



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **3RD DAY OF SEPTEMBER, 2008** AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:45 a.m.

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

On a Y-5 roll call, the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1204 Request of Darrell Smith to address Council regarding Stop Pimpin-Human Rights Campaign (Communication)	PLACED ON FILE
1205 Request of Pete Colt to address Council regarding crime in northwest Portland, pedestrian safety and Central City Plan (Communication)	PLACED ON FILE
1206 Request of Lee Iacuzzi to address Council regarding white collar crime and Reach CDC (Communication)	PLACED ON FILE
1207 Request of Sara Garrett to address Council regarding 2008 motiveSpace Symposium project (Communication)	PLACED ON FILE
1208 Request of Sharon Nasset to address Council regarding a Third Bridge Corridor (Communication)	PLACED ON FILE
TIME CERTAINS	
1209 TIME CERTAIN: 9:30 AM – Appoint 30 members to Public Involvement Advisory Council for two and three year terms (Report introduced by Mayor Potter) (Y-5)	CONFIRMED

September 3, 2008

<p>1210 TIME CERTAIN: 10:00 AM – Accept Staff Report and Recommendation and Order of Council for Thomas Hermach Measure 49 Claim (Report introduced by Mayor Potter; PR 05-123366)</p> <p>Motion to adopt the staff recommendations: Moved by Commissioner Adams and seconded by Commissioner Leonard.</p> <p>(Y-5)</p>	<p align="center">STAFF REPORT AND RECOMMENDATION ACCEPTED; ORDER OF COUNCIL ACCEPTED</p>	
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Tom Potter</p> <p align="center">City Attorney</p> <p>1211 Authorize the City Attorney's office to file legal proceedings against Thomas C. Steinman or others in order to collect monies owed as restitution (Resolution)</p> <p>(Y-5)</p>		<p align="center">36632</p>
<p align="center">Office of Management and Finance – Business Operations</p> <p>*1212 Pay claims of Linda P. DeArmond (Ordinance)</p> <p>(Y-5)</p>		<p align="center">182148</p>
<p>*1213 Authorize Intergovernmental Agreement with Portland Development Commission for management services for Centennial Mills Property (Ordinance)</p> <p>(Y-5)</p>		<p align="center">182149</p>
<p>*1214 Authorize a contract and provide for payment to furnish replacement vehicles (Ordinance)</p> <p>(Y-5)</p>		<p align="center">182150</p>
<p align="center">Office of Management and Finance – Purchases</p> <p>*1215 Authorize a price agreement with the lowest responsible bidder to provide Mobile Data Computer replacement laptops for the Portland Police Bureau (Ordinance)</p> <p>(Y-5)</p>		<p align="center">182151</p>
<p align="center">Office of Neighborhood Involvement</p> <p>*1216 Authorize grant agreements for the Vision into Action 2008 Community Action Grants Program (Ordinance)</p> <p>(Y-5)</p>		<p align="center">182152</p>
<p align="center">Police Bureau</p> <p>*1217 Accept a \$69,960 Oregon Department of Transportation, Transportation Safety Division, DUII Intensive Supervision Program grant for officer overtime (Ordinance)</p> <p>(Y-5)</p>		<p align="center">182153</p>
<p>*1218 Apply for a \$35,000 Oregon Department of Transportation Multi-Agency Traffic Team enforcement grant for officer overtime (Ordinance)</p> <p>(Y-5)</p>		<p align="center">182154</p>

September 3, 2008

<p>*1219 Accept a \$25,000 Oregon Department of Transportation, Transportation Safety Division grant for traffic safety-related equipment (Ordinance) (Y-5)</p>	<p align="center">182155</p>
<p align="center">Commissioner Sam Adams</p>	
<p align="center">Bureau of Environmental Services</p>	
<p>*1220 Accept a grant from East Multnomah Soil and Water Conservation District in the amount of \$15,000 for the Rocky Butte Invasive Species Control Project (Ordinance) (Y-5)</p>	<p align="center">182156</p>
<p>*1221 Update list of projects to the Oregon Department of Environmental Quality Clean Water State Revolving Fund loan number R74171 (Ordinance; amend Ordinance No. 180608) (Y-5)</p>	<p align="center">182157</p>
<p align="center">Office of Transportation</p>	
<p>1222 Set a hearing date, 9:30 a.m. Wednesday, October 8, 2008, to vacate SE 44th Ave between SE Umatilla and SE Harney Streets (Report; VAC-10060) (Y-5)</p>	<p align="center">ACCEPTED</p>
<p>*1223 Authorize purchase of liner material for Inversion Built Liner System from LMK Enterprises for sewer pipe repairs (Ordinance) (Y-5)</p>	<p align="center">182158</p>
<p>*1224 Amend Intergovernmental Agreement with Multnomah County to provide roadway maintenance services West of the Willamette River (Ordinance; amend Contract No. 51062) (Y-5)</p>	<p align="center">182159</p>
<p>*1225 Authorize the Portland Office of Transportation to acquire certain permanent and temporary easements necessary to construct street and bridge improvements in the NE 92nd Drive Local Improvement District through the exercise of the City's Eminent Domain Authority (Ordinance; C-10020) (Y-5)</p>	<p align="center">182160</p>
<p align="center">Commissioner Nick Fish</p>	
<p align="center">Bureau of Housing and Community Development</p>	
<p>*1226 Authorize subrecipient contract with the Cascadia Behavioral Health Care in the amount of \$149,140 for outreach, permanent housing placement and home-based retention services to seriously mentally ill adults and provide for payment (Ordinance) (Y-5)</p>	<p align="center">182161</p>

September 3, 2008

<p>*1227 Authorize subrecipient contract with the Urban League of Portland in the amount of \$107,500 for the HVAC Training Project and provide for payment (Ordinance) (Y-5)</p>	<p align="center">182162</p>	
<p align="center">Commissioner Randy Leonard</p> <p align="center">Water Bureau</p> <p>*1228 Authorize a sole source contract with the Columbia Slough Watershed Council to provide community education and outreach services (Ordinance) (Y-5)</p>		<p align="center">182163</p>
<p align="center">Commissioner Dan Saltzman</p> <p align="center">Office of Cable Communications and Franchise Management</p> <p>1229 Extend term of AT&T long-distance telecommunications franchise to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 162822)</p>		<p align="center">PASSED TO SECOND READING SEPTEMBER 10, 2008 AT 9:30 AM</p>
<p>1230 Extend term of a telecommunications franchise granted to WCI Cable in 1998 to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 172750)</p>		<p align="center">PASSED TO SECOND READING SEPTEMBER 10, 2008 AT 9:30 AM</p>
<p>1231 Extend term of a revocable permit granted to TCG Oregon to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 173990)</p>		<p align="center">PASSED TO SECOND READING SEPTEMBER 10, 2008 AT 9:30 AM</p>
<p align="center">Parks and Recreation</p> <p>1232 Amend contract with SERA Architects for design and construction administration of an aquatics facility addition at East Portland Community Center (Second Reading 1176; amend Contract No. 35980) (Y-5)</p>		<p align="center">182164</p>
<p align="center">REGULAR AGENDA</p> <p>*1233 Authorize an Intergovernmental Agreement with Portland Public Schools and Tri-County Metropolitan Transportation District of Oregon to establish a pilot program to offer fareless public transportation for students at two Portland schools, with the intention to measure results and expand the program as appropriate (Ordinance introduced by Mayor Potter and Commissioner Adams) (Y-5)</p>		<p align="center">182165</p>
<p align="center">Mayor Tom Potter</p>		

September 3, 2008

Office of Management and Finance – Business Operations		
*1234	Pay claim of Gwen Price, Personal Representative of the Estate of James Jahar Perez, Jr. (Ordinance) (Y-5)	182166
1235	Pay claim of Michel Knox (Ordinance) Vote to pass failed (Y-3; N-2, Leonard, Saltzman) Motion to reconsider: Moved by Commissioner Leonard and gaveled down by Mayor Potter after no objections. Motion to accept amendment to remove the emergency clause: Moved by Commissioner Leonard and seconded by Commissioner Fish (Y-4; N-1, Saltzman)	PASSED TO SECOND READING AS AMENDED SEPTEMBER 10, 2008 AT 9:30 AM
Office of Management and Finance – Financial Services		
1236	Approve a Memorandum of Understanding among Carroll Investments LLC, the Portland Development Commission and the Office of Management and Finance as a framework for the potential redevelopment of the 10th and Yamhill Garage (Resolution) (Y-5)	36633
*1237	Authorize contract with Public Financial Management, Inc. for financial advisory services (Ordinance) (Y-5)	182167
1238	Update City Deferred Compensation Plan to include the Portland Development Commission as a Participating Employer, and clarify plan rollover and other sections (Second Reading 1196; amend Code Chapter 5.09) (Y-4; Leonard absent)	182168
Office of Management and Finance – Purchases		
1239	Accept bid of Skyward Construction, Inc. for the Portland Fire and Rescue Station One Seismic Upgrade and Facility Remodel Project for \$9,703,267 (Purchasing Report - Bid No. 108785) (Y-5)	ACCEPTED PREPARE CONTRACT
Office of Management and Finance – Revenue		
*1240	Approve contracts for towing and storage of vehicles (Ordinance) (Y-5)	182169
Commissioner Sam Adams		
Office of Transportation		
1241	Vacate a portion of SW Evergreen Ln, subject to certain conditions and reservations (Hearing; Ordinance; VAC-10047)	PASSED TO SECOND READING SEPTEMBER 10, 2008 AT 9:30 AM
Commissioner Dan Saltzman		
Office of Sustainable Development		

September 3, 2008

<p>*1242 Approve an agreement not to exceed \$18,500 with the Tri-County Metropolitan Transportation District of Oregon to continue an experimental bus pass program for the Office of Sustainable Development for FY 2008-09 (Ordinance)</p> <p>Motion to accept amendment to add new Directive B. B. As part of the next budget process, the Office of Management and Finance (OMF) is directed to analyze this approach for all employees: Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-5) (Y-5)</p>	<p align="center">182170 AS AMENDED</p>
<p>*1243 Authorize a sole source contract with Cascade Sierra Solutions for \$199,000 to open an Environmental Protection Agency SmartWay Technology Outreach Center to promote diesel fuel saving technologies (Ordinance) (Y-5)</p>	<p align="center">182171</p>
<p>1244 Update waste prevention and recycling requirements for businesses and establish permit requirements for waste hauling companies (Ordinance; replace Code Chapter 17.102)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 10, 2008 AT 9:30 AM</p>
<p align="center">Parks and Recreation</p>	
<p>1245 Authorize a Support Agreement and accept a donation of \$120,000 from the Portland Parks Foundation for the development and construction of a Rainwater Pavillion at Tanner Springs Park (Ordinance)</p>	<p align="center">PASSED TO SECOND READING SEPTEMBER 10, 2008 AT 9:30 AM</p>

At 11:44 a.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.

