



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

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

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

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:
1649 Request of Roger P. Grahn to address Council regarding Portland Development Commission policies (Communication)	PLACED ON FILE
1650 Request of Daniel J. Shea to address Council regarding sanctuary city for soldiers of conscience (Communication)	PLACED ON FILE
1651 Request of Megan Brooker to address Council regarding making Portland a sanctuary city for war resisters (Communication)	PLACED ON FILE
1652 Request of Kelly Campbell to address Council regarding making Portland a sanctuary city for soldiers of conscience (Communication)	PLACED ON FILE
1653 Request of Chris Martini to address Council regarding making Portland a sanctuary city for U.S. Service members that oppose the war in Iraq and Afghanistan (Communication)	PLACED ON FILE
TIME CERTAINS	
1654 TIME CERTAIN: 9:30 AM – Authorize Intergovernmental Agreements with local governments to accept funding for the Green Development Resource Center to be housed in the Office of Sustainable Development (Ordinance introduced by Commissioner Saltzman) Motion to remove emergency asterisk: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-5)	PASSED TO SECOND READING AS AMENDED DECEMBER 10, 2008 AT 9:30 AM

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<p>1655 TIME CERTAIN: 10:00 AM – Approve the recommended design for the SW Gibbs Street Pedestrian Bridge and direct implementation of the project (Resolution introduced by Commissioner Adams)</p> <p>(Y-5)</p>	<p>36649</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Tom Potter</p> <p>Bureau of Planning</p>	
<p>*1656 Accept Department of Land Conservation and Development Periodic Review grant of \$100,000 to supplement funding for the Economic Opportunities Analysis as part of Goal 9 Periodic Review requirements for the State of Oregon (Ordinance)</p> <p>(Y-5)</p>	<p>182380</p>
<p>Office of Management and Finance – Human Resources</p>	
<p>1657 Change the salary range of the Nonrepresented classification of Cable and Franchise Operations Manager and approve the recommendation to exclude future employees in this classification from the classified service (Ordinance)</p>	<p>PASSED TO SECOND READING DECEMBER 10, 2008 AT 9:30 AM</p>
<p>Commissioner Sam Adams</p> <p>Office of Transportation</p>	
<p>*1658 Authorize contract for the construction of NE 122nd and Airport Way Improvements Project (Ordinance)</p> <p>(Y-5)</p>	<p>182381</p>
<p>*1659 Authorize the Office of Transportation to acquire certain permanent and temporary easements necessary for construction of the NE 47th Avenue Intersection Improvement Project through the exercise of the City's Eminent Domain Authority (Ordinance)</p> <p>(Y-5)</p>	<p>182382</p>
<p>1660 Authorize Intergovernmental Agreement with Oregon Department of Transportation to allow the Northeast Sandy Boulevard Safety Improvements Project to be constructed by the City in accordance with the Local Agency Certification Program (Second Reading Agenda 1622)</p> <p>(Y-5)</p>	<p>182383</p>
<p>Commissioner Dan Saltzman</p> <p>Parks and Recreation</p>	

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<p>1661 Accept a donation and authorize agreement for the development of the fountain and deck portions of the Waterfront Park-Ankeny Plaza and Street Improvements project and name the new fountain the Bill Naito Legacy Fountain (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 10, 2008 AT 9:30 AM</p>
<p>1662 Amend Lease Agreement with Summit Properties, Inc. for the Bureau of Parks and Recreation South Maintenance District Building (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 10, 2008 AT 9:30 AM</p>
<p>1663 Accept a \$24,900 grant award from the Portland Public School District to support activities for participants at Lane SUN Community Middle School (Second Reading Agenda 1629) (Y-5)</p>	<p align="center">182384</p>
<p>1664 Extend contract with Hank Childs Golf Shop, Inc. for concession services at Rose City Golf Course (Second Reading Agenda 1630; amend Contract No. 52173) (Y-5)</p>	<p align="center">182385</p>
<p>REGULAR AGENDA</p> <p>Mayor Tom Potter</p>	
<p>1665 Proclaim Measure 26-94 enacted and in effect (Proclamation)</p>	<p align="center">PLACED ON FILE</p>
<p>Bureau of Fire and Police Disability and Retirement</p>	
<p>1666 Authorize settlement with Rocky Balada regarding disability benefit and employment claims (Second Reading Agenda 1634) (Y-4; N-1, Leonard)</p>	<p align="center">182386</p>
<p>Office of Emergency Management</p>	
<p>*1667 Accept an Oregon Military Department, Office of Emergency Management, Department of Homeland Security, FY 2008 Urban Areas Security Initiative Grant to plan for terrorism events through planning, training and equipping First Responders (Ordinance) (Y-5)</p>	<p align="center">182387</p>
<p>Office of Management and Finance – Financial Services</p>	
<p>1668 Transmit FY 2009-10 General Fund Five-Year Financial Forecast (Report) Motion to accept report: Moved by Commissioner Fish and seconded by Commissioner Leonard. (Y-4; Saltzman absent)</p>	<p align="center">ACCEPTED</p>
<p>Office of Management and Finance – Human Resources</p>	

