, to talk about history and all of the difficult issues that confront us. As well as giving us opportunities that we didn't see, that we didn't know existed. And so for me, the arts can be a vehicle to promote change within our community.

*****: And when it comes down to it, the city of Portland doesn't have enough resources to stem the displacement of artists.

*****: Portland lags woefully behind in the per capita for the arts. If you head north to seattle, they're around \$7.52. And denver is higher. So we have to acknowledge that that really represents that we have work to do around that issue.

*****: Until the city is able to increase the financial support of the arts, mile post five, offers a potential solution. Private developers have started to turn a run-down nursing home into over a hundred rent controlled live-and-work units for emerging artists.

*****: We want to create all of these different types of live-work opportunities. Creating live-work space and resources for artists and an economic and creative sanctuary. A place where arts will never get priced out of these facilities. This is really an experiment. We are testing the waters. We know it's a long process to be able to accomplish our goals here at mile post five. But our goal is to be successful here and then do this two or three times around the city.

*****: It may not be the end-all solution to keep artists in Portland and keep Portland weird, but mile post five could become a unique model for sustainable arts communities across the country.

*****: 82nd street is famous for maybe three things. Porno, pawnshops, and asian grocery stores.

August 13, 2008

*****: The project is moving ahead. There's a lot of surprises that have occurred to us while going through this process. We originally expected lines around the block three times for these units and for one reason or another, that didn't happen. I think part of it is its location. If we had to buy that space, closer to downtown, it would be a lot more expensive.

*****: While it may not be the end-all solution to keep artists in Portland and keep Portland weird, mile post five could become a model for sustainable arts communities.

*****: It's a matter of us, the arts community, really combining our forces and just starting to be able to become more active.

*****: It would take a commitment from the city in some way, not just the city, but the state of Oregon, to kick in and be involved because this is -- this is our culture. These are the people that will continue and stay.

*****: Portland is at a critical point in relation to its future. I think we have to be brave about it. We have to be willing to do risks. I'm a regular guy who is interested in telling his story and get people to buy into that story and I think that's what cities need to tell you. People come to Portland and believe in that story and want to be part of that story, and I think, I hope, you know, mile post five is one of those stories. ¶

Bussee: So the students have been here for the past seven weeks, learning. This first film for students -- the students were here for the past seven weeks learning journalism tools, working with opb. The university of Oregon, providing us space in the new white stag building and talking to politicians. Talked to -- sam came in and spoke about his role with the media. We had senator kerry's communication representative. Video conference with them. Senator wyden came in and spoke. And the idea is that students to make documentary pieces, audio and documentary pieces that highlight solutions Portland is doing and potentially market those to other cities and say, hey, minneapolis, denver, san francisco, here's ideas that Portland is doing, maybe check them out as well. We have a second documentary that we're going to show as well. All told, three were made. The second one is about the day labor center across the river. The third documentary is about reintegrating prisoners into the workforce. Kendall taggart is going to introduce the project she worked on. And jacob sherman is here and he's one of the students from last year helping out.

Kendall Taggart: Good morning, my name is kendall taggart and i'll be starting my senior year at reid in the coming fall. We made -- at reid and as you know, the center is an incredible nexus of local and national debates and I think in our film, we figured out how to demonstrate part of the personality in the people who visit the space on a daily basis, as well as understanding the way that Portland's center navigates the spheres between local and national issues. We'll leave copies of our dvd behind and if you can use it on your websites to our sources, I hope you will. Thank you so much. Here's our film. ¶

*****: It's a hard time to be an immigrant in this country. Immigration is a very easy thing that people can use as an wedge issue.

*****: There are people who are coming almost every day to protest and harass day laborers. They don't have no protection at all.

*****: This is the corner where day labor used to wait for work.

*****: It was sometimes unsafe because that specific corner where they were gathering before, when cars would slow down to enter his place of business, the workers would think that it was an employer, a potential employer, so they would swarm the car.

*****: We needed a bathroom and it was an issue we asked the city and they can provide us a bathroom, but no one wants a bathroom on their property. So that was the tension that came up.

*****: They're working construction, they fell down and die. And another one, he was working in the basement. Somehow the basement came down and took about six hours to take the body out.

*****: Ariba:

August 13, 2008

*****: The day labor center is a public health and safety problem. And the day labor center is to avoid the conflict between the business and to be out of the street and to be more ordered way and more dignified way to look for work. Instead of the street corners.

*****: This is what we do. We put everybody in the -- we ask that they speak english. If they have their own transportation. If they have skills and what kind they have. We don't have anybody because we took the raffle.

We get day laborers. We give one to them and we put one on -- in this container. And here, we got a [inaudible] in case we have lawyers ready to help us.

*****: I'm pastor david larson and I asked them to come and help to clean up the weeds and bushes and do the things on the side of the hills that I can't do. I think it's a little safer and I think that the translators that are here can help me. There's confidence if I say something, they're going to believe they're going to get paid and it's going to be safe work and I care for their safety too. I think it's a good deal.

*****: It's very easy for people to want to say that everyone who works at the day labor center is undocumented or is latino. And that's not the case.

*****: Today, so many reasons why people are on the street. Sometimes they get laid off on the job so they come to the corner. Even americans. Even african americans are on the street. I used to do day labor in los angeles and some people have a perception about them. Like drunks, drug dealers, criminals, illegals. How does that feel when somebody tells you because you're brown or you're a short guy tells you you're a criminal and you know yourself, you're not.

*****: We're being very unrealistic to expect it to work like magic within less than two months. We wouldn't do that to any other issue. Why are we applying it here? It's falling victim to the whole overarching complaint on immigration at this time. Despite how you feel about the issue, it's a practical issue, it's here. We all have a right to live and be safe in our community, that's the basis for all of this.

*****: This is not to solve immigration issue. This is to protect workers. Not only for -- the entire community benefits for the day labor center. ¶

Bussee: Thank you for taking the time to watch the students' programs and projects. This evening they're going to screen their projects as well as having the audio projects available at the white stag building. The made in Oregon building over on nato and -- naito and burnside. 11 of the 12 students go elsewhere. Brown university, university of wisconsin. And it's remarkable to watch them get to know Portland and great to have all of the different projects that -- at city hall and that they're promoting and working with and for the students to choose from to make their documentaries about. Thank you for taking the time this morning.

Adams: Great films.

Fish: Good job.

Saltzman: Karla, could you read the next item, 1120. Do we have mr. Andrews here? I see we have our chair, charles.

Item 1120.

Adams: I have a few remarks.

Saltzman: Sorry, commissioner Adams.

Adams: I wanted to thank mayor Potter for inviting me to lead the selection process on this issue. We have two appointments on p.d.c. to fill. This fills one of them. Please come forward, scott. In considering the appointment, I sought advice from public officials regarding qualified candidates. My goal was to find a candidate who complemented the considerable talents of others. Given these uncertain times and the Portlanders counting on p.d.c. to succeed at its neighborhood revitalization and housing efforts, we saw an candidate who understood our region's strategic challenges and opportunities. I'm pleased to introduce scott andrews to the council. He's the president of melvin mark properties, with strong ties to commercial development and tenant

August 13, 2008

services and been with them where he began as an leasing agent in 1978. So welcome. Chair wilhoite, would you like to make comments.

Charles Wilhoite: Yes, thank you. I consider it an honor to be here this morning to provide a very strong endorsement in favor of the appointment of scott andrews to the p.d.c. I have had the good fortune to work with scott in capacities over the last seven, eight years and have come to recognize him as a well reasoned and deliberate decision maker and one of the most respected leaders in the city of Portland. When I say leaders, people want to categorize him as a business leader. He's that and much more. As indicated in his bio, you'll see he's been chairman of life works northwest and the Portland business alliance and worked with me in different capacities and supported the urban league of Portland permanently. And when I look at him, I know he's a effective community leader. And while he's an Oregon duck and i'm an arizona sun devil, I think we can get past that. But you hit the nail on the head, commissioner Adams. Scott has the type of business expertise and experience that will do nothing but enhance the decision making capacity and quality of the decisions at p.d.c. And for these reasons, I offer a strong endorsement of scott and commend you for bringing him forward. I'll ask scott if he would like to say a few words.

Scott Andrews: Thank you, charles. It's a good thing you're not a husky. It's an honor to be considered for this position. I'm sure sam received a lot of very qualified candidates' interests and i'm flattered to be asked. First of all, let me tell you, I love Portland. I grew up here, I went to west sylvan. University of Oregon and then as an young adult spent a couple of years in klamath falls and philadelphia and I couldn't wait to come back. As soon as I did, I immediately jumped into nonprofit volunteer work. Pete mark, my mentor is a tremendous role model and he taught us that you need to give back. I want Portland to be a great place to be, to work, to bring up a family and a place where our children can stay and find a family-wage job if appropriate. And that wasn't the case 30 years ago. It was very, very difficult to find a job that you could make sense out of. We're doing better today. Our company has not needed p.d.c. Assistance since crown plaza was built. But i've had some progress with them, one waterfront place. I'd like to bring my 30 years' experience to help p.d.c. Make the right decisions. I've served on a number of boards and had a none of leadership positions. Portland management inc. And still on the board of directors of the Oregon sports authority and I also chaired the regional business plan steering committee. All if you take a look have some connection to economic development. My broad experience has given me the ability to work closely with both public and private agencies and organizations and i've been told that i'm helpful in building consensus and leading to successful results. Finally, I think p.d.c. Is extremely important to the economic well-being of our city and I want to make it all it can be as well. Thank you.