September 3, 2008

WEDNESDAY, 2:00 PM, SEPTEMBER 3, 2008

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

September 3, 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.

SEPTEMBER 3, 2008 9:30 AM

Potter: We hear these voices and what these voices tell us in terms of the policies we make at city council, the decisions we make on a daily basis. This morning we have a very special guest. Her name is ashley turner. She is the boys and girls club regional youth of the year. She rode a bus an hour and a half each way for six years as she was attending the boys and girls club activities. She's embraced everything that the boys and girls club had to offer, and she's turned her life around. Ashley is currently attending Portland community college and plans to pursue a career in youth development. Well, you've certainly had a lot of good training for it, ashley. Why don't you come on up and talk to us.

Daniel Lorendo: Mr. Mayor, commissioners, my name is daniel lorendo. I want to say, on behalf of the boys and girls club of Portland, we are so thankful for the city's support, especially the funding that has come to us through the t.i.f. Program, which has actually enabled us to reach out to youth in ways that we've not been able to do before, especially to youth who are highly at risk. Ashley is one example of one of those youths who has been impacted by the t.i.f. Fund and dollars for youth. Ashley's story is very remarkable. We're very proud of her accomplishments. She'll talk about her life and all but, as a prior young gang member, came to the club looking for a safe place, and at one point in her life, her sophomore and junior years, she was receiving ds and fs in school and thinking that she was going to become another statistic and drop out of school, but she came to the club. She found support to continue, and we were proud to see that she turned it all around and began receiving 4.0s. I'm going to let ashley continue on. She can tell her story better than I can.

Ashley Turner: I believe in god and the right to worship according to my own faith and religion. I believe in america, the american way of life, the constitution, and the bill of rights. I believe in honesty, fair play, sportsmanship. I believe in my boys and girls club which stands for these things. The boys and girls club code: My first remembrance of my introduction to the boys and girls club as it was imprinted on the back of my -- imprinted on the back of my first club card. It was filled with a moral compass that was missing from my life. Good morning. My name is ashley turner, and I am honored to represent the pacific region on behalf of the boys and girls club of Portland metropolitan area. Through the support of children's investment fund, the boys and girls club has given me the support and opportunity. There was a time in my life when I used to feel the hair stand up on my arms and on the back of my neck when I walked to school or walked in my surrounding neighborhood with the fear of getting hurt, stabbed or even brutally beaten by the guys and girls who claim this area of my neighborhood as their territory. My support system at home was null and void as my mom and dad were either dealing drugs, taking drugs or in many abusive domestic fights, which was unbearable. I was constantly living in fear until one day the kids in my neighborhood hood who once frightened me were now accepting me and telling me I was one of them. I was their family. I became a member of their gang, and I felt protected. After a few months, I felled bad, ashamed of the way I was acting. I felt controlled and wanted to get out. I wanted to seek refuge at my neighborhood boys and girls club. However, I knew this group would track me down. Therefore I jumped on the city bus, planning to go as far from my neighborhood as possible. I stayed on the bus for an hour and a half until I saw a familiar sign, the boys and girls

September 3, 2008

club log go, and I got off the bus. An hour and a half one day every day after school to the meyer boys and girls club. My memory of this time was a month's worth of late-night discussions. 10,000 bags of popcorn, both eaten and sold as a keystone fund raiser, expanding my experiences with participation in great programs, countless community service projects, and finally a place to call home. Now, my neighborhood boys and girls club that I was once afraid to go into for the fear of my neighborhood gang is a place where I give my support to those club members insuring that no one is ever terrified, feels threatened or has to take an hour and a half bus ride daily to escape the fear for their life. I am no longer afraid. I am a leader and a pillar for hundreds of kids at this club, and youth violence and crime is not tolerated. My passion, dedication, and beliefs in the boys and girls club movement is strong as I am living proof that the boys and girls club really works. Whoever thought that an hour and a half bus ride one way each day would be the beginning of a journey that changed my life, bringing me to the boys and girls club. Thank you.

[applause]

Lorendo: Just as a closing note, we'd like to add that next week, actually september 11th, ashley will be headed to Washington, d.c., to compete against four other national regional youths of the year for the title of the 2008 national youth of the year of the boys and girls club. We wish her luck. Thank you.

Turner: Thank you.

[applause]

Potter: I'm not sure the rest of council will top that. Thank you, ashley, very much. You're a remarkable young lady. City council will come to order. Karla, please call the roll.

[roll call]

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

Item 1204.

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

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

Darrell Smith: My name is darrell smith, and i'm the community service officers for the iso thompson group, a local company that is just establishing itself right now. We believe in providing a service for the community. And the project that we have attached ourself to is stop pimpin'. This is in response to a few years ago the hip-hop community came out with stop snitching, and we were deciding that this is the wrong message to be sending to the youth in our communities especially coming from the black community, and we decided to come with stop pimpin'. Now, stop pimpin' is really addressing a behavior. As a behaviorist specialist, I work with urban behavior and urban youth. There is a behavior, an attitude that you can get over on someone, that you can exploit someone, and unfortunately, through the record industry and the media, it has been glorified where a pimp, which is basically a sexual predator, is glorified as some sort of folk hero, and unfortunately i've been talking with youth and families in urban communities, and kids are actually believing now that this is a way out, that you become a pimp and then you can work your way up and your own tv show or whatever. This is very dangerous. Pimping is a serious crime. It's exploitation of our youth. And pimps do several things. Not only is it pandering, but there's shoplifting games usually run by pimps. It's crossing class lines. Recently a young woman was a rose city queen and got busted for shoplifting. You can bet there's a pimp involved there or pimp mentality. What I would like to do and like help from the city council is an introduction into the community groups, the church groups, and city organizations so that I can give my expertise on this issue and begin a program to put out the message that we do not stand for pimping and we want to stop pimping. I'd like to work with the dare program, with law enforcement. I'm not trying to reinvent the wheel. I

September 3, 2008

don't want any money. I want to share my expertise on this issue to stop this issue. We need to get city groups, have posters. We need to work with community groups now that have been receiving millions of dollars to stop the violence but yet the violence has not stopped. We must now address the behavior issue and the overall attitude of everyone in the community that's involved. If you're walking around saying, i'm big pimping or i'm pimping my ride, then you are giving legitimacy to these sexual predators, and this is the crux of the problem, and I would like help from the city council with introduction to chamber of commerce, to law enforcement so I can share the knowledge I have and the knowledge with them and we can do something about this serious problem. Thank you.

Potter: Thank you, mr. Smith. I've got your phone number, and i'm going to have the police chief give you a call so she can talk to you. We're having quite a problem right now with prostitution. Maybe there are some things you can do to help.

Smith: Thank you, sir.

Potter: Please read the next.

Item 1205.

Potter: Repeat the name. I don't think he's here. Please read the next.

Item 1206.

Lee Iacuzzi: Good morning, gentlemen.

Potter: Please state your name for the record, and you have three minutes.

Iacuzzi: My name is lee iacuzzi. I'm a writer, blogger, activist, not a good queer. I'm here to speak today. I spoke two weeks ago and talked about how someone could win two civil rights cases with the state of Oregon and become a criminal. How does that happen? One way it could happen is that the people that you won your discrimination case deliberately obstructs evidence. On the day of my arrest, there was a camera in the lobby which internal affairs has asked for which I went to internal affairs, and I believe they have won in my favor, but this exculpatory evidence has been deliberately erased. Now, I want -- the only way that you could make someone like me a criminal is to do unfair play. I'm claiming foul. You want to erase exculpatory evidence in which the state has already slapped them for erasing evidence in the past as they were told in october, so here they again are erasing evidence in november. You fund them and give them contracts worth millions of dollars. Now, I know, if I committed a crime, I would be handcuffed right here and right now. So because it's white collar crime, where is the handcuffs? When I went to see the mayor's office, they said that I needed probable cause. Well, three days before my arrest, I was offered \$15,000 just to move. I never received that \$15,000 to move. Instead I was arrested and spent 29 days in a hole. I've also been falsely convicted. If I had this tape, I would be exonerated, and I could leave mayberry, also known as Portland, Oregon. What kind of bullshit is this? This is small town politics 101 when a major corporation, funded by the city of Portland, can deliberately erase a tape which would have shown the police brutality, reach c.d.c. Doing nothing to protect me, and nobody is in handcuffs. Nobody is a criminal except for the transgendered activist who won two state decisions. How can somebody win two state decisions and become a criminal? You hide and you intentionally erase evidence. Thank you.

Potter: Please read the next item.

Item 1207.

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

Sara Garrett: It's sara garrett, and this is eric stewart, a local independent a.v. Film production specialist, and i'm the director of the motivespace coalition, a young nonprofit organization, a coalition of young architects, designers, developers, and activists who are staging, as the first event of our organization, the 2008 motivespace symposium and exhibition this summer. And that's what i'm here to tell you about today. To give you a little background on the project -- i'm nervous.

September 3, 2008

[laughter] i'm a third-year master's of architecture student at the university of toronto, and i'm from Portland. I've lived in Portland for most of my life, for the last 10 years i've worked for architects and developers in town during that time, for different nonprofits as well, and I consider myself a civic leader and an activist, and i'm very committed to continuing my education -- continuing my education and thinking very critically about how I want to practice architecture in this town and how I can do it ethically and radically at best, how architecture and design could be used as true tools of empowerment and change. So the motivespace symposium, which will be september 20th and 21st here in city hall, is bringing together architects and developers from all over Portland, volunteers and organizations coming together completely grassroots and volunteering their time and their resources to teach citizens, to teach Portland citizens about architecture and development and specifically to excavate a working model. What we're doing is calling it a working model for collaborative property. So that's the first thing that we're focusing on this year. We're working on excavating an actual model for how development can be led by citizens, how we can teach citizens to come together together to develop housing for themselves essentially that is more affordable, more ethical, and more community oriented than they would be able to build homes independently. So we're involving people from pro housing development and design, from cooperative development and design, and from traditional development and design. Just a lot of amazing leaders are coming together to volunteer and to teach Portland. So it's a really exciting project, and I wanted to invita all personally to come and to support us in this and to join in the dialogue. A lot of really excited, motivated people are going to help us get this proposal together and to keep it moving to really understand what collaborative property development can do and how it can be used as a tool for Portlanders. So thanks for your time.

Potter: Thank you very much.

Adams: Good job.

*****: Thank you.

Potter: Please read the next.

Item 1208.

Sharon Nasset: Good morning. For the record, my name is sharon nasset. My address is 1113 north baldwin. Nice seeing you gentlemen. Happy birthday, commissioner. I hope somebody with a gorgeous voice comes in and sings for you today.