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<p>*1669 Authorize settlement between the Portland Police Commanding Officers Association and City of Portland/Portland Police Bureau and amend City-PPCOA collective bargaining agreement (Ordinance) (Y-5)</p>	<p>182388</p>
<p>Commissioner Sam Adams</p> <p>Office of Transportation</p> <p>1670 Assess benefited properties for street improvements in the NE Winchell Street Local Improvement District (Hearing; Ordinance; C-10024)</p>	<p>PASSED TO SECOND READING DECEMBER 10, 2008 AT 9:30 AM</p>
<p>1671 Rename the Portland Office of Transportation to the Bureau of Transportation (Second Reading Agenda 1639; replace Code Chapter 3.12 and amend other titles as needed) (Y-5)</p>	<p>182389</p>
<p>City Auditor Gary Blackmer</p> <p>1672 Certify abstract of votes cast and proclaim candidates elected and measures approved at the Municipal Non-Partisan General Election held in the City of Portland, November 4, 2008 (Report) Motion to accept report: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-5)</p>	<p>ACCEPTED</p>
<p>1673 Authorize settlement agreement and acceptance of deeds to property located at 7115 N Lombard St currently owned by Donald R. Campbell and Alice M. Campbell (Second Reading Agenda 1646) (Y-5)</p>	<p>182390</p>

At 11:47 a.m., Council recessed.

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WEDNESDAY, 2:00 PM, DECEMBER 3, 2008

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

December 4, 2008

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **4TH DAY OF DECEMBER, 2008** AT 2:00 P.M.

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

Commissioner Leonard left at 4:10 p.m.

At 4:11 p.m., Council recessed.

At 4:16 p.m., Council reconvened.

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

<p>1674 TIME CERTAIN: 2:00 PM – Oregon Food Bank (Presentation introduced by Mayor Potter and Commissioner Fish)</p>	<p>Disposition: PLACED ON FILE</p>
<p>*1675 TIME CERTAIN: 2:30 PM - Amend and extend term of a right-of-way agreement granted to AT&T Wireless Services of Oregon, Inc. to build and operate wireless facilities within the City streets (Ordinance introduced by Commissioner Saltzman; Previous Agenda 1641; amend Ordinance No. 178373)</p> <p>Motion to change term date in paragraph a. to June 30, 2009; amend Exhibit A, D.3.i.B to add business association: Moved by Commissioner Fish and seconded by Commissioner Saltzman. (Y-4) (Y-4; Leonard absent)</p>	<p>182391 AS AMENDED</p>
<p>*1676 Amend and extend term of a temporary, revocable permit granted to LCW Wireless Operations, LLC to build and operate wireless facilities within the City streets (Ordinance introduced by Commissioner Saltzman; Previous Agenda 1642; amend Ordinance No. 180518)</p> <p>Motion to change term date in paragraph a. to June 30, 2009; amend Exhibit A, Section 6, D.3.i.B to add business association: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-4) (Y-4; Leonard absent)</p>	<p>182392 AS AMENDED</p>
<p>*1677 Amend and extend term of a temporary, revocable permit to Clearwire US LLC, to use the City streets to provide wireless broadband Internet access services and establish terms and conditions (Ordinance introduced by Commissioner Saltzman; Previous Agenda 1643; amend Ordinance No. 181246)</p> <p>Motion to change term date in paragraph a. to June 30, 2009; amend Exhibit A, Section 6, D.3.i.B to add business association: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-4) (Y-4; Leonard absent)</p>	<p>182393 AS AMENDED</p>

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<p>*1678 Amend and extend term of a right-of-way agreement granted to Sprint Spectrum, LP to build and operate wireless facilities within the City streets (Ordinance introduced by Commissioner Saltzman; Previous Agenda 1644; amend Ordinance No. 178519)</p> <p>Motion to change term date in paragraph a. to June 30, 2009; amend Exhibit A, Section 6, D.3.i.B to add business association: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-4)</p> <p>(Y-4; Leonard absent)</p>	<p>182394 AS AMENDED</p>
<p>*1679 Amend and extend term of a right-of-way agreement granted to VoiceStream PCS I, L.L.C. now known as T-Mobile West Corporation to build and operate wireless facilities within the City streets (Ordinance introduced by Commissioner Saltzman; Previous Agenda 1645; amend Ordinance No. 178374)</p> <p>Motion to change term date in paragraph a. to June 30, 2009; amend Exhibit A, Section 6, D.3.i.B to add business association: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-4)</p> <p>(Y-4; Leonard absent)</p>	<p>182395 AS AMENDED</p>

At 4:31 p.m., Council adjourned.

GARY BLACKMER
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

[The following text is the byproduct of the closed captioning of this program. The text has not been proofread and should not be considered a final transcript.]