Adams: I want to thank you for your willingness to serve. Your resume includes various capacities that you think someone who might have only read about your more visible public involvement on economics. The cystic fibrosis, the Portland youth soccer. Tell us a little bit about why you're passionate about those things, life works and cystic fibrosis.

Andrews: Much of my nonprofit volunteer career has been aimed at business and club organizations and I started off with c.f. And really enjoyed it and question I was approached by roger yost, I knew nothing about life works northwest but I was leaving the position at p.b.a. As chair and thought I would have more time. It's been terrific. It's introduced me to a whole new population and set of problems and ideas and it's been really exciting. I think if you talked to him, you'd find i've been helpful in a number of ways dealing with a whole bunch of issues. Life works is much like a cascadia. Basically provides mental health services and most of the contracting is through the county. Cascadia is not the only one having trouble with funding issues. It's been a great experience. I want to be able to help out on all aspects of the needs of Portland.

Adams: If you'd stay there, we have one other invited testifier. If gail would come forward. She's a former commissioner on the Portland development commission, she's also the President and ceo

August 13, 2008

of the hispanic chamber of commerce and she asked to say a few things in reference to your nomination.

Gale Castillo: Thank you for allowing me to say a few words, commissioners. I am here to support scott andrews and his nomination to the Portland development commission. I think as been stated before, scott brings a tremendous background and experience in Oregon, and really understands the very complex business issues facing Portlanders. As demonstrated by some of the testimony this morning on small business issues. In addition, I think he has strong community experience working as we say, for the greater good of all Portlanders, and that's what I think we really need in our public leadership, rather than working for individual concerns. Working for the greater good, and I see that in scott. The hispanic chamber supports his nomination. We look forward to working with him and the other commissioners to address some of the issues that we're very concerned about, and that is increasing homeownership for all communities. Addressing some of the small business issues that affect not only our community but other communities and raising the he canty of families, and -- the equity of families, and that's done through homeownership and business issuance other issues. We look forward to working with him and the other commissioners as well and again, we support his nomination.

Adams: I want to thank you and we brought together leaders from the various aspects of the business community and social justice and housing community, organizations that have an interest in the mission of p.d.c. as part of our pre-screening process. I want to thank you for helping to grill scott and some other applicants through that process.

Saltzman: Scott, thanks for --

Fish: Thanks for agreeing to serve. I appreciate the time we had to visit and charles, the time we had to visit. And I -- you and I share a passion for youth soccer and i'm delighted at your commitment to substantial resources to updating the facilities for our kids and I was impressed that you had served on the board of planned parenthood and the breadth of your advocacy in our community. But I want to go back to the housing, as the housing commissioner. While the broad mission of the Portland development commission is economic development, you also have a broad partnership in terms of implementing our vision around housing. And gail is right. A mature housing policy, workforce housing and increasing homeowner opportunities and we understand the respect of there being an appropriate balance. We will be looking to your leadership on the commission to help move or housing agenda at the city and thank you for your service.

Saltzman: Would you like to introduce your family?

Andrews: I don't know if they'd like me to, but --

Saltzman: Maybe they could just stand.

Andrews: The light blue shirt is peter. The burgundy shirt is paul. My wife linda.

Fish: Hi, linda. Thank you for letting him serve. [applause]

Saltzman: Ok. Anybody signed up --

Wilhoite: I'm going to catch it from my kids at home because they didn't get introduced when I --

Saltzman: Anybody signed up to testify?

Moore-Love: No one else signed up.

Saltzman: We'll call the roll.

Adams: Again, thank you for your willingness to serve and I look forward to working with you. Aye.

Fish: Aye.

Saltzman: Well, i'm delighted to welcome scott andrews to the p.d.c. Board. I think to me, scott is what I call a true diplomat and the finest sense of the word. He is also a cheerleader for gown and that doesn't hurt. I found him to be a good diplomat on the issues i've been involved in in the past, that appear to be at odds with the business community and i've found him unafraid to roll up his sleeves and get involved to help solve the issues. I'm pleased to vote aye.

August 13, 2008

Saltzman: Congratulations.

Andrews: Thank you.

Saltzman: Please read the next item, 1121.

Item 1121.

Saltzman: We just lost our quorum but I assume we'll go ahead. I'm going to go ahead.

Adams: I'll be right back.

Saltzman: Okay. Over the past month I've been in communication with many of the involved parties concerning Peterson's stores in downtown Portland, three of them. I have met with Mr. Peterson, I've met with the central precinct commander and I've met with the downtown neighborhood association as well. And many appreciate what a 24-hour downtown convenience store brings to our city. After all we strive to be a city that is a 24-hour city. But there are also concerns about the element that has been attracted to these stores and that create a risk to the public's safety. This resolution sets forward a set of conditions for all three of Mr. Peterson's stores. And will address those risks by among other things eliminating the sale of single malt liquors, providing 24-hour security at the Morrison store and cooperating in prosecutions and trespass and other issues. Having said that though, it ultimately is up to Mr. Peterson and his employees to make sure that these conditions which will become a part of the lease are met to the satisfaction of the central precinct commander. This is a last chance agreement, and the conditions, if they are not met, the lease will be terminated for the downtown or for the Morrison store. It is my hope that we're turning a new leaf here and that the relationship between our law enforcement bodies and Peterson's downtown stores, as well as the neighborhood involvement, will be a constructive one that will lead to information sharing and a safer downtown for Portlanders. I would like to thank central precinct commander Reese of the central precinct and the mayor's office, the deputy district attorney for downtown and William Warren of the office of neighborhood involvement who covers downtown for providing me with the conditions that are now, if we pass this resolution, will become part of the lease. So I'd now like to call up Mr. Doug Peterson. I think we have a central precinct sergeant here. I'm going to let you pronounce your own name when you get up here. William Warren from the office of neighborhood involvement and do we have Dan Friedman from the downtown neighborhood association? Okay. I think we can fit you all four of you if you just pull up a chair. Let me start with you, sergeant.

Cliff Bacigalupi: Cliff Bacigalupi. I tell people it's just like it sounds.

Saltzman: Ok.

[laughter]

Saltzman: I guess you may have something prepared you may want to say, but I wanted to start by just establishing -- and William from the office of neighborhood involvement can join me on this, but the eight conditions contained in this resolution arose out of a meeting I had with central commander Reese and simply said what conditions would you and the neighborhood, district attorney and O.N.I. would like to see in a lease to your satisfaction to keep them going? And those eight conditions in this resolution are in fact the ones that Commander Reese forwarded to me.

Bacigalupi: Yeah. That's my understanding. And I'm coming into the middle of this, first of all. Good morning, commissioners.

Saltzman: I should say Commander Reese is on vacation.

Bacigalupi: He is. I'm your default guy here. Mark Friedman is also going to come and speak but he's on vacation and I'm not. At any rate, I am coming in on the middle of this.

Adams: Can he get the microphone?

Bacigalupi: Yeah.

William Warren: I don't know if that's going to move. I think you'll have to move closer. Shift over.

August 13, 2008

Bacigalupi: So i'm coming in on the middle of this. I do understand that, at this point, we've discussed all the statistical data and kind of -- I don't think there's any secret as to what the issues are surrounding this, and so, with that said, we do -- the police bureau looks forward to working with doug peterson and hopefully coming together to make this business viable and productive and, at the same time responsible to the other businesses around. I do have a prepared statement if it's ok. I'll just read it real briefly. Peterson's, in the past, there's been an undeniable excess of problems in front of the store at 9th and morrison including fights, aggressive panhandling, drug use, sales, and it has become a congregating point for problematic people -- problematic people independent of the fact that there is a max stop in front of his store. With that said, many businesses along the max lines operate without the persistent problem set that impacts peterson's and affects its ability to be viable -- a viable and healthy downtown business. These problems did not creep up overnight, and at this point, there's been a pervasive lack of cooperation from peterson's in actively solving some of the problems that face the store. It is only now that, facing closure, we're at the point where hopefully there would be the kind of cooperation we would have hoped for all along. With this said, the Portland police bureau looks forward to a productive relationship with mr. Peterson to help his business be responsible as well as successful. The success of small business in Portland is important to a vibrant downtown, and the Portland police bureau is mindful of that fact. This resolution is comprehensive, and we do hope for strict adherence to the conditions being placed on peterson's. In closing, I do wish mr. Peterson success, and I hope that this resolution fosters a positive working relationship between mr. Peterson and the city of Portland.

Saltzman: Thank you. I'd now like to ask mr. Peterson -- you may have a statement you wish to make, but I want to run through the conditions, as we've done previously, and hear you on the record say that you're going to comply with these conditions. The first condition is that cooperation with the district attorney's office on prosecutions stemming from crimes committed at all peterson's stores downtown.

Douglas Peterson: Yes. We'll be in compliance.

Saltzman: Number 2, no sales of individually packaged malt alcohol beverages or single cigarettes.

Peterson: Yes.

Saltzman: Number three, report to the police bureau and downtown clean and safe anyone engaged in illegal behavior in front of or inside all peterson's stores downtown.

Peterson: Yes.

Saltzman: Number 4, post rules of conduct for convenience store customers and trespass of anyone not following these rules.

Peterson: Yes.

Saltzman: Number 5, provide on-site security at the 922 southwest morrison street location when open.

Peterson: Yes.

Saltzman: Number 6, the owner, store manager, and security shall attend a monthly meeting with police, the deputy district attorney, and the office of neighborhood involvement crime prevention staff to address public safety concerns at each of the peterson's stores downtown.