*****: Oh, no.

*****: I would give it a try, but -- [laughter]

Nasset: I have brought today an easel and also two sets of paper which miss Karla has. As you probably are aware, i've been working on transportation for about seven years, and I am most interested in transportation that is affected, our transportation hub of the economy and the economic part of our trade and transportation, as you know, is on the west side of town where we still have 1000 acres that are undeveloped and are buildable and would be the perfect place for more manufacturing jobs. One of the problems with this 1000 acres is that they are right here. Whoops. I guess this won't -- in the west end of town where they are landlocked. Trade and transportation used to be by water and just by rail, and fortunately we do have i-5 next to it. The current columbia river crossing bridge is not enough to take care of the infrastructure and the infrastructure problems that we have. Many people in our community, as commissioner fish brought up, when the c.r.c. Was here, why wasn't a third bridge studied? Well, many people gave you the answer which they didn't follow the nepa. But whether they followed the nepa process or not, we need another bridge, and we have enough people in our community who feel that we need another bridge. Public/private partnership set up over seven years ago has the ability to gather these people together, find out if there is enough interest, and do something about providing infrastructure into the area that is the largest employer of our state. This area's deficiencies has cost us a lot. I would like the council to consider the fact that a new bridge next to the burlington northern rail have been built within 18

September 3, 2008

months to two years. We will have seven years of construction on i-5 when they do go with columbia river crossing with no other bridges. We'll be taking down one bridge for another bridge, not adding more safety. This bridge directly connects at jantzen beach to i-5 with marine drive, columbia boulevard, and highway 30. Therefore it provides direct access back to i-5 in an emergency situation. I am asking the council to consider that I would like to, as an advocate and perhaps a representative of council, to go out to the different businesses and communities and find out if people are interested enough to go forward with building it on their own. We have that ability in this state, and I think the interest is there, and it would behoove us to find out if we do have that much interest. We don't just build one building downtown. We should not be just building one bridge.

Potter: Thank you.

*******:** Thank you. Happy birthday.

Potter: Other communications?

Moore-Love: That's all.

Potter: Any commissioner wish to pull any items from the consent agenda? Any person in this audience who wishes to pull any particular item from the consent agenda? Please call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. Please read the 9:30 time certain.

Item 1209.

Potter: The Public Involvement Advisory Council was established by city council in February to strengthen and institutionalize the city's commitment to public involvement and assist city bureaus in creating expectations and processes for public involvement activities. In Portland, we strive to set national and international standards for excellence in public involvement. We have had a great number of successes in the past. To ensure success in the future and improve where progress is needed, we must continually push ourselves. Two of the bureau innovation projects I initiated when I took office, numbers 8 and 9, recommended creation of a standing committee to advise City Council and City bureaus on best practices, maintaining our successes and improving our shortcomings. Today the office of neighborhood involvement staff returns for approval of the public involvement committee membership. This is an excellent group of city staff and community members who will work collaboratively to Portland's betterment. They'll come to council twice a year with written and oral reports. I want to thank and congratulate oni's Afifa Ahmed-Shafi for an excellent recruitment and selection process, also thank our city bureaus for engaging around these important issues. I extend gratitude to those community members who have contributed their valuable time to this committee. And now i'd like to bring forward Afifa Ahmed-Shafi, Laurel Butman and Ronault Polo Catalani to the podium.

Afifa Ahmed-Shafi, Office of Neighborhood Involvement: Thank you very much, mayor Potter. My name is Afifa Ahmed-Shafi. I'm a staff person in the office of neighborhood involvement. I'm coordinating the activities of the public involvement advisory council or PIAC for short. I'm very, very pleased to be with you today and to bring forward 29 new members to serve on the city of Portland's public involvement advisory council, many of which are here today with yellow name tags which I will introduce shortly. To start, i'd like to share with you a quote from matt leininger, who we recently brought to Portland. Matt is someone who works in cities across the united states and observed a trend. He said the relationship between community and government is undergoing a dramatic shift. More than ever before, community members are educated, skeptical, and capable of bringing the decision-making process to a sudden halt. Public officials and other leaders are tired of confrontation and desperate for resources. In order to address persistent challenges, communities have been forced to find new ways for people and public servants to work together. Today i'd like to present to you the piac as one of the ways to have public servants and community members to work together. This very impressive group of 29 people includes 16 community members from a

September 3, 2008

broad diversity of backgrounds as well as 13 city staff, each from different city bureaus. And before I continue, i'd like to just read their names and ask them to either stand or wave so that they can be recognized. Stephanie Blackman from Portland State University. Glenn Bridger, Southwest Neighborhoods. Jimmy Brown, Water Bureau. Next to me is Laurel Butman, Office of Management and Finance. Meeghan Callahan couldn't be here. She's with the Bureau of Environmental Services. Also to my side is Ronault Polo Cataloni with the Immigrant and Refugee Community of Oregon. Jen Clodius from Portland Fire and Rescue. Cassie Cohen comes to us from Vision Into Action with the City of Portland. Mikhail Shabazz from the Bureau of Development Services and will be serving in partnership with Alisa Cour. Tony De Falco joining us from the Center of Diversity and the Environment and Young Environmental Professionals of Color. Brad Dennis joins us from Native-American Youth and Families. Christine Egan couldn't be here. She's with Jeanne Lawson and associates. Bryan Hoop with the Office of Neighborhood Involvement. Jolene Jensen-Classen couldn't join us. She's with the Portland Development Commission. Coleen Keyes. She's with the Portland Parks and Recreation. Jill Kolek couldn't join us. She's with the Office of Sustainable Development. Paul Leistner. He is active with Southeast Uplift. Linda Nettekoven also active with Southeast Uplift. Art pearce, Portland Department of Transportation. Felicia Phillips, Start Making a Reader Today. Midge Purcell from the Urban League of Portland. Mandy Putney from Enviro Issues. Helen Russon couldn't be here, but she's with the Bureau of Labor and Industries and is serving on the Portland City Women's Disability Advisory Committee. Arianne Sperry. She's with the Planning Bureau. Bryan Steelman is from the Historic Mississippi Business Association. Sonny Tan couldn't join us. He's with the Cambodian Community of Oregon. Damon Isiah Turner. And Arnold Warren from the Portland Police Bureau. Christine White couldn't join us. She's from the Port of Portland community affairs.

Thank you for letting me read that long list. We're very excited about both the diversity of people represented from community members as well as city bureaus. Just to give you a short recap about this group, we consciously worked to create a group that would be approximately half community staff and half committee members to work toward our goal of working together as partners. Public involvement is a two-way street. It is most effective when both partners are open, willing, and actively engaged in the process which we feel is reflected in this group. We have two major goals for the work of the piac. The first is that there will be increased support and guidance for city bureaus to conduct successful public involvement processes. This discussion has already started to happen via the citywide public involvement network, an informal monthly brown bag series which I coordinate. Over 40 city staff are regularly attending and sharing and discussing best practices for engaging the community, learning new techniques. City staff from that group have already remarked how excited they are about this list of people and are excited to hear what this group will be bringing forward. The piac will build upon the work of city public involvement staff as we develop guidelines to support city staff and their work. The second goal we seek to achieve through the piac's work is the inclusion of more voices. By working to create even more accessible public involvement processes and to further reduce barriers to involvement, we seek to increase the community's impacts on public decision making and make it a meaningful and effective process for them to do so. As we all know, quality public engagement at the front end leads to greater community ownership and satisfaction over resulting decisions. In terms of our role, the piac has two major roles, the first to create quality public involvement guidelines for the city of Portland and the second to support and guide the implementation of those guidelines. As you know, this is a standing body for the city of Portland, so we're excited to stick around to support and guide implementation as well as creating recommendations. In terms of the recommendations we're going to be looking at, we're starting with the wealth of recommendations that already exist from past efforts from community connect, bureau innovation project 9 and many other groups. The piac will consider each of these recommendations and test them and then seek move them forward to

September 3, 2008

implementation. The unique makeup of the piac allows that each city bureau can internally vet these recommendations and make sure it works for them as well as community members who can assure that these recommendations are relevant and effective and meaningful for their communities. Thus ensuring that our final product is strengthened by multiple perspectives. Turning again to the group of members we are bringing forward today. Over the summer we conducted an extensive collection process. City bureau directors were asked to identify and send forward key people in their bureaus that could participate on the piac and also guide future implementation of recommendations. In the community, we conducted a broad outreach campaign to build awareness of the new advisory council and invited people to apply. We received over 30 applications for the 16 community member spots. Members were chosen for their demonstrated commitment and experience with engaging a broad diversity of the community. We celebrate both the size and diversity of this group. We know it will be a challenge, but we also believe that the broad array of perspectives represented will lead to better solutions. We celebrate that numerous members in the group also have the interest to bridging to other important groups in our community, such as the small business advisory council, the disability advisory council and others. We are still holding three positions open, one for elders in action and two youth positions. We're actively working with these organizations to recruit, and we want to do that so we can continue to ensure that we're being inclusive of the broadest diversity of our community. With such a diverse group we seek to pilot and embody innovative techniques within our own projects for the purpose of modeling inclusive engagement methods. I look forward to conducting the work of the piac as a new resource for the City of Portland to other existing initiatives and resources that are coordinated citywide and out of the office of neighborhood involvement. In closing, I applaud your support of the initiatives for building coordination and consistency across city bureaus, as well as opening the door for more Portlanders to be engaged with their government. And now i'd like to hand it over to polo cataloni around laurel butman.

Ronault Catalani: Good morning and thank you. Mr. Mayor, commission members, my name is renauld cataloni. I'm a community lawyer and journalist. Since february of this year, i've been at immigrant -- I know the name of this organization. I really do. [laughter]

Catalani: Immigrant and refugee communities of Oregon. I stumble because I helped start this organization a couple of decades ago, and it had a different name, same acronym back then. I'm now old, and I can't recall new things. At irco, i'm kind of a clean-up guy and janitor. The reason i'm telling you this is because, in these last six months in working with irco, i've been in your chambers six times. Over the last 26 years, I have not been here at all, so things are changing, and I may not be the first person to note that for you, but I think that change is really very good news. About this recruitment process that my sister just went through, I thought I was applying for a job, for a match.com date or something. That was the most intense process for someone wanting to give my time for free i'd ever been through. I thought it was a job, a career move. But let me say this. Many really, really smart people can talk about good governance that will be a product of this and really smart people can talk about cost savings. My job in the 90 seconds left to me is talking about increasing access to government and that more voices is more better. I think -- i'm sure I was gone from town for five or six years, but I understand mr. Mayor is often in conversation with communities variously called vision into action or Portland plan. See, I don't even know what these things are. I have to look at my notes. Community connect. And all those things have started very interesting conversation. The part of the conversation I can tell you about is noting that our mutual assistance associations in Portland and your very vigorous neighborhood associations in Portland have been doing a left hand and right-handed bit of work forever and ignoring each other as if we didn't live in the same neighborhoods. Now we are discussing bringing the neighborhood association efforts and our mutual assistance association efforts into the same sort of energetic insurgency at city hall. So in the next few years, i'm looking forward to getting our folks some

September 3, 2008

more of those wonderful city jobs and maybe getting a bigger bite of those city contracts and of course crowding your advisory commission and especially budget committees. Thank you so much for inviting me in. Boy, are we going to have fun. Thank you to your staff.