DECEMBER 3, 2008 **9:30 AM**

Potter: Could you come up and take a seat up here, please? Yes. Jamie and I go back a long ways. When I was a young police officer in the brooklyn neighborhood, I met jamie, but because he was an activist in the neighborhood and I got to know him and I thought he'd done a tremendous job and over the years, i've watched jamie and he's been one of those unsung heros in the community. He stays in the background but gets the job done. And so to honor him today, I would like to read an official proclamation. Whereas, Portland honors its residents, those who work for the betterment of their community. And whereas, jamie partridge has served Portland not only in his capacity as a mail carrier over the last 24 years but as an active leader in the letter carrier branch 82. Whereas, jamie was a cofounder of the Portland chapter of jobs with justice, a national campaign for worker's rights to end economic injustice and donates his time as a volunteer and worked on behalf of all Oregonians in an effort to organize for the increase of minimum wage in his capacity as a leader of the Oregonian livable wage coalition and night after night continues to donate his time and energy to support social justice efforts throughout Portland and volunteering for stand for children, kaboo radio, the northeast tree planters and farm workers united, Oregon action and a multitude of others. Whereas, jamie continues to be a leader in the areas of healthcare, labor justice and racial justice. Jamie partridge has, time and time again, demonstrated his vision and commitment as well as generosity and humility. Now, i, tom Potter, do hereby declare december 3rd, 2008, as an official day of appreciation for jamie partridge and I encourage all residents to observe this day. [applause]

Jamie Partridge: I don't know if I want to sit and talk to you folks or you folks, but I want to thank you. I guess this is where i'm supposed to be. Tom, randy, sam, dan, nick. I'm a community organizer. I confess.

Potter: You're presidential material then, aren't you?

Partridge: And a labor organizer. And there are hundreds more deserving organizers in this city. And many of them in this room. But as we all know, organizing is about relationships and building friendships and I just happen to have known the mayor for 40 years. Back when you were a cop on the beat and doing community policing, when we didn't have a word for it yet. So i'll accept recognition on behalf of community organizers, and organizing is such an important work, and as you said, behind the scenes and often unrecognized. Some of it is paid, some of it is unpaid. I've done both. Mostly unpaid. And as you said, i've been a mail carrier for 25 years and I was -- oh, worked as a grocery clerk and a lab tech and garbage hauler and daycare worker and i'm basically a working class guy who i'm really not very outgoing. I'm pretty shy, actually.

Potter: Doesn't sound like these people believe that. [laughter]

Partridge: But I was lucky enough to be a child of the '60s and my sense of outrage about the injustices of the world were lifted up by people who held my hand and showed me how to knock on doors and how to talk one on one with the people I work with and how to pull together a meeting.

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How to, you know, recruit volunteers, build leadership, how to build an organization. How to put together a coalition. I learned. I got -- I was shown. People held my hand and they showed me how to mobilize, organize people against organized money, direct action, to shake up government and business for justice for working people. It's been a fabulous life. I'm going into my 60s, i'm -- I just hope I can continue to do this work. Anyone, really. I mean, we're all good, caring people and anyone with the kind of support, can learn. Can learn to be a leader, can learn to change the world.

And this is an exciting time we live in. There's a lot of new, young people involved in the process. And I just hope I can be an inspiration and a guide with this new wave of change makers. So thank you again for the recognition.

Potter: Thank you, jamie. [applause] you folks are welcome to stay or leave as you so desire. [inaudible] about jamie?

*****: Yeah.

Potter: Oh, please -- [applause] please introduce yourself.

Margaret Butler: I'm margaret butler, the director of Portland jobs with justice, and i'm so excited that you've done this for my friend, jamie. He deserves it more than anyone I know so thanks for giving me a minute to say a few things. I could talk for three hours about jamie and the contributions he's made, but I won't. Instead i'll show three pictures. When I first met jamie, he recruited me to be the treasurer on labor commission on central america so got my involvement already and a bunch of us worked together to build the jobs with justice chapter, and for the first years, it was an all-volunteer and jamie was the glue that held it together. He was the consistent person. He managed the database, he was the secretary. He had a lot of ideas and pushed people into action over and over again. And the first picture I wanted to show you was jamie's role in the minimum wage victory in 1996 and then the living wage campaign. In 1995, jamie organized a coalition to take a living wage addendum to the legislature and didn't get a hearing on any of the bills, including an increase in the minimum wage. So the minimum wage campaign came out of that. Without jamie, that would not have happened. And the living wage campaign, he organized to collect 5,000 signatures in five weeks on a petition saying we don't want to use our tax dollars to keep people in poverty. People contracted with the city and county should make a living wage. We had friendly city and county officials but jamie led that work. And he's one of the hardest people i've met and persistent and i've worked for 31 years in the labor movement in Portland and jamie has seniority on me. So the second picture is immigrant rights work. One of our more recent battles. In 2006 after the 30,000-people march and testifying at city council on behalf of immigrant workers and always thinking about the most vulnerable workers in our community. And the third one is jamie brought a lot of fun into our work. Here he is as elvis, protesting corporations not paying their fair share on tax day in '97. He's marie antoinette and does a great george bush impression. Thanks for giving me the chance to help honor jamie. [applause]

Potter: Thank you.

Elsie Hanson: Hi, i'm elsie hanson. Solidarity greetings to you, mr. Mayor and mr. Mayor-elect, from the national association of letter carriers and the Oregon afl-cio. I used to say that jamie was one of the most brave people I know. I think i've told him that a bunch of times and he says, "why?" because when we used to go to national conventions, jamie would get up there and propose something that was considered to be outrageous -- and there's 7,000 people at our conventions, a very big room. A huge video thing and the old national president would ridicule jamie. Literally, from the mic. And I have seen 7,000 people shout him down. And you know what he did? What did he do? He went right back up there and did it again and then came back two years later with the same bill and then tried another, and came back with three more and about a decade later, the new national president would say, jamie, is that you? Appointing him to represent us in the election work we had been doing. He's now an honored member of the association when once he was been scorned. That's the truth. But also he's fun. He taught me about how to organize members. About

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a decade ago, we were trying to figure out some kind of member internal education. Management's violating the contract, what do you do? Well, we decided we would inform the rank and file of their rights and possibly create a symbol. It says conscientious -- we -- why did we pick the button project? Because Jamie happened to own his own button making machine. [laughter] [applause]

Potter: Jamie's father, John Partridge is here today, and his fiancée. So thank you both for being here to celebrate with him. [applause] going to move to the formal part of our council agenda today. So thank you all for being here. [gavel pounded] the city council will come to order. Karla, please call the roll.