Peterson: Yes. And i'm very much looking forward to the communication.

Saltzman: Number 7. Compliance with all county and state public health regulations.

Peterson: Yes.

Saltzman: And finally, number 8, creation of and compliance with the good neighbor agreement with the downtown neighborhood association within three months.

Peterson: Yes. Absolutely yes. Mm-hmm.

August 13, 2008

Saltzman: And you further understand that, if any of these stipulations are violated in the eyes of the central precinct commander, he or she has the sole authority to ask our general services division to begin termination of the lease.

Peterson: I understand, sir.

Saltzman: Great. Thank you. Did you have anything that you'd like to say?

Peterson: I'd just like to thank commissioner Saltzman, commissioner fish, mayor elect sam Adams for their faith that I can do this and I will do this and their faith in small business. Thank you very much.

Fish: Mr. Peterson also Commissioner Saltzman has gone through the conditions but I want to, on the record, confirm that prior to our consideration of this matter, through your counsel you've notified us that you've withdrawn your tort claim notices. Is that correct?

Peterson: Yes.

Fish: Thank you.

Saltzman: William, did you want to add anything?

William Warren: I'll defer to the neighborhood association and, if I may, speak at the end commissioner. Thank you.

Saltzman: Sure. Dan would you just give us your name and then.

Daniel Friedman: I'm daniel friedman, and i'm representing the downtown neighborhood association today, and we're very appreciative of the efforts that the commissioners have made. This doesn't seem like a momentous matter, but it does affect the quality of life downtown for reasons that I testified about earlier, in the past. And we're -- this seems to us an example of some real Portland-style problem solving and a flexible and creative solution that may make it possible both for downtown to retain this 24-hour amenity that helps contribute to a live-work community downtown and, at the same time, to improve the safety and the perception of comfort at the galleria max platforms. We really appreciate your efforts. The fact that you took this serious and were flexible and creative in crafting a solution, and also we want to thank the police bureau and the city office that deals with facilities, because I realize that this isn't their preferred solution, but they've been cooperative and helpful in trying to reach a resolution.

Saltzman: William?

Warren: William warren with the city of Portland, office of neighborhood involvement, crime prevention program. Since the end of february, responsible for downtown, oldtown and chinatown neighborhoods. This is terrific, and i'm really happy that -- you know -- through your work, commissioner Saltzman and the other commissioners, that we've been able to broker this kind of agreement. The one thing that's traditional to g&a's through oni, but I know that this one is a little bit different is that, also involved in the regular meetings and development of this, but particularly with the regular meetings would be representatives of the respective neighborhood association, downtown Portland neighborhood association in this case, and respective representatives from the property owners wherever commercial property has their business. In this instance, we know that clearly one landlord is the city but for mr. Peterson's other two locations, I don't know who those landlords are. So that's the only other thing I would offer for your consideration.

Adams: And business district.

Warren: And business district, yes. Thank you commissioner.

Saltzman: I was going to add that I will personally be convening the first monthly meeting with mr. Peterson and oni crime prevention and police and others. Well, thank you all. Do we have anybody signed up to testify?

Moore-Love: We have one person signed up, tom wenning.

Tom Wenning: Thank you, commissioners. Gentlemen, my name is tom wenning. I live in southeast Portland. I would like to address your discriminatory approach to nuisance properties. This has to do with peterson's, it has to do with greek casina, and it has to do with the v.o.z. day

August 13, 2008

labor site in northeast Portland. V.o.z. day labor site was set up to provide a place -- a safe place -- for day laborers. They do not check identity. They don't even ask for these people's names. I've been assaulted there a total of three times by four different people. Everything from been shoved, spit on, and having hot coffee thrown on my head. I'd like to particularly address the first person who assaulted me. He showed up on the day this place opened, and he was interviewed by koin tv, gave his name as roderick reynolds. He was there that day. I saw him on july 3rd and on july 7th he came out of the v.o.z. day labor site and assaulted me. I didn't see him again until two weeks ago when I called to the police. He went to the v.o.z. day labor site and they would not let him in but at the same time did not call the police and say, the guy is here. Come and get him. I saw him again this last monday I called the police on him. The police pulled him over. He had just been picked up by two somali women. The police got him out of the car, interviewed him, and he said he told them all kinds of lies, gave them a fake social security number. Turns out this guy is a wanted felon from the state of Washington he's wanted for parole violations. If you're a criminal, where are you going to go to get a job? You're going to go to the v.o.z. day labor site. They don't ask for i.d., they don't even ask your name. You gentlemen are currently being sued because of the assaults on me and because of setting up this day labor site with \$200,000 of Portland city funds. The film you just saw on the v.o.z. day labor site said that they've taken people off the street corners and are bringing them there. That's not true. The workers on the street corners are still there, probably in greater numbers then they were the day the labor site was there. Last time I was there, I was there from 6:30 until 9:00 in the morning. Not one person pulled into the v.o.z. day labor site. And this place is being passed off as a great benefit to the city of Portland. Baloney. You're putting the people, citizens of Portland at risk by opening this place up and not checking people's i.d.s. You're putting yourselves and city funds at risk by lawsuits if somebody accidentally or intentionally hurts or kills somebody. You are liable. The city of Portland is liable. Thank you.

Moore-Love: We have one more person who wished to speak.

Saltzman: Okay.

Moore-Love: Lee lacy.

Saltzman: Welcome, lee. If you would just give us your name. You have three minutes.

Lee Lacy: My name is lee lacy. I live in downtown Portland. I'll speak as clearly as I can even though I do have some health issues. I would like to speak in support of this neighborhood agreement between the city of Portland and mr. Peterson. I got to know mr. Peterson many years back via our meetings with the association for Portland progress, the downtown retail council, both of which of course are no longer present in promoting downtown Portland. They've been replaced by other organizations. But during that time, I grew to know mr. Peterson and do know him to be an honorable person, and I have every reason to believe that he will live up to the commitment that he has made this morning regarding his morrison street store. I personally have had some assistance from mr. Peterson when I was head of the neighborhood association here in downtown. We would have periodic neighborhood clean-up programs to clean up certain areas, and I would have to attract volunteers to this unattractive activity on a saturday, and one way I was able to get volunteers to help with these neighborhood cleanups was to tell them that they would get a free beverage from mr. Peterson's store on morrison street at the conclusion of their neighborhood clean-up efforts. It was a successful program in the past regarding mr. Peterson's civic involvement, and I have no reason to believe that the future will also be as successful and productive as his association has been in the past. Thank you very much.

Saltzman: Thanks lee. Anybody else wish to testify? Ok. Karla, please call the roll.

Adams: Well, I want to thank commissioner Saltzman for his efforts on this matter, and I like the concrete nature of the agreement and that a single individual is responsible for determining whether the agreement has been lived up to or not. I wish mr. Peterson well, and we'll work hard to do our part to make this agreement successful. Aye.

August 13, 2008

Fish: Dan, thanks for your leadership on this, and I was pleased to co-sponsor the resolution. This resolution offers one final chance for Peterson's market to demonstrate that they are a good neighbor business in downtown Portland. I believe the terms of the revised month to month rental agreement are tough but fair, and Mr. Peterson has publicly agreed, in writing and here, to abide by all of the conditions. I'm supporting this resolution because I think it strikes a balance between some needed tough love, accountability, and recognition that this business does face some special challenges by virtue of its location. The city's medium term plans are to redevelop the 10th and Yamhill site. In the meantime, I think we have a special duty to try to preserve the downtown jobs that are at issue here. I want to also, though, acknowledge a comment Mary Loos made in her remarks earlier when she quoted an assistant manager from Brooks Brothers who said -- and I will quote directly -- I fail to see why a disgusting store such as Peterson's is allowed to stay open. They cater to the dregs of the streets of our city. I certainly hope that that does not reflect the official corporate policy of Brooks Brothers, and I would remind the individual who sent this inflammatory email to the mayor that the so-called dregs that he's referring to include homeless veterans. In this country, we have between 150 and 200,000 people who served our country honorably and who are now homeless, and I think it is a sad day when we use disparaging language to characterize people who, through no fault of their own, seek refuge on the streets. Again, Dan, thank you for your leadership on this. I vote aye.

Saltzman: Well, I want to acknowledge the work of Mayor Potter's office and the police bureau. I know Mayor Potter opposes this solution, but I think -- and I want to thank my colleagues here for supporting the idea that -- supporting the concept of one more shot at redemption, and that's really what we have here. And I think some of the -- without getting into who said what and where, I think there are some legitimate concerns about public safety, about the Peterson store particularly on Southwest Morrison, but I'm also concerned about the public safety of that whole half block going dark if Peterson's were to lose their lease today. And I think that that's a legitimate public safety concern as well. I mean, God knows the last thing Portland needs is another empty storefront right now. We have plenty of them, I think, in the two-block stretch between 9th and 11th on Morrison. I was out there last Friday night, I think I counted about seven empty storefronts in that two-block section. But I'm also sensitive to the fact that there are nine people employed at Peterson's store, and those jobs are meaningful jobs especially to those people who have those jobs, and it's not a good time to be looking for work, and this is worth saving those jobs, too. And I'm convinced, from my conversations with Mr. Peterson, that he is an honorable person. I think he has assured me that he is prepared to spend the money and the vigilance to make sure that this agreement works. And if it doesn't work, we will know quickly and the consequences will be the loss of the lease of the Morrison store. So I welcome the solution. As I said, I will be convening the first monthly meeting shortly. I thank my colleagues again and vote aye.

Adams: Can we move to 1124?