Laurel Butman, Office of Management and Finance: Good morning. Laurel butman, office of management and finance. I'm excited to be here today. I have to tell you this is like deja vu all over again. I remember back to the mid- 1990s sitting as a neighborhood activist with city staff and writing the first public involvement handbook and the principles of public involvement that were since adopted by the council. We have been through this process numerous times. What's different today is your commitment to it, and that's very exciting because, when we formalize these processes, then we know we have the support. I think it was toni morrison who said what you don't know, you don't understand. What you don't understand, you don't value. What you don't value, you don't protect. I think our history of civic engagement in the city of Portland is something that we all want to protect. It's strong, and times are changing, and we have new work to do. I'm very excited that we're here today to do this. I see two very exciting things coming out of this now that i'm on the bureaucratic side of it. You haven't taken the activist out of me yet. We have the responsibility to be responsive to the challenges of navigating the public involvement process across city bureaus. City bureaus do things differently. There are reasons for that. That's ok. But the more consistent and understandable we can make it, the more it will be valued and understood and known, and people will bring the best to the table. The other piece of this is collaboration and coordination across city bureaus. The citywide public involvement network is up and running. We did this many years ago. It worked very well. There are opportunities to share our experiences, to learn from each other. You've got enormous wealth of knowledge across the bureaus. When we get together in one room, that gets exponentially bigger, so that's very exciting. With that, I don't have much more to say other than thank you for your support. We look forward to getting to work, and we're all glad to be here today.

Potter: Thank you. Questions from the commissioners? There's a vote to approve the advisory council. Please call the vote.

Adams: I want to thank each much you for your willingness to serve. I like the fact that it includes both city staff and community advocates. There's a lot of work to do, so thanks for your willingness to serve. Aye.

Fish: Aye.

Leonard: I know a number of you, so I know the product you'll produce will be really good, so i'm looking forward to it. Aye.

Saltzman: We don't get a line item vote on this, huh? [laughter] Anyway, I welcome all of you, and I think it's going to be a great group. I know you'll get some good youth members too and someone from elders in action. I look forward to constructive engagement with the public involvement advisory council as we continue to make city government open and transparent. Aye.

Potter: I want to thank all of you have as well on the council. I think that what you do is some of the most important work that our city has, and that is making sure that the actions of the city are aligned with the interest of the community. And so I appreciate the time that you're going to commit to this, to the thoughtful ideas that you will submit, and also the ability to work within the city bureaus to work with them to create more welcoming arms, more welcoming ideas, and I think it's going to be good for our community, and I think it's going to be good for our people. So thank you very much. I vote aye. Please read the 10:00 a.m. Time certain.

Item 1210.

Chris Dearth: Good morning. My name is chris dearth. I'm the city's measure 49 program manager, and i'm here to present a measure 49 claim brought by thomas hermach. As you know, the city is obligated to review all of the approved measure 37 claims that you approved over the last

September 3, 2008

couple years before measure 49 was enacted. This is a measure 37 claim that you approved at a hearing June 21st of last year. Just to remind you of that claim, it's located in southwest Portland in the Arnold Creek neighborhood. This is the property outlined in blue there owned by Mr. Hermach. The property to the west of it with the red dot is also owned by Mr. Hermach, but it's not the subject of this claim. It's located on southwest Arnold near the corner of southwest Boones Ferry Road. Just to give you an idea of the topography of the property, this is a lidar map showing the steepest slopes in purple over 30%, so you can see most of the subject property is very steep coming up from southwest Arnold Street. The address is 10910 southwest Boones Ferry Road, submitted in April of 2005, and the regulations he challenged at this time were the change in the comprehensive plan map designation to R20 to R10, done in the southwest community plan. Your order at the time granted Mr. Hermach's claim for his measure 37 waiver, and the council order was to not apply the new R20 comp plan map designation and to allow the R10 to be in place as it was when he purchased the property. This would have allowed him to request his own change in compliance with that. He did not proceed with that during the approximately year that he had before the passage of measure 49, and therefore he's coming forward with this measure 49 claim right now. Measure 49 requires us to present to you all the measure 37 claims. A letter was sent on March 5th of this year. Mr. Hermach submitted his completed and full application for a measure 49 claim on June 19th within the 90-day deadline. We look at 12 different factors to see whether the claim meets each one of those under section 9, sub 5, and I'll run through these very quickly with you. It requires that the claimant is an owner. He is indeed. All owners' consent to the claim. They have in this case. The property is within the u.g.b. It is. The dwellings were allowed at the time of acquisition. And in this case, it's buildable lots that we are talking about here, and we're interpreting those to be dwellings for the sake of this claim. Also it requires that the property is zoned for residential use, and it is, and that one or more of land use regulations prohibit establishing single family dwellings. In this case, we determined that the comp plan designation change would have prevented one or more additional lots and additional single-family dwellings if he wanted to move forward with those. Measure 49 requires that the challenge regulation is not exempt. In this case, it is not. The challenge regulation was enacted after the property was brought into the u.g.b. And it was. The i. Refers to metro regulations, and it does not apply to us. J. Requires that the challenge regulation was adopted after the property was annexed, and that is the case. The challenge regulation reduced the fair market value of the property according to an appraisal as required. And I'll speak in a moment about the appraisal submitted by Mr. Hermach. And then finally section 9, sub 8 requires that he show us that the highest and best use of the property must have been residential at the time of acquisition, and he has done that. So just to go into a little bit of an explanation about the appraisal, because that was the piece of this claim that gave us the most difficulty, we spent many hours toiling over the language of measure 37 or measure 49 -- excuse me -- trying to understand how it might apply to this claim, and we had our appraise service coordinations, p.g.p., evaluation review the appraisal, and they did find that it did meet the statutory requirements of section 9, sub 7 of measure 49. They found that there was a slight discrepancy of one month in the dates used for that appraisal, but we consider that difference to be immaterial. We also -- p.g.p. Also found that the Hermach appraisal conducted by Mr. Larabee -- that the values in that appraisal were supportable and defensible, so we agreed with the values presented in that appraisal. And then both reviewers, Mr. Hermach's and ours, agreed that Mr. Hermach is due the equivalent of \$156,000 in development rights in compensation for his measure 49 claim. As you recall, under measure 49, we cannot compensate him in money. We can only compensate in development rights equivalent to the assumed loss. And the assumed loss in this case is \$156,689. Where the two appraisers disagreed was that Mr. Larabee estimated that Mr. Hermach was due two additional development lots to compensate for his loss. P.g.p. Used a slightly different methodology in calculating that, and they estimated one additional lot was due. And this is what we spent hours and hours toiling over,

September 3, 2008

looking at very carefully live the methodology used by both appraisers. And in the end, we determined that reasonable people could disagree on the interpretation of the statute in this case and how it should be applied to these two different appraisal methodologies, and so, without making a judgment as to which one might be correct, we determined that both of them, using different assumptions, might very well be correct. So since the appraisal language is not clear regarding this kind of claim, we conclude that each compensation calculation could be considered correct using different assumptions. And without passing judgment on that, we conclude that Mr. Hermach could be due two additional lots the same as he was granted under his measure 37 claim, and there for my recommendation would be to you to approve his measure 49 claim and compensate him for his estimated measure 49 loss by not applying the r20 comp plan designation and restoring the r10 designation that was in place when he purchased the property. This is the same as the order you granted under measure 37, and this would allow him then to pursue his own change if he so chooses. And then we also recommend that the order, as you did in measure 37, ensure compliance with all other city laws in terms of environmental protection, street safety, health, and fire safety and things like that. Your previous order ensured that we recommend that you insure that once again. I'd be happy to answer any questions if you have any.

Fish: I have a question. I apologize for my voice. I think I lost it. If we accept your recommendation, what kind of precedent are we setting with respect to this issue of the ambiguous language and how we would address future claims that had appraisals that could not be reconciled?

Dearth: Well, I'm not sure that we're setting a precedent either way, because I'm not fully saying I'm not making a judgment as to which methodology might be correct. Mr. Hermach's appraiser's or ours. Kathryn Beaumont and I and you are appraiser spent hours examining the language of the statute and looking at both methodologies, and we, in the end, determined that we couldn't make a judgment as to which might be correct. They both might be correct depending on the assumptions you make. We purposely are trying not to make an assessment of the which methodology is correct in this case.

Potter: Other questions? Thank you, Chris.

*****: Thank you.

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

Moore-Love: We have one person, Scott Eckert.

Scott Eckert: My name is Scott Eckert, and the purpose for my being here is to just share some thoughts I had about this. I am an adjacent landowner to the Hermachs, and as an adjacent landowner, there are some moves that can be made, some development that can be made that can actually affect adjacent landowners as well. So a few of these concerns that I had, just for the record: The property is at the junction of Arnold Creek and Lower Boones Ferry or Boones Ferry Road. It's an extremely busy intersection, and that's a concern of mine. I live just on the other side of Arnold Creek on Palatine Street. And so there's kind of a health and safety issue there, increased traffic coming down Boones Ferry and, when this development occurs of course, what will be the increase, the density of use coming out of that little corner where Arnold Creek and Boones Ferry come together. Additionally the area is very fragile. Not too long ago, one of the adjacent lots to the Hermachs had a slide and in fact brought down a house. I don't know anymore details than that, but it is rather fragile, and you can see that as you drive along Arnold Creek. So I would ask that you all really be diligent about providing some oversight in the development of this property. I certainly concur with the recommendations, but I would just hope, as a landowner in the area, that - you know -- you look into things like the slide, how good access can be created that's not to the detriment of adjacent landowners or in fact the public. And you keep in mind the steepness of the slope as has been shared. That's the purpose for my being here. Just again concurring with the

September 3, 2008

judgment but hoping that you all will be diligent about looking at the development of this land when it occurs. Thank you.

Moore-Love: Mayor, we have one more person: Jim zupanik.

Jim Zupancic: Mr. Mayor and commissioners, jim zuhancic. Good morning. I have with me mr. Thomas hermach, who's the applicant in this particular case. This is one of those nice situations in which we can say that we would ask for concurrence with the staff report, and we very much appreciate the work that your staff has gone through with us to be able to clarify what is sometimes an ambiguous part of measure 49. We think this puts mr. Hermach back in the position that he should have been, and we think the staff recommendation is correct. I want to give assurances to the council that certainly all of the health and safety regulations are going to be met, environmental concerns, any kind of geotechnical issues with respect to slopes dealt with during the course of the land use process, and that will just be done in due course as it would be in any kind of a land use application. I'd just ask mr. Hermach to introduce himself.