[roll call] [gavel pounded]

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

Item 1649.

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

Roger P. Grahn: Roger Grahn. [inaudible], Oregon. I'm a contractor and developer and so on. When I started building -- I'm building 30 units for what are considered affordable housing on 82nd -- just off 82nd and Powell. When I first started the project, I was informed of the various projects and what have you that P.D.C. has and so I went down and investigated all of that. The upshot of it is that the policies are self-defeating and that eventually my lender said to me, if you want to sign on with these agreements and participate in these programs, that's fine, but we're out. We want no part of any of this. Which, of course, makes it impossible to deal with. The requirements and the thought process that goes on at P.D.C. is so completely unrealistic and out of touch with reality that they're useless. Completely useless. So I'm building this on my own. Having enough -- plenty of troubles with the city. I'll be back to talk about that more. But the interesting part of it is that the city is trying to build affordable housing and there was a big article in the paper and average \$240,000 a piece and I'm building them for less than a third of that and so are all of my contemporaries. Where does all of that money go? I'm doing it -- you're doing them for a quarter of a million. Where does the money go? It sure doesn't help the people and how many people in this town live in a quarter of a million dollar house? Probably not the bulk of them. Thank you.

Potter: Please read the next.

Item 1650.

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

Daniel J. Shea: My name is Daniel Shea. Portland, born and raised. And I'm -- I'm with veterans for peace, chapter 72 here in Portland and coming here to propose, like Jamie Partridge, who is also one of my friends and mentors, a proposal to the city council to declare sanctuary -- Portland a sanctuary city for soldiers of conscience. I want to approach this in a couple of ways. I'm a Vietnam veteran, 1969. I was a machine gunner in Vietnam and through my experience of going through war, I came back with being exposed to Agent Orange. I had a child born in 1977 -- 1971, Casey Allen Shea. Born with congenital heart disease and cleft palate and other abnormalities. In 1981, had to go for surgery and this was due to my exposure to Agent Orange. I had a daughter born just 14 months after, Harmony Shea, and when Casey went for surgery, the last thing I remember was that he went into surgery with his arms out saying, "daddy, daddy, daddy." he went into a coma for seven weeks and I spent every day at his bedside until that moment in which he eventually gave up his breath and died in my arms. At that moment, I had an epiphany about children of war and what that experience was and what it meant to me and how war reaches out beyond the time passed at the end of that war and affects people. And from that time on, I began to be a peace activist. I didn't realize for many years that I had post-traumatic stress. And today I learned through veterans through peace that we have veterans coming back with post-traumatic stress, 320,000. 300,000 with brain traumatic injuries and we have veterans who realize that the war is illegal and of aggression and rejected through their own conscienceness to reject it. And at a point where they'll

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not support that and being persecuted by their own country for taking that position. This is human rights week. A great opportunity for people to take a look at these veterans and support them. So we ask that the council be a part of that. Just this morning, I was watching a movie of a young man in south africa who stole a car and killed a woman and he took off without a -- without -- not realizing this child was in the car and at that point, as he took off, I began to realize that america has forgotten, like the veterans, that they are the baby in the back seat. I ask city council to stand up and support the resolution and my other colleagues will give you more information on that. Thank you.

Item 1651.

Megan Brooker: Hi, my name is megan brooker with the p.d.x. Peace coalition of we've met with several staff people, and with mayor Potter about it and it's an idea to protect the rights of soldiers who refuse to fight. We understand we have no power over the federal government or the military. If they choose to pursue a soldier who has gone awol. We've passed a resolution against this war, Portland, and we feel because of that, we need to support the soldiers who are also against the war and taking the brave position to speak out against it. And we don't think our local government or police should be cooperating with the government on that. And a soldier pulled over for a traffic stop, we don't think our police should turn them over to the military. We think this is along the lines of the joint terror taskforce. Our police don't cooperate with the federal government on that, we think it's along the same lines. Basically, our local police can choose to, if something pops up, to just not say anything about it, and we feel that's within their rights to do so. With the reason we think this is important is because like I said, we need to support our veterans. There's many reasons why soldiers might resist. Some are soldiers of conscience and we need to stand beside them. They may have suffered multiple tours, they may have post-traumatic stress syndrome. There are soldiers like suzanne from eugene, who could not put herself back in that position. We don't have a draft like we did during vietnam and so there's less people who are outraged about sending people over. And less supportive of the people who choose not to fight. But the military is not all volunteer. We have back door drafts, we have a poverty draft and something called [inaudible] loss. My brother is serving his second tour in iraq right now. His contract is up, he doesn't want to be there. But the military is the one job you get arrested if you choose to quit. That's not fair. We have the possibility to stand beside these soldiers and have our local police turn the other cheek. Let them go and let them live freely in Portland. And we've been collecting signatures and we have over 3,000. We'll be turning them into you, we're still collecting signatures and we hope you take this resolution seriously. Thank you. [applause]

Potter: Folks, if you wish to show support, please put your hands up in the air, rather than clapping. Thank you.