Saltzman: There's been a request to move to 1124. Is that all right with you?

Fish: Yes.

Saltzman: Karla can you do 1124 and then we'll come back to 1122 and 1123.

Item 1124.

Adams: Mr. President, members of the city council, gathered guests, renaming a street is inherently controversial, a name that might seem irrelevant to some being profoundly important to others. Pragmatic concerns as well arise. The street name change can impact businesses that establish their identities in relationship to the street and pond on which they are located. In a world that pulses at an ever-increasing pace, many take comfort in things that remain consistent tempt, like the lane we live on or the arterial we travel to work. Like most cities across the nation, Portland has experienced this tension. The Portland city council decision in 1989 to rename Union Avenue for Dr. Martin Luther King Jr. elicited controversy. A 2007 proposal to rename Interstate

August 13, 2008

avenue engendered substantial community opposition. It is the city council's job to ensure a fair and transparent process to look at applications which seek to rename a street as in place and followed. As most of you know, we struggled with that. In 1989, council had no formal policy for considering a street name change. Following the union avenue, dr. Martin luther king jr. experience, council adopted a policy that remains on the books today. Since 1989, Portlanders have proposed to rename three streets and, in each case, council has failed to follow its own policy. In 1996, a portion of southwest front avenue was renamed naito parkway to honor civic leader bill naito and his family. Portland boulevard was renamed rosa parks way in 2005. And in 2007, citizens sought to rename north interstate avenue for american civil rights leader césar chávez. It's no wonder that citizens have expressed frustration and rightly wondered whether council can follow its own rules. Today's resolution says we can and we will. At the moment, the office of transportation has received two renaming proposals. One proposes to rename 42nd avenue for author douglas Adams, who's the author of "hitchhiker's guide to the galaxy." another seeks to rename a street to be determined for césar chávez. Transportation has received each proposal and renaming advocates are now responsible for completing the application process, the initial application process, which includes review by a historian panel and the planning commission before it comes to the city council for final determination. City council will follow the process outlined in the code and nominate three members to a panel, will be responsible for making a determination as to the appropriateness of proposed street name changes and its compliance with the criteria for selecting a new street name and a determination as to the historical significance of the street to be renamed. This is important work and work that we on council can appreciate. Every one of these committee members have skills that the city will rely upon, not the least of which are the experience with public involvement, legal interpretation, and leadership. So today i'm pleased to nominate willamette university law professor gilbert paul carrasco, Oregon national guard brigadier general general and -- members of the historian panel for 12 months. Both kathy and michael could not make it today, but, professor, if you'd please come forward? And I apologize for making you wait. Hopefully you saw a little bit of democracy in action here today, kind of a lively day. Thank you for being here, and I want to thank you for your willingness to serve. This is probably one of the more difficult appointments in terms of the controversial nature of the task that we can give any tin that advises us on decisions, and I just want to thank you for your willingness to do that, and maybe you could tell us a little about yourself, and maybe there are some questions.

Gilbert Paul Carrasco, J.D.: Thank you, commissioner Adams and the other distinguished commissioners of the city council. It's a pleasure to be here. And I appreciate the confidence placed in me to serve on the historical commission and undertake the task of ascertaining the significance -- the historical significance -- of names of streets that are proposed to be renamed. I want to thank you, commissioner Adams, for taking leadership on this very important issue, and I think that for those of us who are involved in legal issues involving latinos, as I am, I think that the renaming of a street in honor of césar chávez is an important issue and a symbolic one. I have a degree in philosophy from the university of san diego, one in law from santa clara, and one in constitutional law from georgetown law school. I serve as professor of law at willamette university college of law where I teach constitutional law, civil rights litigation, and other related subjects. In the past, i've been with the u.s. Department of justice civil rights division, first appointed as a political appointee in the carter administration, later serving as a trial attorney there and thereafter serving as director of the national center of human rights and as professor of law at villanova university, among others. So I look at this task as an historian. I've done some writing in the area of history, discrimination, and other issues related timemy grants' rights and so forth, and so I am familiar with the task are legal analysis and historical analysis. I will undertake my role seriously, and I appreciate the council's support of this important endeavor.

Adams: Thank you. Any questions?

August 13, 2008

Saltzman: No questions. Thank you for agreeing to do this.

Fish: Thank you, professor, very much.

Adams: Again, sorry to keep you waiting.

Carrasco: No worries. Good day.

Moore-Love: No one signed up.

Saltzman: Anybody here that wishes to testify? Shelly, come on up.

Shelly Bailey: I just wanted to thank -- my name is shelly bailey, and I manage central drug pharmacy on the corner of southwest 4th and alder. I just wanted to thank the commissioners today for reaffirming the commitment to follow the city codes. Thank you.

Adams: Thank you very much.

Saltzman: Thank you. Anybody else? Ok. Please call the roll.

Adams: I want to thank shoshanna oppenheim and kirk krueger and the pdot team who have, along with linda meng and mark moline, brought the 1989 code, which has never been implemented -- to bring it to life by determining some of the legal issues behind it, clarifying some of those legal issues. I want to thank you for your work on this. Aye.

Fish: I'm pleased to vote aye. I have received a couple of questions from people in the public since I got elected. One was why would the city go through this exercise, and the answer is it's specified in our code. We have very clear guidelines and it is entirely appropriate for a city to consider name changes from time to time. And the second is how will this be different from the prior exercise, and I think this council has made it very clear that we're going to follow the code very carefully. I think the process has been very deliberate, and I applaud commissioner Adams for the leadership that he's given the council. I vote aye.

Saltzman: I appreciate commissioner Adams bringing this forward and the commitment to follow the code. As one who's been guilty of perhaps not following the code in the past, I pledge to myself this time to follow the code. Absolutely. Aye. Ok. Let's go back to 1122.

Item 1122.

Saltzman: Mr. Adams, did you want to say anything? The amicus brief with freightliner. And linda meng.

Adams: Linda meng will explain some of the details of this, but this is siding with an important local company, and important local player. I'm sorry. An important local provider of jobs against the state of Oregon in a dispute over how a previous legal settlement that they inherited when they bought a company, they being freightliner, bought a company and the state's efforts to penalize them in a way that I think is very unfair. The fact that the state of Oregon is pursuing an arm of the -- an arm of the state of Oregon is pursuing this settlement from freightliner sends a message back to the headquarters in germany that this is a state or a city that pursues an unfair advantage with local businesses. That's my view. So, by city council agreeing to this amicus brief, we are siding with freightliner in their dispute with the state. This is the first time, to my many, that the city council has done this or at least we haven't done it very often, but it sends an important message to an important employer and provider of really good-wage jobs that we are taking their side.

Linda Meng, City Attorney: I'm happy to answer questions.

Fish: I'm the recovering lawyer up here, I want to make sure I understand one detail. This the case not been settled but been appealed, it's possible the punitive damage award could have been thrown out by an appellate court. Correct?

Meng: Yes.

Fish: So in effect the position we're taking not only appears to be the equitable position, the fair position for freightliner, but it also would serve to encourage parties to resolve disputes and negotiation rather than the appellate process, because if -- notwithstanding the fact that parties agree to settle and then allocate the settlement proceeds in a rational way, the state could come in and say,

August 13, 2008

well, we're still going to a portion our take off of what we're going to deem punitive damages. It would in effect discourage parties from reaching negotiated resolutions of their disputes.

Meng: That's fair. There's very strong policy in this state and all over the country to encourage settlement. There's lots of procedures in place to encourage parties to settlement. There's mandatory mediation in lots of places to encourage settlement, and this would interfere with the ability of parties to settle their own cases.

Fish: In addition, we have different ways of generating revenues off of legal proceedings for worthy causes. We have iolta accounts which fund legal services, we have capturing of portions of punitive damages to cover other needs. But the point here is that the case was resolved through settlement. There is no punitive damage component which is being paid, and therefore there's nothing to tax at 60%.

Meng: Yes. That's the policy and the legal argument around it. The actual technical legal issues at this point are in fact quite technical. The question has to do with the standing of the state at this point in the litigation, and that's what we're participating in. And we will -- but we will make the arguments that you've articulated that this is inappropriate.

Fish: Thank you.

Adams: I missed Karla pronouncing the words.

Moore-Love: I'd be glad to say it again.

Adams: Can you pronounce them?

Meng: I haven't even tried. Karla did it very well.

Moore-Love: I want to thank Casey short for that lesson in German.

[laughter]

Adams: Thank you for your help on this.

Saltzman: Please call the roll.

Adams: Again, thank you, Linda. Aye. **Fish:**Aye. **Saltzman:** Aye. 1123.

Item 1123.

Christine Moody, Bureau of Purchases: Christine Moody, Bureau of Purchasing. Before you is a purchasing agent report recommending an award for a purchase of four catch basin cleaners in the amount of \$1,256,684. The four requested units are scheduled by cycle replacement purchases for b.e.s. we obtained authorization for the purchase in June, 2000. Subsequently the Bureau of Purchasing has found the State of Washington has an existing price agreement and is recommending purchasing this equipment off of that agreement. Owen Equipment Company is a local vendor located in Portland and is e.e.o. Certified as a current city business license and is in full compliance with equal benefits.

Saltzman: Thank you.

Adams: Good job on getting a local company.

Saltzman: Anybody wish to testify on this? Seeing none, please call the roll. Thank you.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. Now to 1125.

Saltzman: This is a second reading. Please call the roll.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. 1126.

Item 1126.

Saltzman: This is also a second reading. Please call the roll.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. 1127.

Item 1127.