Tom Hermach: I simply ask that you accept the staff's recommendations, and thank you again for your time.

Moore-Love: That's all you signed up.

Potter: Please call the vote.

Leonard: I think we have to have a motion.

Potter: You're correct.

Adams: I move to adopt the staff recommendation.

Leonard: Seconded.

Potter: Please call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. Move to the regular agenda. Please read item 1233.

Item 1233.

Potter: I'm really pleased to bring this item to council today and in partnership with commissioner Adams who's done a lot of work on it as well. This is an intergovernmental agreement between tri-met, the Portland schools for a pilot program to create a fareless transportation system for our city's youth. Our intentions are to monitor and evaluate the initial pilot program and expand it to additional schools in the Portland public school district by this January and, by the start of the school, 2009 school year, our intention is to expand the program to other school districts within the city of Portland. This is an especially exciting program because it was spearheaded by youth itself. Multnomah county youth commission is the official advisory board, and they have identified access to public transportation as one of the key issues in our community. I learned this on a very personal basis when I spent a week out at Jefferson High School talking with students there. Invariably lack of public transportation was a significant issue, and the high schoolers there being able to get to school and also to other activities that they have associated with school. Multnomah youth commission has done a great job of building support for this program. Across our community, they've made presentations not only to the city council but also to the tri-met board, Portland public schools board, and the Multnomah county board of commissioners. The initial pilot project is primarily being funded by the state of Oregon's business energy tax credit which has funded a similar program in Lane County for the last four years. In June, council passed unanimous resolution in support of this program. It's a real pleasure today to bring this intergovernmental agreement to council in order to formalize our partnership with tri-met and the Portland public schools. Nate, did you wish to add anything to this? Very good. Commissioner Adams, did you want to add --

Adams: I just want to congratulate you, Mayor Potter, and Nate and Youth Commission for your great advocacy and work on this. One of the benefits of this that might not be apparent with just sort of a superficial glance at the project is the fact that, with 43% of our eighth graders in Portland

September 3, 2008

public schools dropping out before their scheduled graduation date, we know that one way to keep more students in school is to make sure that they're matched up with programs that speak to their individual passion. And so the ability for high school students to be able to get on transit and have access to the various magnet and the focus programs around the city and have that transit provided free of charge, since we don't have bus service, is a key way, a key opportunity to keep more students in school and lower the drop-out rate. So this is a very important program for a variety of reasons, the least of which to allow students to speak to their passion and keep them in school.

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

Moore-Love: We have three people signed up.

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

Sydney Melson: Good morning, mayor and members of the council. My name is sydney menson.

I'm a senior at jefferson high school. I catch two buses to school every day, and I also catch the bus to get around Portland. All summer i've been paying for the bus, and what a relief it was to my wallet when I received my free bus pass. I know that i'm certainly not the only student who will benefit from this. Not every student in franklin or jefferson high school has the bus pass. Not just the students who qualify for whatever reason. This ordinance will be very beneficial for students who cannot afford bus passes, do not want to walk in the rain or students who cannot afford bus fare every day. Maybe one day soon all the students in the Portland public school district can benefit from free bus passes, but for now, I along with my peers whom I speak for, would like to see the contract for the bus passes expanded from january till june and hopefully one day year-round. Thank you, mayor, and members of the council for giving me the opportunity to speak today.

Alicia Ducre: My name is alicia dupree, and i'm a junior representing roosevelt high school, and I want to say "thanks" for this program and giving jeff and franklin -- in providing this for franklin. I want to give an example of a student of roosevelt high school using public transportation. Some students at roosevelt don't live with their parents. They live with their older sisters, and they don't have a car. I know a girl who is going to miss several weeks of school at the beginning because her mom and dad are preachers and they go out of state all the time, so she's going to have to miss several weeks of school, and that's, like, a lot. She's going to be behind. And, like, many issues. Freshmen and sophomores, they can't get a job 'cause they're not old enough. You have to have a permit license or something, and, like, they can't afford a bus pass or buy one 'cause it's \$24, and that's a lot of money every month. I live and most of my friends live in low-income neighborhoods, and there is, like, no way that our parents can afford to, like, get gas and buy -- I mean bring our brothers and sisters and us to school every day. And some students would love to go to after-school programs but they can't. They have no way to get out there. So that's another problem, and I would like to come to the conclusion that I really want to thank you for bringing this program, and I hope you I guys will expand it -- I hope you guys will expand it, 'cause it's a great program.

Nate Waas Shull: I have testimonies from a young man named ryan mcv., one of the Multnomah youth commissioners who helped spearhead the program. He also is a student at franklin high school, which is one of the students that received the passes for the initial project. This is his testimony. He wishes he could be here. My name is ryan mcv. I'm a junior at franklin high school, and i'm also a member of the Multnomah youth commission. Last week was school registration at my school. While standing in line, I heard fellow students excitedly talking about the youth pass. Many students were saying how they hardly ever use the bus but now they would start riding the bus because of the youth pass. Hopefully this program will create larger ridership for tri-met now and in the future. I am currently not a large transit user myself but, as I am becoming more independent, I know he that I will soon become a transit user. I would like to thank all of the council members for supporting the Multnomah youth commission and our project to bring about a youth pass, and my hope is that it will be expanded to include more youth and that someday this program will be citywide. Thank you.

September 3, 2008

Potter: Thank you very much for being here. Is that all that was signed up to testify? Anyone here who wishes to testify to this specific issue? Please call the vote.

Adams: I would also like to thank tri-met for their willingness to partner on this important issue, and again congratulations, mayor. Aye.

Fish: I want to thank mayor Potter and commissioner Adams for their leadership on this issue and also the Multnomah youth commission. A few months ago, I was a candidate, and the most rigorous forum we attended was hosted by the Multnomah youth commission. I think there were five panels that put us through the ropes, and I was very proud to win the straw poll. [laughter] But I was even prouder that there were so many young people who cared about the city to host such a forum and to hold their candidates and elected officials accountable. After participating in that forum, I can hardly say i'm surprised that now the energy that I saw in that room successfully developed this pilot project, and I think it's just a preview of what we can look forward to. I want to also just acknowledge that the number of low-income students we have in our community is rising. The number of children on free and reduced lunch are rising, and many of our students don't have success to a car. This is a very important program in terms of providing equity to folks who don't have cars and are highly motivated students who are going both to their classes and to extracurricular activities. I understand this program will be evaluated in december. I hope and fully expect that it will be sufficiently successful that we can make the case to expand it to all our high schools and move to year-round, and perhaps the high school student in my home would be a participant in this program as well. So i'm very proud to vote aye.

Leonard: In addition to all those good reasons, since this discussion has begun at the initiative of commissioner Adams and mayor Potter, I thought it to be a smart marketing mode. If we can get people that today are taking the bus who are, in can cases, too young to drive, I think that actually creates a better familiarity with the system so that, when they're able to drive, they choose to take the bus. When they get a job as an adult, they choose to take the bus. I think this is actually, on a variety of levels, a very wise move and one I am very pleased to support. Aye.

Saltzman: Well, I want to thank mayor Potter and commissioner Adams and tri-met for doing this, but I most of all want to thank the Multnomah youth commission for really spearheading this issue and the students at jefferson high school, because I know this was put in the ear of the mayor when he spent a week out there and put in the ear of several of us when we were out there various times during that week. This is a real tangible, solid success for the youth commission, and you should be very proud of that, and i, too, want to see this pilot work. It's a very innovative way to take advantage of a business energy tax credit, as lane county has done, and I hope that will work in this situation and that we then can expand this to the entire -- the students throughout the city. I support this. Aye.

Potter: A few years ago, we worked with young people in the city of Portland. They created a children and youth bill of rights. Within that bill of rights, there was a committee discussion with the young people about how would they get around the city to attend all the different functions that would help them become better students and better people, and this is definitely one of those things. The Multnomah youth commission picked up the baton and ran with it, talked to many different groups, championed it, and today this is the council's acknowledgment that we wholeheartedly support this, particularly as it's reviewed in december and next year, moving this up so that all students -- high school students -- can have access to this bus, because as I said earlier, it's not just during school hours. It's 24 hours a day, seven days a week. So they will be able to attend sports events. They'll be able to attend different employment opportunities. There's just a lot of good reasons for this, and it's been stated I think we're also building our future public transportation riders by having these young folks use the system, can comfortable with it and, as adults, grow into it and, like everybody that supports public transportation, look at it as one of the things that is unique, in many respects, about Portland compared to many other cities in the Oregon, the ability to

September 3, 2008

get from here to there on public transportation. Thank you all, and I thank all of the young people who made this possible. I vote aye. Thank you again. Please read item 1234.

Item 1234.

Jim Rice, Deputy City Attorney: Good morning, mayor Potter, members of the city council. I'm jim rice. I'm a deputy city attorney, and i'm handling this matter. The matter that I bring to you today is a lawsuit that was filed stemming from a shooting in march of 2004. The case has been in litigation for over four years. It's been handled at the united states district court, the ninth circuit court of appeals, and has come back down to the district court. There have been two separate mediation sessions in federal court. You need to engage in alternative dispute resolution and attempt to reach a settlement. The most recent one, two sides came together with the assistance of the united states magistrate coffen down in eugene, and there was a proposal to enter into a settlement of the matter for \$350,000. The money would essentially be split two ways. There would be an attorney's fee and costs paid. In addition to that, money would go over to an annuity company that would provide a monthly sum to the son of mr. Perez. It would take him through his 18th year, and then there would be four annual payments that could be used by him either to go to college or whatever would be appropriate for him. In addition to that, mr. Perez has an elderly mother. There would be some monthly payments made to her as well, again through an annuity. A lot of work has gone into this matter, including the negotiations. It has the support of the city attorney's office. There are a lot of details in the case. And if anyone has any questions, I would attempt to answer those for you.

Potter: Questions from the commissioners? Thank you, jim.

Rice: Thank you very much, mayor.

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

Moore-Love: No one signed up.

Potter: Anyone here who wishes to testify to this matter? Please come forward, dan. Please state your name for the record, and you have three minutes.

Dan Handelman: Good morning, mayor Potter and commissioners. My name is dan handleman. I'm with the group Portland cop watch, and we've been very interested in this case of james jahar perez since it happened in 2004. We're hoping that this settlement of a payout of money doesn't stop the city from investigating the policies that led to the death or revising the training materials that were shown in the inquest in which it was pretty apparent that officers are trained to be scared when they come up to a traffic stop. The question of the racial element in this shooting certainly helps foment public unrest around this shooting. Even with the racial will profiling committee that I sit on, i'm not so sure that we have still addressed the issue of potential bias-based policing in Portland. And so, with the caveat that mr. Perez's family sounds like they're going to be compensated nicely for the loss of their loved one, I still believe that we need to look further, harder at our deadly force policies and the training of Portland police officers. And one of the things that I really haven't heard enough about was that officer macomber, as I recall, held down the trigger on his taser for three entire minutes and melted the weapon, so i'm hoping that at some point there will be more discussion about the use of tasers in Portland as well. So thank you very much for your time.