Item 1652.

Kelly Campbell: My name is kelly campbell and I work [inaudible] and I want to thank you for the time to address council on this important issue and I want to thank the city council for the important steps you have taken in opposing the war in iraq and opposing going to war in iran and being a city of peace. And I think Portland has been a leader in this area and I think this is another opportunity for Portland to step up and be a leader. Our city government as well as the people of Portland who have shown they're against the war and for supporting veterans and peace. I think it can be easy for those of us not in the military to sit back and say we're against the war, it's terrible, far away and now that we have the obama administration, perhaps it will end. Unfortunately, as we've heard a little bit from megan and her brother's situation, it's not so easy for folks who are in military. Many of them serving second, third, fourth tours as we speak. I think taking a step as a city to say we support those who refuse to go back, it's a difficult step and there are very few who can actually take that step. But I think having some support from the city will encourage and help those soldiers who are considering that step and knowing that they are supported by their

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community. As Megan said, we have met with many of your staff and appreciate that. We met with Mayor Potter recently and appreciate his time. We did hear Mayor-elect Adams staff that they had declined to meet with us. And Commissioner Leonard said something to the Oregonian, this idea of now we have a new administration, a new chance. I would submit that I think it's important to consider the message of the Obama campaign and administration was not to sit back and wait for change to come from the top. He was a community organizer, as many of us are, and talked about people making change and so I do think it's important for us and others to not sit back and say, we're going to wait and maybe the president will take care of these issues. But we seriously consider how we can support an overall change in this country and I would suggest something like that sanctuary city resolution could be one way to do that. As Dan mentioned, it's Human Rights Week and it's appropriate for us to be here, because soldiers have human rights. When I was in Berlin, I met with the parliament, who were working on an E.U., American soldiers on bases in Europe because of stop loss, that's considered slavery under European laws, and thinking of soldiers' rights as human rights is important for us. So I would ask for a commitment that you consider working for us on this resolution. I'll give you copies of the draft language right now. We're open to changes. We had a young soldier, Chris Martini who was signed up to testify, but he got called into work. And he does have his colleague who would like to take his three minutes and that's against the rules, but to mention that Benji is here and there are Iraq veterans against the war who are supportive of this issue and some who are actively resisting war right now. Thank you.

Can I give you the resolution?

Potter: Give it to the council clerk. Thank you. Thank you folks for coming in to testify today. Going to move to the consent agenda. Do any commissioners wish to pull any items from the consent agenda? Member of this room which to pull any specific item from the consent agenda? Please call the vote.

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

Potter: Please read the 9:30 time certain.

Item 1654.

Potter: Commissioner Saltzman.

Saltzman: Thank you, Mayor and members of Council. The Green Development Resource Center provides an umbrella for a regional partnership around green building between Metro, the City of Portland, Multnomah, Washington and Clackamas counties. The hotline went live in 2007. Currently it's a phone line, an e-mail hotline and a website. Staff promptly answer questions about green building and sustainable site building practices with unbiased assistance. Design advice and examples and links to incentives. We get calls from out of state and even from out of the country. I'm pleased to see the successful partnership between the government and Metro, I should say, and Metro Councilor and Susan Anderson are here to provide more information about the work.

Susan Anderson, Director, Office of Sustainable Development: I'm Susan Anderson, Director of the Office of Sustainable Development. With me is Rex and Valerie Garret from the Green Development Resource Center. We've had more than 75,000 hits on our website. It's buildgreen411.com. And direct inquiries to the phone line which she has answered. Half of the calls are coming from homeowners, a significant number from contractors, realtors and other businesses from around the region. What are these people calling to ask about? Top questions are about home insulation and heating, rainwater harvesting, LEED service. Where to learn more and how to find various recycled or healthy materials. People don't call just once. Many of them become her best friends to find out more assistance on how to build their home, how to do their remodel or start up when they're work -- remodel. People here about the hotline, and we work with different partners and the trades to get the work out. Besides working with Metro, we work with Washington and Clackamas County and home fairs and neighborhood newsletters, working with the Homebuilders Association and others. We get questions every day from the mundane, what kind of

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insulation should we use to the questions like can I find an energy efficient kitty door or wrap my whole house in plastic. She gets a question every day that makes her smile. Luckily we have our own leed accredited person to pick up the phone. This is valerie, our in-house expert. Backed up by three other people in our office who are leed accredited professionals who provide backup on questions, to offer additional expertise. So together they have dozens of years of experience and I want to thank counselor rex burkholder for his partnership and alyssa cane and valerie who have shared their expertise they've gained over the years and decided to work with the city to give that expertise to others. Now i'll turn it over to rex.