Saltzman: A second reading. Please call the roll.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. 1128.

Item 1128.

Saltzman: Second reading. Please call the roll.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. Are we at 1130 now?

August 13, 2008

Moore-Love: 1129.

Item 1129.

Saltzman: Second reading. Please call the roll.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. 1130.

Item 1130.

Saltzman: Second reading. Please call the roll.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. 1131.

Item 1131.

Saltzman: Second reading. Please call the roll.

Adams: Is -- this mr. Tilby's project? Aye.

Fish:Aye. **Saltzman:** Aye. Ok. Are we on 1132 now?

Item 1132.

Saltzman: Second reading. Please call the roll.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. 1133.

Item 1133.

Saltzman: Second reading. Please call the roll.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. 1134.

Item 1134.

Saltzman: second reading. Please call the roll.

Adams: Aye. **Fish:**Aye.

Saltzman: Aye. 1135.

Item 1135.

Saltzman: I would just add that both of these are being -- this and the next item are being extended until the end of the year due to earlier discussions we've had on adopting some revised policies about cellphone towers. So these are first readings. It's a first reading?

Moore-Love: Second reading.

Saltzman: My apologies. Ok. Call the roll.

Adams: Aye. **Fish:**Aye. **Saltzman:** Aye. 1136.

Item 1136.

Saltzman: Second reading. Please call the roll.

Adams: Aye. **Fish:**Aye.

Saltzman: Aye. This completes our morning business. We stand adjourned until 2:00 p.m.

At 11:43 a.m., Council recessed.

August 13, 2008
August 13, 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.

AUGUST 13, 2008 2:00 PM

[roll call]

Saltzman: Do you want to read item 1137?

Item 1137.

Adams: Thank you President Saltzman. There are many people to thank in attendance today but I'll save that for the end. Multnomah county has a population of over 677,000 people, and more than 100 miles of shoreline. Our rivers rank as the most used bodies of water in the state, sometimes the most of the iced bodies of water in the state. Portland is the number one overam destination for boating in Oregon. There are over 80,000 registered boats in the county, and the ports of Portland and vancouver handle over 14.5 million metric tons of commerce annually. Our rivers are heavily used now with the expected growth in our region. The usage is likely to increase proportionately. Public safety service on our waterway assist a responsibility shared by many of us. The work of the river public safety coordination task force was to clarify and improve coordination, communication, recording, and dispatch for the effective delivery of public safety services on the waterways. But the underlying goal or job is about multijurisdictional collaboration. As the task force report cover demonstrates, there are 11 agencies or jurisdictions who have a boat in the water, so to speak, both literally and figuratively. The four tasks being reported on today emphasize service by these multiple providers and improving service through collaboration. Just one example -- the reporting system. In june 2008, activity report, you have before you is multijurisdictional and designed to provide data to manage a coordinated river safety service system. Typically data is gathered and reports the work and outcomes of individual agencies rather than collected public safety services. The public doesn't care whose logo is on the boat when the rescuers arrive, they just want the safety services to be there when needed. This task force has been implemented rather than to study. And the team completed all four of their assignments, and I want to thank you for that work. Jane aims, project manager from my office, will now introduce the task force report and the speakers.

Janes Ames, Commissioner Adam's Office: Do you want to give the thank yous first or at the end?

Adams: I'll do that at the end.

Ames: Thank you. Thank you commissioner. My name is jane aims, and before I turn the discussion over to brad, john campbell, the team members, and guests, I want to highlight a few of the interesting aspects of working On this project. I want to start with a thank you to the public safety providers. Most of us will wonder how we'll respond to a threatening potential life and death situation. It's an honor to work with people who have devoted their careers and lives developing the knowledge and skills to step intentionally into those most challenging circumstances and protect the rest of us. So I thank you. I also want to point out the brevity of this report. The conciseness I believe contributes to its utility. And if you look at your report, it is truly 10 pages that is the report. The rest are appendices, maps, minutes, and the basic data, but the report itself is very brief, and for those of us who have large stacks of reports, this is much appreciated and makes it a useful piece. I also want to point out the -- some interesting factors that impact public safety delivery and coordination on our waterways. For the most part, public safety on our local waterways has

August 13, 2008

developed as an outgrowth or extension of our land-based public safety. We have developed the services in response rather than having planned them. Even the location of reporting is often based on land addressed. Except for the coast guard, river incidents are a very small part of each agency's work. Consequent links one aspect of that you'll note -- that has been in the past is many of the instances will be reported only ashore or river rather than a descriptor that tells about you what went on. Our rivers are concurrently used -- used for commercial use, recreational boating, as well as water skiing, fishing, wind surfing, and swimming. Too often in overlapping times and locations. Imagine a sunny afternoon on I-5 with skate boards, roller skates, bicycles, strollers, pedestrians, passenger vehicles, tractors, and semi and freight trains all sharing the road. The comparison is not unusual for our rivers. And then there are the very obvious -- so obvious they're seldom stated factors. We humans can't breathe in water, so a minor incident on land can become a life or death incident in water. Rivers keep moving, so incidents that would happen in one location move, and their potential severity can change rapidly. And then there's the fact that providers arriving at a scene can't get out and walk over to talk to the other providers. So radio communication is absolutely crucial. These factors impact the communication, the protocols, and the data rose gardening system that the task force tackled, and we're -- and our backgrounds for the information you will hear today. With that I would like to bring up Brad Houten and John Campbell. I -- Campbell. I want to introduce Brad, who is -- who is a citizen volunteer. River task force chair, and he's also the general manager of Columbia crossings on Hayden Island. Brad has been a source of leadership and expertise on the river public safety planning as well as through the task force efforts. Brad exemplifies the statement "engage citizens are the true riches of the city."

Brad Houghton: Thank you. Very nice. Pretty happy to be in here after waiting out in the hallway since December or so. It's been a pretty wonderful experience to be involved in this process. It's sort of the second chapter in what will hopefully will be a longer book. I'm going to keep my comments fairly short because I know there are a number of people who would love to get back outside before the weather gets too hot, and the next few days will be tough. Which means there will be a lot of people out there cruising around on their boats as well. The acknowledgments I need to make could be fairly long. I think the most important thing -- people to recognize here, though, in the -- at the outset are Sam for his leadership and his initiation of this process, Bernie Giusto, the now retired sheriff, who was very active in this process, Jane, who was the glue that held the whole thing together for the whole period that we had here. And then John and Sherry who provided leadership in this last process, and kept us involved in. A very productive conversation. I'm very happy to say we accomplished the four basic tasks we were asked to do. We have the core of the reporting system. It looks impressive, but the next steps are probably more important. We need to Phil Mickelson out how to use those to manage the process. We've -- agreed to by all the principle participants in the program. And that's now in place. And although it's not perfect at this point, it's working well. We've also written -- written and adopted several operating protocols for distress triage, location identification, and have also developed an agreement that would generate a new organization, a small one called River Safety Panel, which would provide a means of communication and discussion for common problems. We came into this thing also looking for a way to license or control private towing services, and if you're a better you know what those are. If you not, you may not. It's like triple A on the water. You can buy a membership for a period of time, and if your -- if your boat or you are in trouble, you call them, and they'll rescue you. They're typically used in nondistress situations, and we struggle for a while trying to figure out how to get -- how to do licensing and ended up instead, which -- with -- which is to rely on coast guard and their existing policies and property goals for making. Decisions about dispatching private towing firms. We have the further potential to add additional efficiencies to the provision of public water safety services and I'm hoping that we'll get an opportunity to do that. In the first phase, which is now almost two years old, we identified a number of additional issues that we're not -- were not tackled

August 13, 2008

by this task force, including some opportunity to coordinate interagency training, to participate in the development of voter safety satisfaction reviews and water safety education programs with the Oregon state marine board, possibly even to get to the point where we might figure out how to deal with the public relations issues that are common to all of the individual agencies. And last, to look at opportunities for initiating new fee structures for the services. I hope you'll read this report, I think there's a lot of good hard work in it, and it's pretty telling in terms of the use of the rivers in the Portland area. We look forward to continued support.

Adams: I want to under score, as volunteer you've offered dozens and dozens and dozens of hours in helping to chair this, and I really want to underline a thank you.

Ames: John campbell, the facilitator for our effort, and really ran the show a lot. I really want to thank him.

John Campbell: Good afternoon, i'm john campbell. My role here, i've got a background in public safety and work a lot with coordinating problem solving. I think the facilitator is the wrong name, I think coach or referee, or therapist might work better. We had a lot of good discussions, and I think we worked through a lot of things. I'm going to attempt to sort of give you a high level look at what were some of the challenges faced here, and some of the considerations from a leadership stand point going forward that are necessary to support some of these elements. This will roughly follow what is in the report, and i'll try to keep it relatively brief there. There were four elements that the task force was tasked with implementing. It was put together to do this, and then start implementing. First to those putting together comprehensive reporting systems and looking at radio communication and dispatch, operating protocols and towing service. I'm also talk about future considerations, both strengths in the process, and some core leadership challenges.

Saltzman: Are you showing us a power point?

Campbell: Yes, I am.

Ames: There we go.

Campbell: My apologies. We'll look at the result and future considerations. To look at the reporting system, I think it's valuable to look at what some of the challenges that came out with that.