Potter: It's an emergency vote. Please call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. Please read item 1235.

Item 1235.

Becky Chiao, Office of Management and Finance: My name is becky chow. I'm with risk management. This is an ordinance to approve the settlement of a lawsuit and worker's compensation claim brought by michael knox. Mr. Knox has been a parking enforcement officer with the city since 1999. He injured his right foot at work and was covered by worker's compensation. He was put on light duty and ultimately had surgery on the foot. Knox claimed that

September 3, 2008

he was disabled and was discriminated against based on a disability, but that claim was dismissed by the court. However, mr. Knox raised additional claims of gender and race discrimination and retaliation that will go to trial if the settlement is not approved. Based on an evaluation of the facts and witnesses, there is some chance that a jury might award mr. Knox damages on one or more of these claims. In the event mr. Knox was awarded damages, he would also be entitled to attorney's fees which in this case could be substantial. The city attorney's office and risk management recommends that the city pay mr. Knox and his attorney a total of \$225,000 to settle all claims with the city and secure mr. Knox's resignation from employment to prevent future liability for additional claims. If you have any questions about the case, i'd be happy to answer them.

Saltzman: How many worker's compensation claims has mr. Knox filed against the city?

Chiao: This would settle four worker's compensation claims. We had four tort claims and one law suit that were kind of all put into the lawsuit.

Saltzman: Three of the compensation claims were for stress?

Chiao: No. I think one was, like, all stress. This is sue klein, the worker's compensation manager.

Sue Klein: There were two claims for stress. One was an occupational disease. One was an injury claim.

Saltzman: And there have been four tort claims as well?

Klein: Yes. Two bolis, and they all were put together in the lawsuit.

Saltzman: So if we do settle this, mr. Knox will receive a considerable sum of money, will be terminated from city employment, but I guess part of what troubles me with that is, if he goes and applies to some other public agency or any other place of employment, that we're sort of powerless to really share our experience with mr. Knox as an employee. It is one of those frustrations that I find, and it tends sometimes that bad employees get passed around and nobody ever speaks up.

Leonard: I'm not sure that that's an appropriate characterization of a settlement that we have presented to us. I mean, I certainly don't want that to reflect --

Saltzman: I'm speaking for myself.

Leonard: What i'm hearing is a settlement to a claim. I didn't hear any suggestion that he was a bad employee, and i'm not sure that's appropriate to be saying here. You don't have to respond to that.

Chiao: The settlement is a public record. The lawsuit's a public record. And part of the settlement comes with what the city's response to employment checks will be, sort of a letter that's already prepared that will be given to future employers.

Fish: What bureau did he work for?

Chiao: Parking enforcement, so it's part of the office of transportation.

Fish: What was his specific title?

Chiao: Parking enforcement officer. The people that go around and write parking tickets.

Fish: In these kinds of settlements, we're not admitting or denying any wrongdoing? We're simply accepting a recommendation based on assessment of potential liability of the city?

Chiao: Correct. In this settlement, there's no admission of liability.

Fish: Thank you.

Potter: Other questions? Thank you. Is there a sign-up sheet on this?

Moore-Love: I did not have anyone.

Potter: Is there anyone here who wishes to testify to this matter? It's an emergency. Call the vote.

Adams: Aye.

Fish: Aye.

Leonard: Aye.

Saltzman: Well, I think most city employees are outstanding people and they work very hard and they care about their jobs, and for those who are not, like mr. Knox, it's too bad we don't have a

September 3, 2008

lemon law. I truly believe that this situation is one we should not settle; we should take to court. I think it's a matter of principle. I think we have somebody here who is a frequent worker's comp claim filer, a frequent litigator, and doesn't seem to want to do his job, doesn't want to seem to work hard like most city employees do. So, with that, I will vote no, and I do hope that we will choose to litigate it. I realize there are risks. I realize that means mr. Knox could keep his employment with the city. But it's one of those situations where i'd rather not see some other employer inherit somebody who's not a good employee. So I respectfully vote no.

Potter: Vote aye. Because it's an emergency ordinance, the no vote carries. Would any commissioner like to make a change?

Leonard: What would be the appropriate time to reconsider? To reconsider, you have to be in the majority. Dan is the only one in majority then. Can we pull the emergency designation and have it be a first reading?

Linly Rees, Deputy City Attorney: I don't know that that can be done by anybody other than dan at this point.

Leonard: What if I change my vote to no? I change my vote to no and then what would be the appropriate motion at this point?

Rees: Move to remove the emergency clause.

Leonard: Ok. I change my vote to no and move to remove the -- I move to remove the emergency clause.

Potter: Have a second?

Fish: Second.

Potter: Call the vote on that.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** No. **Potter:** Aye.

Leonard: It now moves to second reading.

Potter: This will move to a second reading.

Moore-Love: We're good.

Leonard: We've got our chief legal council.

Potter: Is there another step?

Fish: Is there a timing issue?

*****: [inaudible]

Fish: We seconded it. We voted it.

Potter: So it now moves to a second reading next week.

Fish: What was your sprint time, linda?

[laughter]

Leonard: Have we done what we need to do? Ok.

Potter: Please read item 1236.

Item 1236.

David Logsdon, Office of Management and Finance: Good morning. I'm david log in the office of management and finance. What this resolution and memorandum of understanding does is continuing the process that we've been under for the past year or so with carroll investments working with p.d.c. on a potential will redevelopment project for the 10th and yamhill garage. This lays out for the next 12 to 18 months of the steps in the process, the roles that o.m.f. and p.d.c. and carroll investments will play in working towards a redevelopment project for the property. And it should be pointed out this is a nonbinding agreement, more administrative in terms of making clear to all three parties who is going to do what and under what terms working towards a potential development agreement. Any formal commitment of city funds or p.d.c. funds or carroll investment funds would only come into play when there is a formal development agreement, which is, we think, potentially 18 months ago.

September 3, 2008

Lisa Abuaf, Portland Development Commission: I work for the Portland development commission. I think the only thing I would add is this kind of is the grand finale to what you had taken action on about a year ago around this time, which was approving an intergovernmental agreement between us and o.m.f. to authorize us to take the lead in negotiations and move into negotiations with John Carroll. I guess we're here to answer any questions if you have any.

Fish: I have a couple questions. The first is, assuming we adopt the m.o.u., and assuming at some later date there's agreement on development, the public investment that would be proposed for the site is limited to just refurbishing the public parking, not to the residential portion of this building. That is correct?

Abuaf: As it's currently laid out in the memorandum of understanding, that's correct.

Fish: My second concern is something we've had a chance to talk about before, but I'd like to have a colloquy on the record if we could. In the memo of understanding, it states there's particular property is proposed for relocation to the river district u.r.a. as you know, a group called the friends of urban renewal have filed two challenges to the amendments to the river district u.r.a. One challenge is the extension of the district in bringing in new properties and the second challenge is the so-called satellite district to David Douglas. My question to you is, in light of the fact that property is proposed for redirection, what is the impact on the development of this site of the pending appeal with labor so the so-called friends of urban renewal.

Abuaf: I would hazard, in terms of this specific project, one of the challenges would be if the appeal is successful that the funds that are available and were part of our approved budget for the river district would no longer be available for this project in terms of assisting it to move forward beyond kind of the term of this memorandum of understanding.

Fish: That goes to the question of whether the appeal is successful either at the LUBA level or at the court level. What is the short-term impact of the fact that there is an appeal pending on the timeline that we would otherwise be operating under for the development of this site?

Bruce Warner, Portland Development Commission: Mr. Mayor, Commissioner Fish, Bruce Warner. I'll try to answer that. The good news, as you heard, is that this project needs some work before it's ready to actually have a development agreement signed. We have a lot of work to do to develop this project forward, and it will be well over a year before you would see that before you. It is our hope that the LUBA decision or the decision for LUBA will be made before that time which would allow us to understand is it just -- is your action affirmed, is it remanded back for changes or is it overturned? And I believe that Lisa has done a very good job of outlining that if this property, that I want to state for the record is now in the river district that ordinance is now effective because of the cloud of appeal we are unable to spend any real money for the development of this project. So without conclusion on that appeal that allows this to be part of the river district, this project will be very hard to move forward. But it's my hope that the LUBA decision and any changes we need to make would be taken care of before you see a development agreement before you.

Fish: Bruce, I appreciate that clarification. In a previous hearing we noted that the cloud as you referred to it, that is occasioned by the filing of the appeal, has caused an interruption in the funding for the work to be done on the resource access center, which is a critical commitment that this community made as part of the safe process, among other things. And now based on what you've shared with us today, we have a project which is not an affordable housing project, not a homeless relief project, but classified more as sort of traditional or economic development within an urban renewal district that is also potentially impacted by the appeal of the revised boundaries.

Warner: That is correct.

Fish: If there is a significant delay because of the appeal process, let's say LUBA doesn't give a clear ruling, there's an appeal, further appeal to the court, it's my understanding that there could be up to a two or three-year period of time in which the Portland development commission would have serious concerns about committing funds to projects within this urban renewal district?

September 3, 2008

Warner: Mr. Mayor and commissioner, that is correct. I think what we would have to do if this was continued on and was appealed to the court of appeals, I wouldn't comment on how long. It seems like a year and a half or more for that to get resolved. If you add that on top of the seven or eight months that are remaining for the Luba appeal, your time line is probably not unrealistic. And what we would have to be doing is looking not only at the projects like this which are caught up in the change of the boundaries, but the next five years of expenditures from the existing indebtedness far exceed that amount available. So we would have to come back and look at prioritizing and taking a number of projects out of the mix that are in the existing urban renewal area so we would have to go back to the same level of funding we had Barbara Welch until this issue is resolved.

Fish: At risk of sort of belaboring the obvious, but the people who have been here for prior hearings will know that there is an issue which has been framed about the authority of this body to designate a so-called satellite district. There's \$19 million at issue. And that issue we were advised would be appealed to Luba. The city attorney has opined on that and this body is confident of its position. But what I think people need to understand is that the companion appeal that was filed challenging the boundaries, the extension of the boundaries of the River District Urban Renewal Area, has also put a cloud, and therefore on all of other projects which were in the works, and these would be both of the affordable housing developments which this council committed to, as well as developments like this which were considered more sort of a traditional economic development projects. I think it's important for the public to understand what the practical impact of the companion appeal is on our ability to meet commitments we made to both the business community and to the housing community and our fellow citizens in downtown Portland.

Warner: I agree, and I think it's fair to say all projects without a good closure on this case will result in reprioritization, maybe significant reductions in the amount of monies available for all types of projects.