Rex Burkholder: Good morning. This is an wonderful thing to celebrate in terms of governments working together and be smart. The city of Portland has taken the lead and everybody wants to take advantage of the work you've done and this is a way to make sure that the taxpayers aren't be unfairly taken advantage of by having metro and the two other counties putting dollars into this program, we've been able to expand in a way that keeps services good for the city of Portland residents and also helps out the region. Metro is concerned with solid waste, sustainability, preservation of natural areas, sustainable living in general, in terms of the things we do. Yet there's no real reason why there shouldn't be a cooperation like this that takes advantage of the great work that any individual jurisdiction is doing by pulling resources and I think that's the good part of this. It compliments a lot of the work we do, this is the green building side. We did a lot about what's left over. The construction demolition debris and how do we recycle and reuse that. We support groups like the rebuilding center and it's complementary. We think what's positive about this, the hotline assists callers in considering alternative options they have in a positive way that helps promote that behavior change and I think right now, especially with the issues of energy, climate change being in the news but in people's consciences, that this type of information is critical and we're glad that you you're doing it and we can support making it go the whole region.

we also -- there's a couple of other things we want to talk about, which is going the next steps in the future. One is obviously, continuing the partnership on this level here, supporting the green building hotline and the other ones looking at how do you expand this? Because as susan mentioned and commissioner Saltzman mentioned, you guys get calls from all over the state. How do we actually get more resources so that this great resource can be shared around the state? Because it does receive inquiries from throughout the country. The other things we're looking at in moving this is increasing outreach and collaboration with metro's other programs. We have a master recycling program and a nature in neighborhoods, which has nature friendly design work and assistance to residences and businesses to build in a more friendly way with nature. And how do we reach out to other audiences and green building? Does that mean it's painted green? No, we want to save energy and water, and everything else and we want to continue working collaboratively to increase the reach and depth of -- to increase the reach and depth of this program. This is a resource we can share and make sure we can do it and the fact we've been able to make that happen is a proud accomplishment from our side. Thanks.

Saltzman: Did you want to add anything?

Valerie Garrett: Well, i'm just glad to be here and thank you for the opportunity, mayor and councilmembers. I've been doing this for just over a year. I love my job, it's very, very exciting to be in this climate and be able to help people and answer the phones and all the questions I get. I never know who is on the other side of the phone when they call. So especially with energy efficiency and weatherization and rainwater harvesting all being supported, we have so many resources in this region and i'm excited to promote the different bureaus and different county services and it's very, very exciting. And so I just -- i'm just thrilled to be here, so thank you very much for letting me do this.

Potter: Would you like to give the phone number? This goes out to a large audience.

Garrett: Yeah. 503-823-5431. Thank you.

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Saltzman: Thanks.

Potter: Do we have folks signed up to testify on this issue?

Moore-Love: No one else signed up.

Potter: Anyone here who wishes to testify to this issue? Thank you, folks.

*******:** Mayor --

Potter: Please call the vote.

Linly Rees, Deputy City Attorney: I just need to make -- there's one small error in the ordinance, it has an emergency asterisk, but no emergency clause. It would be appropriate to make an amendment to remove the emergency asterisk and then pass it on to second reading.

Potter: Hear a motion?

Saltzman: Move to remove the emergency asterisk.

Fish: Second.

Potter: Call the vote.

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

Potter: Moves to a second reading next week. Please read -- did you want --

Saltzman: Actually, I just would like to say a few words to say this is a great example of region-wide collaboration and supports our shared goals around sustainability and growing green economy. I'd like to thank our sponsors and also the staff, Valerie Garret and Brice, and Alyssa Cane and Metro Nature in the neighborhoods, and I look forward to building on this partnership and calling the hotline the next time I'm considering something. So thank you all.

Potter: Thank you. Please read the 10:00 a.m. Time certain.

Item 1655.

Potter: Commissioner Adams?

Adams: Well, this is a promise fulfilled. When I ran for the position of city commissioner and was asked for my position on the tram, I said that I was not interested as the project -- as the project budget went over, I was not interested in having the city contribute any significant additional resources to get the tram built, and among the other commitments I made was that we, as part of this project, would get the pedestrian bridge built to reconnect the walking path from the south hills to the riverfront. And south waterfront. So I'm pleased today that we are able to move that commitment forward, which was enshrined in the council resolution on the tram as well. And we're going to hear today the good work of a very much citizen-based process. Well staffed by pdot but led by the citizens that are going to benefit most from this project on the design that they've come up with. So thank you for your work.

Jody Yates, Office of Transportation: Good morning, Mr. Mayor, commissioners. My name is Jody Yates and work in the office of transportation. With me is Leslie Howell, a member of the design team. I want to talk to you about the project, a brief overview. The city is going to construct a pedestrian and bicycle bridge over I-5, adjacent to the aerial tram. We'll also have improved pedestrian crossings on the west side, crossing of Barbur Boulevard, Naito and Kelly. And a connection on the east side of the bridge, to Moody, where there's a streetcar stop currently and accessible to all users, including disabled folks, bicycles and pedestrians. Our project fund, \$7 million construction budget and funded by the federal highway administration with local match from the Portland Development Commission and Transportation S.D.C.'s. When we originally started the project, the direction of Commissioner Adams, pdot formed a 13-member citizen advisory committee, primary of South Portland neighborhood association residents and business owners. Several of which are present here today to testify. We established a planning framework of what we wanted out of the bridge. These included aesthetics, not only how the bridge looks from I-5, but from the neighborhood, for users. The users' experience of getting to the bridge and across it, safety for the folks on the bridge, bicyclists and pedestrians. As well as those vehicles traveling under the bridge. Cost was a primary driver in this project to stay within budget and sustainability of using