You'll see an example much the most recent version is appendix a in the report. But there were significant challenges putting that together that I think are important in keeping this in mind. Jane talked about the different providers that are all on the river, and for each of them the -- except for the coast guard, the river events are a small part of the bigger land base picture. So the result is if you're look at budgeting or running the sheriff's office, Portland fire, or any of these majority of what's being done is on land, so often the question what's on the river, you categorize it, it's a small part of what's being done. Being able to put a magnifying glass on it and seeing what happens is another challenge. The other challenge with that is that we use our rivers to mark our boundaries. We have boundaries rung down the middle of rivers. We have different providers trying to coordinate with no one needing to look at the overall picture. And that translated some challenges in pulling out the information. It abatement pretty clear pretty quickly that working with our 9-1-1 system to pull out the data was going tonight best place to look at aggregated data and the work with how time prove that, and they did some very good work with that. One of the challenges was drawing the disteens between what boec called the incident and what we called an event. The two being distinct in that an event is the thing that happens on the river, and incident is what boec assigned To any responder that's dispatched. So if fire and sheriffs are both dispatched, that's two incidents for one event. So what we want to do is say, what are the things that are going on in the river rather than how many times are we dispatching. And aggregating that was a challenge, particularly because the third most common incident is Portland police bureau. Because they're often dispatched to a land-based spot as well. So looking at that and aggregating that was one of the challenges in looking at that. There's also issues with trying to find the data, we've got data on this, but who has data, Portland fire and rescue information isn't easy to aggregate back with boec's

August 13, 2008

information, so we began to realize from the bureau of technology services that we need to concentrate on boec. And equally, the sheriff's office has information about a lot of self-initiated work that wasn't captured in boec's system as well. I want to make sure we were capturing all of the information that was important, and an example, the change was the river patrol now reporting back to dispatch their self-initiated work as well. And also just figuring out what's on the river was another challenge. There are different codes, but no one place to say this was on the river and this wasn't. We looked at a number of different ways and found probably the simplest way is to say a vessel launched. So you'll see the report, I'm not going to go over it in details, but I think some critical elements to point out is that aggregate data is simply not a priority for anyone -- any one of these agencies. They all have many different things to do and they're looking at what's our task on the river. And there's a sense in which our task force worked as a virtual agent that was trying to ask the larger public safety question. And so we do point out that unless city or county leaders use the information, it has questionable relevance to the individual responders. It's interesting for them to look at, but people who have a broader perspective saying how are we coordinating this is important to include in that. And it's one reason why there was considerable discussion about where's this report going to be housed, who pulls the information together? And the sheriff's office is very gracious both they came up with tremendous innovations to create the report, and I want to acknowledge them for breaking huge log jams. And I think they would agree that having the commissioners office offer county level, some larger overview level looking at what are these elements may be a better home they've been heroic in being willing to take on the additional workload until that different home is found. Looking at radio and dispatch challenges, and some of the implications there. The marine incident Communications plan was adopted. It's also fairly brief. And it's fairly straightforward even for the layperson to read on that. A couple of key challenges, radios matter more on water, so common radio practices on land are a poor fit. That's really one of the challenges when we try to fix radio problems we have. I have worked with emergency response in many jurisdictions around the nation. I want you to know there is no paradise where police and fire get along wonderfully consistently. There's always going to be tensions, because there's different priorities. But they can mitigate some of that by walking across the road and talking with each other. You can't do that on the river. And there was a lot of discussion about having one communication challenge -- channel, so once you're on the river everyone gets on the same channel. That is a very nice idea if all that's happening is on the water. But frankly, most of the responders, what's going on is they're also working with our land-based resource and there's different characteristics and different kinds of responses. Saying there's just going to be one river net means there's tremendous retraining for land-based resources that are coordinating. So with that in mind a better plan was put together and coordinated with a lot of discussion, particularly between Portland fire and rescue, Gresham fire, and the river patrol and coast guard involved in that as well coordinating a result for that. So better use of the national incident management system and better coordination of what channel, so we coordinate with all of those resources made sense and you can review that as well. We do point out a better plan helps routine interagency communication, we think matters more one of the key themes people would say we've had all these problems in the past, but we don't have as many problems. It was key theme of just getting people together and trouble-shooting what has happened is an important part, building those relationships does matter, so we do emphasize the plan helps routine meetings by the task force, likely contributed as much as the doer of the plan. And the human factors in that, and if managers don't keep talking to each other, the plan won't solve issues by themselves. Under operating protocols -- three protocols were developed, the first was event distress triage, which clarifies the responders obligation to report their -- estimated time of arrival so other responders know who is in the water. They can -- for the first on-scene recorder to report back to others en route about what's there, what's the urgency level and some of that to make sure that coordination is happening. More effectively on the river so

August 13, 2008

we can be more efficient with Those resources as well. Event location identification, and the two issues were where's the first place, and how do we record where it happened afterwards. And where it is in the first place is summarized that by that person using the cell phone, I see a problem on the river, and the responder says where, and they say, I don't know, it's by an island. How do you identify that? We don't have addresses. There was a lot of discussion about different issues, can cell phone use g.p.s. Fires, but that person calling may be a mile away from the event they're looking at. Looking at using river mile and a variety of other indicators. The key realization was any process we said up -- set up with decision trees for how the 9-1-1 call taker is trying to clarify where that location is involves teaching that call taker a very in-depth process that they're going to be using on less than 1% of the calls they get. And that's a difficult thing to make natural human ability to do, and the insight was that the coast guard has dispatchers who for them it is their full-time job, to know where points on the river. So when that call taker, the property call is when the call taker has someone they can't identify quickly where the location is on the river, they can patch in the coast guard, work for the coast guard dispatchers who have all the training and solve it that way, rather than trying to make our Dispatchers at boec experts in something they use rarely. And I think that was a good insight. And on the backside, how do we know where these things happen so these events aren't all at the i-5 bridge, the marine drive boat ramp, and riverplace, for example, because those are commonplaces people might be calling from. And the insight was simply to use the locations that are called in that can be very accurate with g.p.s. Identifiers and others, and when there isn't something more accurate to use the lars points, which is a misnomer, but limited access roadways is what it stands for, but they're identified geographic points boec uses to indicate places that don't have street addresses so they can determine which responders to send, and the lars points on the river were developed previously in partnership with Multnomah county sheriff's office and boec and the realization was, let's use that expertise already and share that with the other responders so we can get good location following. Again, leveraging what's already been done for that -- to use that expertise more officially. In the third protocol, recognizing the ongoing partnership agreement. Having representatives from river response agencies discussion and solve issues and to consider multidiscipline training by that we mean fire and law enforcement, for example, coast guard, and fire and law enforcement. So cross training proving Multidiscipline dive protocols and working through those issues, and response terminology review and consistency. We're not going to get the united states coast guard to suddenly used exact same meaning for words that the sheriff's office does, or the fire bureau, but making sure there is consistency of understanding of what the different terms mean, and equally we're not going to go the other way as well. But having each responder understanding what the definition of terms are is a value there. As far as the elements, the towing agreement, and we did create an agreement, but it was different than the original intent. The realization was it's not -- we have only two tow providers on the river and the costs can be wildly variable depend oghts conditions, the size of vessel and all those types of issues involved. The central realization was the coast guard already has a process to work with the private towers for the nondistress tows, and that isn't all the tows by any trech -- stretch, but it's for situations when someone is not -- they're not floating doubt river in danger of some other challenge, but they're in a situation where it's not a distress, so that can be referred to the coast guard and their protocol can be used. And there's considerable discussion about how that's monitored and how the sheriff will be involved with knowing what's going on and good checks and balances on the process. I think it was a good process to develop that, and those toast are being referred there. Look at future considerations, you can -- it's -- we all had a feeling we had accomplished a lot but we felt there was big mountain in front of us. But much has been accomplished, changes have continued since the task force concluded work. I would imagine everybody in this room can report some frustrations since then, and report things that have changed. But it's a good step forward. Some key leadership challenges in the future, first we do -- the task force was in effect virtual consolidated river response

August 13, 2008

agency, and we emphasize the value of that. That overarching view. Tell us everything that's going on and the best way to coordinate resources, something you won't find housed within the agencies on a consistent basis, because that isn't their purpose. And so having that broader view can be beneficial and so we encourage that and we wouldn't remiss if we didn't point out there was an issue we do want to call out for the city and county to continue to work on, and we are hopeful this could be resolved, but certainly critical to resolve and much clearer agreement on which agency has the ultimate command authority for what's called search and rescue and the o.r.s. Statutes within incorporated city service areas. Simply put, there's a disagreement between the fire and rescue services and the Multnomah county sheriff's Office on what that scope is, who is responsible, and what the responsibilities and liability involved are, and working out those issues is an important thing to get better clarification on. And that's something that would involve both legal interpretation, potentially legislative, but work that is beyond what the task force and their tasks would be involved, but something that could help with improving efficiency in the future as well. That is a brief summary, and there's a slide to go with it. I'll turn this back over to Jane.

Ames: Are there any questions at this point? We have -- I have speakers --

Fish: I have a couple questions.

Saltzman: Go ahead.

Fish: The radio and dispatch issue that we saw a slide on, we had a work session last week on pssrp. And we learned the city does not currently have -- .

Saltzman: Public safety revitalization project.

Fish: Thank you. Does not have interoperability with the Oregon state police in regards to a common radio frequency in coordinating a response. I want to follow up on what you said in your presentation. Will the results of this task force ensure that responders have the capabilities and will in fact use a common radio channel on a marine incident?

Campbell: First, I can't speak to the state police. That wasn't one -- with all the partners, that wasn't one that was on this process. But it is designed to absolutely ensure just what you said. That the -- that all responders can be on the same channel and respond on that, and I'm not going to promise you it will always happen perfectly, but when the protocols are followed, yes, Boec is in charge of defining what channel people are on, and making sure that they're all on that channel, and all communicating. That is specifically what it was designed to do.