Fish: Thank you.

Leonard: I just want to observe I appreciate those excellent questions and observations. Those are very helpful.

Potter: Do we have a sign-up sheet?

Potter: We have --

Moore-Love: We have three people signed up.

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

John Carroll: My name is John Carroll. Thank you for the opportunity to sit before you and talk about a project that we are now going into three years. We've been working with the office of management, finance, p.d.c., downtown neighborhood Association and a collection of stakeholders adjacent businesses, and the reason we've been working so hard is because it is a very important site for the city of Portland. It is a connection between what historically has been our downtown and now the connection with the streetcar and light rail up into the Pearl District and into upper northwest. I do want to acknowledge the fact the Luba process is a sort of angst in our conversation. We have spent a great deal of time. We will continue to spend time and financial resources under this cloud. And I think the thing that's important for us as developers is that we think this is one of the most important projects the city of Portland has seen for a long time, and we're willing to take and participate as it unfolds. There has been something that's been going on the last five or six months, 10 months, maybe that we could all acknowledge, and that is there has been some changes in the marketplace there's been changes in the world of financing. To the extent I did acknowledge that environment that we're operating in, I wouldn't be -- I don't think it would be fair, and then just looking exclusively at the Luba process, there is this interesting opportunity maybe to extend ourselves some time so that we can work through product for that site and for that neighborhood. The bottom line is this site is worthy of the attention. This past week I had an opportunity to participate in a sustainability conversation with about 60 people, talking about is there a center

September 3, 2008

for sustainability here in Portland. Are there examples around the country. And I personally look at this site and say it's owned by the city at this particular point, we are looking at different types of product, we're looking at different types of uses. It is a parking garage, but that does not mean that it can't be a paradigm for a new take on sustainability in the country. And I'd like to leave you with that thought as that is one commitment that we are going fully going to embrace. Thank you for the opportunity.

Leonard: John and I together went to Sweden and Copenhagen for that specific purpose of looking at projects that are built with sustainability in mind. So I'm not surprised to hear you say what you are after our trip, and in fact I'm reminded that that was a very important thing that we did. And I got a lot out of it, and it sounds like you did as well.

Carroll: It was very inspirational. Hearing the young students talk about the bus passes and acclimating them, the youth, to alternative transportation, there's a real opportunity here at this site. Thank you for bringing that up.

Lili Mandel: Hi. Lili Mandel. I'm a downtown resident too, and mayor and commissioners, I think getting rid of this urban blight would be a delight, and the key that opens the door for much, much more development in this downtown core. And I look forward to the day that I can walk past this site and avoid a spray from a golden shower. Thank you.

Leonard: You said you supported this. Did you hear us all exhale? [laughter]

Irwin Mandel: Irwin Mandel. Happy birthday, Sam. We share this date, today is our 58th anniversary.

Leonard: Congratulations. Wonderful.

Mandel: We made it. Many of our friends didn't. This is one small step for city council and potentially one giant leap forward for downtown core. This building has been -- I hate to get into adjectives that are available, but a real blight as my wife has said. It is also the opportunity to develop 10th Avenue. If you think about it. If you look along 10th Avenue, other than the back of the Benson, the Elliot, this has lane fall low ever since we moved here 15 years ago. Nothing has happened, and it has the potential for being a great boulevard through there. When development occurs. But with this building remaining as it is, I don't think any development will ever occur. This horror must go. The best option, and there have been discussions of many, just tear it down. Have you an option, you can put a new garage underground, new retail, new housing, new office commercial. And that would spur an interest in the future development of 10th Avenue that just has not existed, and yet was included I believe in the 1972 downtown plan. If you look at Portland's central city design guidelines, this building could be used as an example of how to write design guidelines for -- useful design guidelines as a great negative example of how not to build something, particularly in the core of the city. Every assistance should be given to produce a brand-new building with all the mixed uses and spur for future development that quite obviously can occur. Thank you.

Fish: If I could make one comment to Mr. Carroll, there are 11 so-called expiring use properties in and around downtown that between now and 2013 are going to expire. Part of our preservation strategy at the city level is to try to preserve all 11, which would I think allow about 800 older adults to stay in relatively affordable housing. But we know that downtown, with the change in the housing mix, we do know there's been significant displacement of older adults. We're at the M.O.U. stage, and you're mapping out how they might pencil, but I would urge you to consider a component of senior housing within the overall mix if that fits within your plan.

Carroll: We are talking and we are listening. And so please feel comfortable addressing that.

Potter: Who wishes to testify on this specific issue? Please call the vote.

Adams: I'm glad to see this project continue to move forward, and look forward to working on it after the first of the year. Aye.

Fish: Aye.

September 3, 2008

Leonard: And I too am excited about this project. I'm really glad John is doing this. I have no doubt this is going to be an outstanding addition to our downtown. So I appreciate it. Aye.

Saltzman: Aye.

Potter: Aye. [gavel pounded] please read item 1237.

Item 1237.

Eric Johansen, Office of Management and Finance: Good morning Mr. Mayor, commissioners, Eric Johansen, debt manager. This ordinance authorizes the contract with public financial management for financial advisory services. As you may be aware, the city occasionally engages the services of an outside independent financial advisor to assist in financial planning, strategy planning, and debt transaction management. Earlier this year we conducted a request for proposals.

We did receive one proposal. A selection committee reviewed that proposal and found that it was responsive to the needs of the city. The selected firm has been the city's financial advisor for the last five years. We are familiar with their service and the people that will be working with the city.

The term of the proposed contract is for three years and not to exceed amount is \$7500,000. With that I'd be happy to answer any questions.

Saltzman: Why would only one firm respond? Is it out on the street that this firm gets it? Because they've had it for three years?

Johansen: I think there's a couple things going on. The market for financial advisors is changing. We require an independent financial advisory firm which means it's a firm that's not affiliated with a broker-dealer. So we have a limited universe to begin with. One of the firms we used previously, regional financial advisors, was acquired by a broker-dealer so they become no longer eligible under our policies. Other financial advisors chose not to respond either because geographically they're far away from the city or for reasons I can't explain right now.

Saltzman: Is it a concern at all to have the same firm four years in a row?

Johansen: Frankly this firm we used less than the other financial advisors that we had under contract during the same period, because we were using them for a more select list of projects. I'm not concerned about the people that are there. I'm very familiar with them. So --

Saltzman: I'm not insinuating that. Often times when you're dealing with independent audits, for instance, you don't want to use probably the same firm year in and year out. That's the spirit I was asking that question.

Johansen: No. This is a national firm, based in Philadelphia, the people that will serve us are located in Seattle, which is not Portland, but is not too far away. So their ability to provide the services that we need I think I'm very confident.

Potter: Other questions? Thank you. Has anyone signed up to testify?

Moore-Love: No one signed up.

Potter: Is there anyone here who wishes to testify to this specific issue? Emergency, call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] please read item 1238.

Item 1238.

Potter: Second reading, call the vote.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] please read item 1239.

Item 1239.

Jeff Baer, Director, Bureau of Purchases: Good morning. I'm Jeff Baer with the Bureau of Purchases. Before you is a recommendation to award this contract for the Portland fire and rescue station one seismic upgrade facility remodel for skyward construction. A couple notable facts about this project. One is skyward construction is a locally owned business. They've identified 26.4% of the subcontract dollars going to minority women, emerging small businesses. Mostly to minority-owned business for performing electrical services. They are in full compliance with our e.e.o.

September 3, 2008

Program and our equal benefit requirements, and with that I will pause and address questions. We also have a representative from facilities in case there are questions related to the project.

Adams: Good work.

Saltzman: How close to our estimate did this bid come in at?

Baer: I believe the original budgeted estimate was \$9.5 million this, came in at \$9.7 million.

Potter: Thanks, jeff. Is there anyone signed up to testify.

Moore-Love: No one signed up.

Potter: Is there anyone here who wishes to testify to this specific issue? Please call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye.

Potter: Aye. [gavel pounded] please read item 1240.

Item 1240.

Marian Gaylord, Revenue bureau: Good morning mayor Potter and commissioners. It's still morning. I'm marian gaylord, the towing coordinator for the city and the revenue bureau. Council's changed quite a bit since last time I was here with a contract. But to just give you a brief background on it, this is an all-comers contract which allows us to provide the maximum diversity and opportunity to small businesses locally. The -- what that means is if they meet our requirements for truck, staff, and facility, then they will allowed to participate in the contract on a rotation. We have -- we received 30 applications this time, two of which were ultimately withdrawn. The other 28 represent 25 companies that are continuing from the previous contract and three that are -- will be new to the contract this time. I would be happy to answer any questions anyone has.

Potter: Questions from the commissioners? Is there anyone signed up to testify?

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

Potter: Is there anyone here who wishes to testify to this specific issue? Emergency, call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] read item 1241.

Item 1241.

Dee Walker, Bureau of Transportation: For the record, i'm dee walker, department of transportation. Right of way acquisition. I'm here to present a street vacation for a portion of southwest evergreen lane. It is a small cul-de-sac area that is currently under revocable use permit, and they are requesting property owners are requesting to vacate it so they can transition better from public street to private property and have a more Standard frontage use for their private property. There have been no objections from any of the bureaus or agencies, utilities, or neighborhood associations.

Potter: Questions from the commissioners?

Saltzman: This is near the hoyt arboretum?

Walker: You know this, is actually john dayo's project, and he is off on training, so i'm just filling in for him. But -- is this near the hoyt arboretum, do you know? Yes, it is.

Potter: Any other questions? Is there anyone signed up to testify?

Moore-Love: We have one person signed up.

Renee France: Good morning. My name is renee france, i'm here on behalf of the applicant for this vacation, claudia cameron. Staff has presented the case and I would just like to again reinforce the fact that we have full bureau support for this. There were no objections raised by any of the neighboring properties. We had 100% signatures of the homeowners within the affected area along evergreen. But I am happy to answer any questions you might have about the vacation request.

Potter: Thank you. Nonemergency, moves to a second reading. Please read item 1242.

Item 1242.

Saltzman: This is an agreement that we've had now, I should say the office of sustainable development has had now for at least a couple years with tri-met and basically we End up

September 3, 2008

reimbursing employees 100% for the cost of transit. We do this under the belief that first o.s.d. Should set an example, but second because the office of sustainable development is located on northwest 9th and 10th in northwest Portland, and it's a little farther to get to city hall, Portland building and other places, and this makes sense. Good sense. So I would urge support for it.

Potter: Could we save money if we moved them inside the free transit zone? They're just one stop away.

Leonard: I think it's a good idea. I guess i'm wondering why we would choose one set of city employees to do that for. What's the rationale for that?

Saltzman: I think it's the rationale has been because we've felt it was consistent both with sort of the reputation of o.s.d. And its location. Maybe Bruce Walker from o.s.d. Can add a little more details on that.