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environmental-friendly materials and also using less materials, if that was possible. With this, we established a decision making process. We have a citizen advisory committee. Consists of members of the south Portland neighborhood, also south waterfront residents, ohsu is a member, and we have several groups there represented. And the members of our technical advisory committee, and they met jointly eight times to help proceed with this project. We had two open houses and two local neighborhood meetings at the ross island grocery store and a project management team consisting of kevin peterson is the bridge architect and assisted with the bicycle facilities and sought advice twice to help out with this design and we'll go to landmarks division in the spring. Here is a map showing basically where the bridge will be. It crosses just south of the ross island bridge. The red circles indicate the pedestrian improvement locations. And it's adjacent to the tram tower. This new bicycle and pedestrian facility will connect the lair hill neighborhood to the new south waterfront neighborhood and a connection to the river, the future greenway and the top of the drawing, you can see the future light rail. This is porter street and where it's going to cross over and we're providing a potential link for bicycles and pedestrians to connect from southwest over to southeast Portland via that bridge as well. Also, down in the lower right, it's not indicated but I put my cursor on to it, it's the new park that's going in as the south waterfront neighborhood park. And finally the bridge design. This is a view looking from i-5 looking to the north. Downtown, it's a little bit obscured to the left, but this is a [inaudible] bridge design, it's a combination of a box girder and a cable stay bridge. There's not one yet currently constructed in the u.s. And there is one designed for a i-95 in connecticut, I think we'll beat them, so we'll be the first. There's one in construction in vancouver british columbia and this is a fairly new technology for bridge type design and for the city of roses, known as the city of bridges, this would be a welcome addition to our bridge types. And this would be a view as a user on the pedestrian bridge. There's a curve in the bridge and you can see mt. Hood just to the right of the tram tower and as a pedestrian or bicycle user coming around the bridge, you'll have a framed view of mt. Hood and due to the planning for south waterfront, that is a protected view corridor through that so that will be maintained and you can see ross island bridge to the left in the background. An interesting challenge for this project is the difference in grade elevation from the lair hill neighborhood over to south waterfront, obviously, not to scale, but it shows a grade difference -- we have to cross over hood avenue at 17 and a half feet and that's for freight vehicles, a clearance requirement there. Cross over i-5 and macadam. It's a challenging difference to get down to a streetcar stop at moody. That's equivalent to five and a half stories so it's a bit of a watch your first step type of thing. As opposed to having a ramp. It would be a 1400-foot ramp at 5% grade and if you're in a wheelchair, it would be a very difficult trip. It's equivalent to six blocks. So instead of doing that, we're proposing to have an elevator at this location. Along with the stairs facility. In the future, we would not preclude having a ramp to go to the north. It would connect conveniently at the porter light rail crossing area. That's about the 1400-foot distance. This would be an elevator with large cabs to accommodate a bicycle and, say, a trailer that would be behind and a stair facility coming down. This is the architect's drawing of a proposal we have for the east landing and also have an observation platform and kind of continue on with the tourism that is with the tram tower, a good place for photographs and stuff of as well as, there's the streetcar stop right continue here that's not really shown in this drawing.

Adams: Running the stairs in this location would be just pushing a button, right?

Yates: Yes, and we're --

Adams: [inaudible] exercise.

Leslie Howell: You can choose to run the stairs though. There'll be stairs as well. You got to have redundancies so stairs with your elevator. If you're like me, take the elevator up and then walk down.

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Adams: Do we have on the stairs, I forgot to ask when I got briefed, a cycle track on the side of the stairs?

Yates: We were planning on putting something like that in, in the event there's a power failure we'll have that accommodation. Just a summary on the project, we're at 35% in -- \$5.6 million is our construction costs and we've added on contingent and escalation and we're at a total of \$7.6 million. That's a little bit higher than our construction budget and we're looking at ways to cut back on the \$600,000 which includes combining the left bridge abutment with the elevator tower and bring those together, we can have one structure there, and the engineer is telling me that's worth about \$750,000 savings, so we're moving ahead with that type of items to get within budget.

Howell: I think we're taking a closer look at the elevator design as well.

Yates: Yeah. A quick review of the schedule. We started this process in april of this year. Went through many bridge types and options to get to what we're recommending here. We're at 30% design now. Proceeding on. And we'll do final design, bid in july and august, and start construction october of next year. So we'll see something on the ground this time next year.

Adams: One of things we're talking about as part the loam stimulus is the opportunity to fast track projects and so this is one that we're talking about the bureau of purchasing about being able to fast track and get construction started sooner. I just wanted to let council know that.

Saltzman: How long will it take?

Yates: We're looking at a lot of the pieces of the bridge that can be prefab off site. Right now, i'm estimating a year's worth of construction. Depending on the construction methods.

Fish: You mentioned some federal money and a local match. Can you walk us through those figures?

Yates: The federal, \$9.7 million --

*****: And change.

Fish: Thank you.

*****: \$9.7 million, from p.d.c. -- from transportation, \$1.86 million. So it's roughly a 10% match to the 90% federal dollars.

Fish: The p.d.c. Money comes out of the urban renewal?

Yates: Correct.