Fish: A second question follows up on something you said about for this to work there has to be leadership commitment going forward. We know wonderful task force reports sometimes get filed and collect moss. We want this not only to be a living document, but we want it to be implemented and move forward. What advice do you have to us as a deliberative leadership body to ensure that we move forward to implement this and to build on it rather than reverting to business as usual?

Campbell: I might refer this to Jane and others to respond as well, but I would certainly say the core piece of advice is to take that monthly report and have yourself or someone in your office looking at it and asking the question, does this tell us what we need? Does it tell us the information, just as an exercise in doing that, and we have had considerable discussions during the task force about which is there either a city or county agency that can be looking at that overall view, and deciding who's going to be taking charge of that. I say if there was one thing, I would say, and I'm -- I don't know whether it's a city or county agency, but someone who is taking that view is looking at that report, and asking those interagency questions. Because again, in defense of all of these responders, the river work is a very small part of what they do. So stepping back and saying, how do we coordinate this is not a natural thing for them, and we don't have a specific recommendation. Finding -- making sure the level of review is there, is appropriate.

Ames: I agree. I also think to build on what you're saying, having elected leadership interested and encouraging, for instance, you lead the fire bureau, encouraging in asking about participation in this

August 13, 2008

and how it's going. And what the impacts are being, and I also think that we have -- even though this is a small amount of their work, the overlapping benefits by building those networks of communication and building those relationships I think is beneficial beyond just what goes on on the river. We could have more people to speak to you --

Fish: One more question for you.

Ames: Sure.

Fish: On the search and rescue issue that was identified, is this a disagreement that is resolved in a leadership level, is it -- is there underlying legal issues, or is it both?

Ames: In my opinion it's both. If we decide we need to really resolve it to a point of no more question, it would involve legal and probably legislative clarification and work. We decided to work at going a route where the -- where a working relationship and in working interpretation, a decision on the details would not stop the collaborative work. And so that can go on, but if we want to get it clear, we'll probably be legal and very likely be legislative.

Fish: That would be in salem?

Ames: Yes.

Fish: Thank you.

Ames: The next speakers --

Saltzman: I have a couple questions.

Houghton: I want to add something too. There are a couple of things I think will be necessary in order to make -- ensure the survival and productivity of this panel. We've existed for the last six months or so on the goodwill and the sheriff's office in terms of producing this analytic information.

We're hopeful we'll be able to do this for a time, but there needs to be a permanent home for that responsibility. And i'm not sure where that is. The second thing is, this is a group at all levels, it's really a group of volunteers, nobody is going to be forced to come to these things, and utilize the opportunity that's there. I think we're probably going need some kind of record keeper or note keeper or somebody that can actually put together and continue to provide some consistent record keeping for us. Beyond those things I think --

Saltzman: My question kind of relates to that. On the aggravation of data, enhanced reporting system, it relies primarily on boec information. Is the coast guard part of the boec dispatch system? Coast guard --

Ames: No. Well, they do -- go ahead.

Saltzman: Does boec have information -- it.

Campbell: Has some, but I think the answer to your question is a little bit different. The core of the report was built out of looking at getting better information out of boec. But the report is designed to also indicate information from the coast guard because a report combines information from the coast guard, also information from clark county as well in their response system. So it's not just boec information, it's a recognize that we need this broader information. There is also a variety of marine board related work the sheriff's office does that isn't consistently part of the boec dispatch system, but the core as far as how to aggregate, we've got to figure out how to get information out of boec that it wasn't designed to bring out.

Saltzman: For the time being the sheriff's office is going to collect data from the coast guard? Boec, and.

Ames: Yes.

Campbell: And has been.

Ames: And those -- the prabts agreed to provide the data to boec.

Adams: In john's report where he talks about the need -- the slides to continue this, the safety panel is intended to continue this, the sheriff's office is going to continue to collect the data and report it, that is the sort of interim step to make connection between some don knotts, but bratd talked about

August 13, 2008

in terms of finding some resources potentially from users of the waterway to help continue this work is what some of the discussion has been, but nothing resolved.

Saltzman: My second question related to the recommendation not to have a river net. I have no idea what's involved in setting up in that dollar waist, but it sounds like a good idea, if there's something on the river, shouldn't there be a river net that everybody especially in this situation, where you have so many potential responders is plugged into it?

Ames: Yes, intuitively you're right. And we started to work along that path and then we bumped into the -- where intuition meets reamount.

Campbell: I'm very conscious of all the experts behind me, but in short, you have issues like if it's a law enforcement only issue, so the sheriff is being called out, they've got land-base resources, they're coordinating with the Portland police bureau and other officers on land, and having them go over to a river net means other resources aren't listening on that net. But it sound like a good idea at first, but the idea is this world all by itself isn't accurate, and have you a lot of Things that are transitioning from land on to river and changing their characteristics, and if -- once it goes on to the river, maybe there's -- there could be officer safety issues.

Saltzman: That's my point, at some point if an issue migrates to something that is clearly a major event, and it's on the river, wouldn't -- to have people go --

Campbell: What boec does is rather than saying we have one river channel, if it starts out law enforcement, they're going to tell people to go to this, Multnomah county sheriff's office channel. If it's starts out as a combined event, they're going to create a river net for that. They're going to create an ops channel, and everybody goes to that channel, and everybody knows they should be on it. If it starts out as emergency, so boec manages it and they're in charge of saying everybody get on this. But the realization was if we just say one size fits all, anything on the river is just everybody is on the net, everyone is on land wondering how do I talk to these folks, it -- there's more detail in the report on that. Some experts are probably rolling their eyes.

Adams: Part of the challenge that has been improved upon is that boec and the partnering agencies did not have agreement on what john has described. Or wasn't clear to all the partners that boec would create, would pick the channel depending on the nature of the incident, and could change the channel. The virtual incident-based river net. So now those protocols have been improved, no one is saying they're perfect, but they're much improved.

Campbell: In a sense, this is simply -- it is the same problem on land when you have the moment - - there's something where fire and police are being called out, most 9-1-1 centers it's turned into two separate incidents with two separate dispatches. You have some of that miscommunication that starts immediately at that point. And then you're looking at how do you coordinate people getting on the same channel. There's still, i'm sure many people in this room can describe a number of conflicting points when you hit a large response and didn't have that work effectively, the whole i.c.s. system is designed to address that. But the issue is on the water, we've got to go to i.c.s. Much earlier in and use it more officially in a way all the protocols are emphasizing. It's really saying let's use this system that's been designed, and I will -- I have to make room for people behind me to correct that.

Saltzman: Ok. Thank you.

Ames: I thank you both. And I would like to ask frank and neil to come up. Ghtsdz neil is the analyst at Multnomah county, he is here to answer questions if you have, and frank is another citizen volunteer on the team, and has been working a great deal on the reporting system piece.

Frank Bocart: Good afternoon. My name is frank, as a private citizen representative on the river safety committee, I can say I was truly impressed with the dedication and expertise exhibited by the representatives of the respective agencies that were involved. While discussion and resolutions were sometimes difficult, I believe the passion for service each person brought to the table -- my specific task on the committee evolved to the development of a central report that could be a tool to

August 13, 2008

measure the number of locations and nature of the events that occur throughout the year in the columbia, willamette, and sandy rivers. This report would include all responders to specific events as well as the resolutions, and after a few false starts of attempting to determine the best place to receive the data from, john camel and the committee came up with boec. I realize i'm being a little redundant, but I already wrote it down. We finally found in the sheriff's office several individuals that could help us get the report off the ground. Courtney, steve, and most recently wendy lynn kelly and neil hickman have been instrumental in putting the report together and perhaps most important, continuing to collect data and publish the report over the last seven months. The potential value is great. It can be the one source of information that the government officials, agencies, and citizens can see what has Happened on our rivers and what has been done about it. This can be an invaluable tool in reviewing the changing nature of the events that occur in the river, how and where our resources are being spent and the net result. However, the report we have represents the potential, not the end in itself. To truly become a valuable tool, I believe it needs three things -- number one, and this has been discussed as well, a home. Whether it's an ongoing river safety committee, city hall, the county, sheriff's office, it will rare dedicated home where it's reviewed on a regular basis with results being discuss and challenged and improvements made by the report. It needs an owner. The report needs an advocate to ensure that it is produced in a timely, accurate manner and delivered to the respective parties, and is willing to defend it. And it needs a dedication to accuracy. If the information provided to the report by specific agency is not accurate, the report will have no credibility and will not be a useful tool in evaluating river safety and agency responses. I believe this committee is important to the safety of the citizens who come in contact with our rivers by providing a forum for open discussion between the agencies. And I believe this report with the dedication of the representative agencies can be the basis for those discussions. Thank you.

Neil Hickman: I don't have anything prepared to say, but i'm here for questions if you have them.

Ames: The next folks I would like to call up are commander russ proctor from the u.s. Coast guard, and mitch klein, also from the u.s. Coast guard.