Bruce Walker, Office of Sustainable Development: Good morning. I'm Bruce Walker from the office of sustainable development. To answer your question, Commissioner Leonard, the Bureau of Maintenance has a similar program, and it -- I think it moves through the regular -- my understanding is it moves through the regular budget process to establish those -- the passes for their employees to use. And again, it's the desire to increase transit usage. When our office was relocated to -- in northwest near the main Post office, we had more trips -- commute trips by car than by bus ridership. And when this program started, we've cut from 36% of the morning and evening commute to 18%. And the bus ridership has gone from 32% to 44%. There are many others who also ride bicycles. But the point is that assisted change in habit on our office and my understanding is it had similar effects in the Bureau of Maintenance.

Leonard: My question isn't whether or not it's a good idea. Your response is explaining why it's a good idea. I get that. I'm totally supportive of that. But I would expect that that logic would apply for employee who's work at the Portland building. I guess i'm not seeing the distinction between a person that works at the Portland building that's on a bus line, and you guys are on a bus line. And as a matter of fact the streetcar is there as well. I'm not disputing this at all. I'm just asking, why aren't we talking about this for all city employees? You're not the right one to answer, and I understand that. Everything you've said just reinforces my point, actually. You've obviously seen an increased use of mass transit, and really I guess I would say complimentary to our earlier discussion with the students, i'm not going to not support this. But I would like to add an addendum so we do an analysis of what it would take to provide that kind of incentive for all employees.

Saltzman: I'd be happy --

Potter: It's my understanding all city employees get a discounted --

Leonard: That's true. And i'm one of them. I would actually exclude the city council from that so that anybody not be confused that I want a free bus pass. I want to pay for my bus pass. But for certainly employees I would -- I think this is such a good idea, i'd like to explore --

Fish: I wonder -- [inaudible] I too have a monthly pass, and it allows me to take the number 10 and number 12 to work. One drops me off a block from work. As a new employee, I was told it takes two months to process the application.

Leonard: That's right.

Fish: And I wonder --

Leonard: If you lose it, you don't want to lose your bus pass.

Fish: In addition to examining the extent to which other bureaus have a similar program or whether we could extend it to other bureaus, I wonder if there's also -- as a friendly amendment we could explore with tri-met shortening the two-month period from new -- date of hire to receiving your bus pass.

Leonard: Sure. Absolutely. I think o.s.d. has set a good example, and I think we ought to use that as a way to spring board to do an analysis of what it would take. And obviously that's money. I guess the question is how much does that cost?

September 3, 2008

Adams: Let's do it in the next budget process.

Saltzman: It really does come down to a question of money. We can generate those numbers, or if pdot is the more -- we can document --

Leonard: We should do it in the budget process, but i'm asking we do the analysis now. So we have the information.

Adams: I think o.m.f. would be the best -- they know how many employees and where they work.

Leonard: Ok.

Saltzman: I guess that would be --

Leonard: I guess my amendment would be to the effect of us doing an analysis to see what it would take to extend all employees of the city, except the city council.

Adams: No.

Potter: Is that just a recommendation --

Leonard: You don't take a raise. Why would we --

Potter: Did you want to amend the ordinance?

Leonard: Yeah.

Potter: Is it something that directs --

Leonard: Is it an emergency?

Adams: Legislative intent --

Leonard: That's fine.

Fish: Second.

Potter: It's been moved and seconded. Call the vote.

Adams: Let me clarify. The moved and seconded that is part of the next budget process that o.m.f. Has directed to Analyze the options for implementing this approach for all employees. Is that a fair memorialization of the intent? Is that we, as part of that, try to get a quicker start-up turnaround time for new employees. And I would like to see the number 14 more frequent and I would like --

Leonard: The number 14 comes every three minutes.

Adams: I'd like it to be every minute and a half. And I would like someone to meet me at the light rail station with hot coffee.

*******:** This ordinance is getting really long.

Adams: It is my birthday today:

Rees: As part of the next budget process, o.m.f. is directed to analyze this approach for all employees.

Leonard: Yes.

Potter: Call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] do we vote on this now? The full -- please call the vote.

Moore: There was no one who signed up to speak to this, for the record.

Potter: Ok.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] please read item 1243.

Item 1243.

Potter: Commissioner Saltzman.

Saltzman: Thank you. You may recall on august 20th we more or less authorized step one of this authoring the use of federal transportation funds to provide a smart way technology outreach center at jubitz truck stop. Step two is to authorize today the soul source contract with cascade sierra solutions to operate this center. The reason this is a sole source is that odot and I believe metro have both agreed that as part of this grant that cascade sierra, which is I believe operating seven other centers along interstate 5, is uniquely qualified to do this. And o.s.d. Found indeed the same

September 3, 2008

finding, that cascade sierra is the only contractor in the county providing the services as offered. With that i'll turn it over to jennifer porter.

Jennifer Porter, Office of Sustainable Development: Thank you. Good morning mayor and commissioners. Jennifer porter with office of sustainable development. To go on what commissioner Saltzman already noted, we're excited to be here with this project, and would thank pdot for collaboration on working with this, cascade sierra is an Oregon nonprofit that's recognize by the e.p.a. For their unique approach, and we're really excited this is going to be a Portland stop at jubitz. And sharon banks is here to make a brief statement as well.

Sharon Banks: My name is insurance banks, i'm the founder and chief executive officer of cascade sierra solutions. And I am an Oregonian. Our mission at cascade sierra is to upgrade tractor trailer trucks with fuel saving technologies and also with products that reduce diesel emissions. As prescribed by e.p.a. smartway program. Our approach is very unique. We work and collocate with truck stops and we put in outreach centers that bring together multiple brands of technology all in one location where truckers can come in and find out many truckers are not aware what they need to do to improve their fuel economy and reduce emissions. This brings together technologies in an unbiased level playing field where they can get real information on what is the right product for their vehicle. We do not favor one brand over another. It's a completely unbiased environment. The only time we would recommend one product over another, there's a clear environmental benefit. We also, in addition to providing this important technical advice, we bring together government resources, grants, and low-cost financing. We have a program that's funded by department of transportation and department of energy, and now we have an Oregon bank that's bringing private sector capital as well to bring low-cost financing to the trucking industry for these products. This breaks down a really important capital cost barrier, And allows to us get products on track. With the credit market the way it is today, it's very difficult to get products like this financed. Even though they provide a positive return on investment. We also provide information on rules and regulations that affect the trucking industry to help truckers stay in compliance with rules as our sister to the south is regulating trucks that come in and out of the state. It's really important that we have this financing available and information about what they need to do to be in compliance and continue their business. This funding is really critical to our success here in our first year of operations. We are open already, we had a grand opening about a month ago, and we're delighted to be here. Portland, Oregon, is the largest center that we've opened yet, and we have another one opening the 24th of this month in sacramento, california. Portland is still going tonight biggest one yet, and it is to our knowledge the largest collection of fuel saving technologies all in one location anywhere in the world. Come on by and check it out. We hope you'll approve this contract. Thank you.

Fish: I have one question, if I could. It certainly sounds like a wonderful program, but i'm curious, since diesel -- we're talking about diesel fuel and certain kinds of new technologies in the context of interstate commerce and travel. Why is this not something that either the federal government or the state government funds given the clear benefit?

Porter: This is federal highway administration dollars that have come through odot, metro funding. The city is acting to help this nonprofit access that funding source. So it is federal funding, and that's what we accepted on the 20th, that initial money. So this is actually no cost to the city.

Fish: I guess I didn't understand that. I may still have supported it, but I was curious why we're funding it.

Porter: We already accepted the i.g.a .

Fish: Thank you.

Potter: Other questions?

Walker: Mayor Potter, if you'll indulge me for just a second, jennifer porter has done outstanding work in this area. She is leaving our employment, much to my regret as manager, she and her

September 3, 2008

husband are moving back to family home in pennsylvania, and she's done excellent work in emissions reduction, not only for this type of project, but the work we've done with requiring b-20 use for our haulers. She led the rollout of the new residential cart program. She's been a leader in diversity for our office and has participated in the city. I just wanted to acknowledge before our leadership the excellent and outstanding work of ms. Porter.

Potter: Here, here. [applause]

Leonard: And as you promised you sent me the email on the extra cart, which I greatly appreciated. Thank you.

Potter: Thank you, folks. Are there any other questions? Did anybody sign up to testify on this matter?

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

Potter: Is there anyone here who wishes to testify to this specific matter? Please call the vote.

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

Saltzman: I'm pleased to support this, but I want to add my accolades to jennifer porter and the great work she's done for the office of sustainable development and in the larger picture for the city of Portland on several important issues. You've been a good leader, and we appreciate your work for us. Good luck to you in pennsylvania. Aye.

Potter: Aye. [gavel pounded] thank you, folks. Thank you, jennifer. Please read item 1244.

Item 1244.

Saltzman: Thank you, mayor. This ordinance codifies the Portland recycles commercial plan as approved by council in late april. The changes include new permit requirements, clean fleet requirements, and business and multifamily recycling targets. If you have any questions, we have people to answer any questions you may have.

Potter: Questions? Is anyone signed up to testify?

Moore-Love: No one signed up.

Potter: Is there anyone here who wishes to testify on this specific issue? Nonemergency, moves to a second reading. Thank you, folks. Please read item 1245.

Item 1245.

Saltzman: It's a pleasure to bring forward this ordinance. It has been a long time coming and i'm thrilled that we have reached this point in this project. Some quick background. Tanner springs park has been well received by residents and visitors in the pearl district, but it's never been completed. It was always envisioned the park would have a covered pavilion on its north end as a rain shelter and gathering space. It was never finished, that part of it. Enter graham clark. One of the best planners i've ever had the pleasure of working with. In 2001 we lost graham. His family as well as many folks within the city system and outside of it were committed to memorializing his incredible work through the completion of the tanner springs park. Thanks to the Portland parks foundation and especially the energy of graham's mother margaret, as well as his whole family, we now have the funding to complete this pavilion in graham's memory. I think betsy ames might be here to say something about it.

Betsy Ames, Bureau of Planning: Betsy aims, assistant director with the bureau of planning. I'm here to thank the parks Foundation to thank the parks bureau, and to thank graham's family for all their work. Graham was a very well-regarded and respected planner with the bureau of planning for many years. He was a long-time friend of our employees, and this will be a very fitting tribute in ran area of town he spent a lot of time working with community to help realize their vision for a more dense, more urban community. And I think the legacy that he left can be seen there and in other parts of town as well as in the collaborative work that continues in the pearl district between developers and the community in making a more vibrant, exciting place. So thank you very much. Commissioner, and thank you council.

Potter: Do we have anybody signed up?

September 3, 2008

Moore-Love: No one else signed up.

Potter: This is a nonemergency and moves to a second reading. We're adjourned until next week.
[gavel pounded]

At 11:44 a.m., Council adjourned.