Russ Proctor: I want to begin by thank you for scheduling us after all those informative presentations. I want to begin by saying I don't have a prepared statement, so if you'll indulge me i'd like to offer a personal perspective for the past 20 years of my coast guard career, i've had the good fortune and opportunity to work in several metropolitan port areas around the country. The mid atlantic region down in the texas gulf coast, up in the northern great lakes, and finally after many years of pleading to come out to the pacific northwest, I finally have the good honor and privilege of coming to Portland. Throughout my career, never have I experienced the good fortune and close cooperation of the many participating agencies that we have on the public river safety task force that we have here. This has truly been both inspirational and very encouraging to see that we not only had a close community-based collaborative spirit of all of the dozen or so agencies that have a boat in the water, but this leadership initiative and the commitment that all of the task force participants put forward to producing this very comprehensive and very workable report is a shining example of That continued spirit of community-based interagency cooperation with the end goal in mind of providing better service to the public that we serve in -- and to -- in a more efficient manner. We have in many places I think that we are envied for the, quote, problem that we often encounter, and that is the -- when a distress signal goes out for a better or mariner, the many agencies that have concurrent jurisdiction rapidly descend on scene to render assistance, and through this effort in part we have been able to come up with protocols that make better resource dispatch decisions as we are all each agency is challenged continually by the limited resources and the priority demands that we place on those resources. So I applaud the tremendous work that the task force members have contributed to producing this report as has already been mentioned several

August 13, 2008

times today. I would like to also underscore the importance of this continued effort that this is a partnership initiative that the coast guard will certainly remain most committed to and that we would certainly encourage the continued participation. I had the privilege of on occasion briefly visiting the team members as they were collaborating on the many issues they needed to reach this end point. And I was extremely impressed with the professionalism and the perspectives that everyone brought to the table to resolve. In many issues they needed to.

Ames: Thank you very much. Mr. Kline, also from the u.s. Coast guard.

Mitch Kline: I didn't prepare anything either, but I was a member of the team and was very happy to be involved and look forward to continued involvement with the -- whatever the new iteration of the river safety task force is. One of the benefits the coast guard received was installation of a monitor in our command center down on swan island. So we have instantaneous access to the information that boec is getting for any marine incident, and that's been tremendously value to us in making our launch or not launch decisions. It has actually decreased our responses, and I think in a much more measured and appropriate way. That's really all I have to say.

Ames: Thank you very much. Next I would like to invite sheriff skipper and captain riser up from the Multnomah county sheriff's office.

Adams: Welcome back.

Saltzman: Welcome sheriff skipper on his second tour of duty.

Monty Riser: Thank you sheriff. Good afternoon, i'm captain monty riser, previous manager of the sheriff's river patrol unit. Thank you for the opportunity to share some of the excesses -- successes of the river public safety coordination task force. I consider this project to be a tremendous success, not only due to what we've accomplished in the tasks established by our charter resolution, but also for laying the ground work for future improvements to our public safety operations on our waterways. Multnomah county waterways are comprised of 100 river miles and a dozen or so lakes. These locations are natural treasures that have shaped our landscape for many years and are rich with wildlife and history which provides recreation and a source of commerce and income for our communities. Our role is to not only provide safe waterways for users, but also to manage a responsible and efficient system of collaboration involving many agencies. And we're dedicated to that. This task force was -- i'm truly excited about set nothing motion future steps to reach our vision of having a public safety waterway system that exceeds the expectation of residents and visitors to Multnomah county and the city of Portland while meeting the legal responsibilities the sheriff's office has with the state of Oregon and with the standards established by the Oregon state marine board, and Oregon state sheriff's association in regards to search and rescue. We look forward to participating in the ongoing river public safety group as it continues to work on significant issues and projects while striving to reach our potential. I'd like to thank all participating agencies with a special thanks to the citizens that participated, maryland roach, frank picard, jim butler, and a sincere thank you to mr. Brad houten, who I have grown to respect as someone who cares very much about preserving the quality of our livers. Thanks also to jane, who was able to be a very important part of this project in her strong work ethic and insights, and friendship to the group. It made the project very, very rewarding. The sheriff's office would like to thank mayor-elect Adams for cosponsoring this effort. Thank you.

Bob Skipper: Thank you. We look forward to working with you.

Ames: And from the Portland fire and rescue, jeff john klemm and fire marshal john north.

John Klum: Good afternoon. I'd like to express my thanks to the task force partner agencies for taking the collaborative approach to address some of these common issues we have to increase our shall and improve our efficiencies. I think through their collaborative cooperative approach, we've already taken the initial steps tone sure some key interoperability measures that we can work jointly together to continue to provide excellent services to the citizens of Portland. I do want to thank specially chief knorr for his involvement in keeping the rest of his chance stand apprised of

August 13, 2008

what the progress that the committee has made, and thank the support from commissioner Adams -- former commissioner Sten's office, and now commissioner fish's office for the support that we needed to do to make this a successful endeavor. But would I like to end with a Comment, and that is this is only the first positive steps we've taken as far as working to build that more interoperability collaborative relationship, and I hope this report is used as a foundation to go to the next steps necessary to an approved service delivery in the future.

John Nohr, Portland Fire and Rescue: John knorr, Portland fire and rescue. I had a brief prepared statement, but many people have already said the statements I was about to say, so i'm going to just briefly acknowledge all the participants -- many of the participants that aren't here today. Vancouver fire department, clark county sheriff's office, port of Portland fire department, this task force while it's focused today on Portland fire and rescue and Multnomah county sheriff, involved anybody who touches the waterways of Oregon -- Multnomah county and clark county. So we've had a lot of people, I especially want to thank john campbell who really kept us focused and moving in the right direction when many times things got bagged -- bog the down. And I think you did an excellent job in that respect. The four tasks that the task force was designated to accomplish have been accomplished, but as the chief and others have said, it's really just the beginning. This has opened the door for us to say we have issues to address, let's keep it moving forward, let's keep our responders safe, let's keep our citizens safe and provide a good Service to the public. I also want to thank jane for also sticking by us and keeping us together when things occasion ideally drifted apart.

Adams: Like they had a choice, right?

Ames: And I appreciate that. If there are any other members or agency leads who wanted to speak -- I think I checked with all of them. So my closing remark is just that I have invited all of the members to -- we're going to set up an event where my husband is an archaeologist who has studied the river use through a long depth of time, and has some interesting perspective on how the river was used before the white settlers arrived, so we intend to have a slide show, power point, whatever recall -- we call it, and boaf ranks, and I would certainly hope you will join us for that. It should be informative and fun.

Saltzman: When is that?

Ames: We don't know yet. I'll let you know.

Saltzman: I'll be there.

Ames: I knew you'd be there. Thank you very much.

Saltzman: Thank you, jane. So nobody further wishes to testify? Ok. Karla could you please call the roll.

Adams: The task force has completed the initial work that was given to them, and I look forward to in my new role, ensuring that the work of the group may be reconstituted and slightly different way.

We will come together and talk about that. It moves from this phase to the next phase. I think the data -- the data being collected and the protocols in place are significant step forward, and I want to thank each and every one of you for your contributions to that. This -- I pursued this based on a may 12th, 2006 screening front page story in the Portland tribute that was -- lines are drawn in the water, and hundred miles of river, it's unclear where agency boundaries lie. It included not that the press is always right, mind you, but this is what the public was told in this story among other things.

Quote jeopardized -- the confusion about rules and jurisdictions and protocols, quote, jeopardize homicide investigation, unplanned expenses, and artish slash, budget, civil lieutenants lawsuits, these are all possibilities when things get confused. Quote who respond first and what action they taking have a deep consequence. Each agency is on the same type of radio system but not the same frequency so there is little coordinating efforts until multiple agencies have already responded. And it goes on and on and on. So thank you for taking up this task. We have more work to do. There are many people in addition to jane and john, and the former sheriff to thank, and jane gave me a

August 13, 2008

list of about 40 people, so just settle in. It's going to take an hour for me to read this. Sheriff giusto and sheriff bob skipper, chair lynn, and chair wheeler, we've been at this so long, the chairs change, the sheriff changed. Brad, thank you very much, I mentioned john campbell, frank, mitch klein, bill, monty riser, john knorr, jim columbia, and everyone at the fiscal and research analysis units of the Multnomah county sheriff's office. Steve like, courtney crip, neil hickman and wendy lynn kelly. You don't often get thangd because you're the number crunchers, but it's that information analyzes and categorized in a way that we can help allocate resource and figure out protocols that served as the basis for these reforms. So thank you all very much. Aye.

Fish: It seems to be your day, jane, so let me add congratulations for all of your good work. It's actually nice to be on your team. To our citizens, members, thanks for putting all the time into this.

Citizens are what really drive a lot of our best process. You know -- we know how much time and energy you put into it. We deeply appreciate it. To what the chiefs say, I look forward to working with Portland fire and rescue to move this piece forward. To mr. Campbell, you actually had the most honored name in Portland fire and rescue history. We have the campbell memorial, our dedicated site honoring Fallen firefighters, and we have a campbell water boat which is our most historic vessel. And in 2011 we'll be celebrating the centennial of the campbell memorial and the 10th anniversary of 9-11. And also just a comint that my friends in the coast guard on swan island, I spend more time on swan island, I like to publicly admit, because my stepbrother lives on the global sent natural. And so thanks for all your good work and i'm pleased to vote aye.

Saltzman: I want to thank the river public safety coordination team, jane aims for her capable leadership, and all the members who participated. I think the goal here is to up crease the safety of our public on the river, and I think we're moving the ball forward on that. So thank you for your work, and I look forward to future actions by the same team as they -- maybe not the same team, but the next stage, the next evolution of the task force as they continue to focus on issues that clearly are deserving of our focus. Thank you. Aye.

Adams: Just be careful of battling your way through the reporters here to report on this good news story on the way out today. Be careful you might trip over one.

Saltzman: We stand adjourned until 9:30 next wednesday.

At 3:02 p.m., Council adjourned.