*****: At the s.d.c.'s already funded or --

Yates: No, it's citywide and it's funded.

Fish: Thank you.

Potter: Questions?

Saltzman: I was curious about what you're doing at naito parkway and barbur boulevard to assist pedestrians, bicycles in crossing?

Yates: What we're proposing now are pedestrian crossings similar to what's on barbur further, the south. Some islands, some channelization. Especially at naito, there's a three-lanes -- three lanes going southbound, to reduce that down to two lanes, we believe there's adequate capacity for vehicles and to reduce that crossing length for pedestrians. Both for naito and kelly, I have to get odot improvement. Those are odot controlled, so at this point, we can't say exactly what those crossings are.

Saltzman: But they'll look like pedestrian islands.

Yates: Potentially, and with overhead lighting to warn vehicles of a pedestrian.

*****: Of a crossing.

Saltzman: I think that would be a great idea.

Fish: Can you remind us again how this would link up with the proposed milwaukie to Portland light rail?

Yates: If we go to the map, you can kind of see the pedestrian bridge is the red line. Then right now, folks would take the elevator down and there's a bike lane along moody or a sidewalk and

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travel to the north and there'd be -- this is the light rail crossing in the orange lines here. As a future project, a recommended project is to also have a ramp that wouldn't just come down this way. So we actually see a potential of a second project through there. To build a second ramp.

Yates: The cyclists can make the direct connection.

Fish: Or I guess you can take the streetcar?

Yates: I don't know if there's a streetcar stop being proposed here. But it's not that far. A quarter of a mile distance, for even walking.

Fish: Reading about the vestas plant, is there a particular space on this map where they're being potentially penciled in?

Adams: Looking at three sites in south waterfront. One is block 33 and then they're looking at the schnitzer campus.

Yates: Block 33 is the one adjacent to the park right here.

Fish: Thank you.

*****: We have some citizens here to testify, if there's questions.

Saltzman: This extra dosed model, not illegal, is it?

Yates: No.

Saltzman: No steroids involved? I was wondering --

Adams: Darn, you caught it.

Saltzman: How proven is this type of construction?

Yates: There's many examples in the world, just not in the u.s. At this point. When I googled it, there were 38 and mostly used as -- there were 38 and mostly used as motor vehicle bridges. They do exist.

Saltzman: At least 38 others of this design?

Yates: Yes, and they're building one up in vancouver b.c.

Potter: And they're all standing?

*****: No, they're all standing. And the other is one of the bridge types we're looking for for the columbia river crossing, as well.

Potter: Did you folks have a list or did the folks sign up on the sheet? How many signed up?

Moore-Love: We have six people.

Potter: Call the first three. [inaudible] thanks for being here. When you speak, state your name for the record.

William Danneman: William danman.

Potter: Go ahead.

Danneman: William danman, i'm the transportation chair for the south Portland neighborhood association and sit on the c.a.c. For the bridge. What come out right at the beginning and phase -- the staff and jody yates in particular from pdot and the design team from ch2m hill, I have had the experience of going through the tram and this is totally the opposite.

Adams: High praise and a low standard, isn't it?

Danneman: If you'd been there at the beginning, you would know what I meant.

Adams: Sorry, I didn't mean to interrupt.

Danneman: That's ok, but I wanted to -- and I think they've been forthright and honest and really a pleasant kind of group to work with. And I wanted to say that this bridge reconnects our neighborhood. Our neighborhood has been dissected by freeways and naito -- has been dissected by freeways and naito and this gets our neighborhood a little bit more like a neighborhood and it's important to us because we sit really close to downtown and it has potential for the future. That is tremendously enormous. But this one thing I would do -- I do want to point out, the number one criteria of our neighborhood association and the c.a.c. Was that this bridge come in under budget. Or within budget. And I want to be sure that nobody happens again, like it did in the past, where -- you know, where we're focused on the wonderful, beautiful design, which it is, and forget that we

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have a limited number of dollars to work with. Especially in these troubled times. But if any team can solve or problem, I think this is the team that can do it. And I just wanted to say that we appreciate you giving the neighborhood such a say in this process.

David Snyder: My name is david snyder. A resident -- 31-year resident of corbett lair hill neighborhood. And I want to thank you for getting it speak. And particularly thank commissioner Adams for my appointment to the citizen advisory committee. It's been a gratifying and interesting process. I live in one of the victorians on kelly avenue. About a block and a half south of where this bridge is going to land. At gibbs. And working on that house all of that time. Still working on it. As bill says, the neighborhood's got a lot of potential and i've been waiting all of this time for it to blossom and I think this is one of the real steps forward for that. My primary interest in the bridge is walking and bicycle access to the river as well as to downtown. And as you know, there is now no safe way to get to the river or to get to downtown. From the corbett neighborhood, particularly. I'm a retired paramedic and nurse and used to work over at good sam, and I bicycle commuted there and every morning, that necessitated a mad dash, the traffic off the ross island bridge. And three times a week, i'm still doing the mad dash to get to the wellness center. It will be fabulous to have that bridge go right there. I'm also really interested in preserving the historic character of the neighborhood and I think this design that we've had a chance to help with and ch2m hill came up with, is going to compliment the neighborhood. The low towers, and you saw on the pictures, I think the scale suits well with the neighborhood of old houses on our side and new high rise buildings on the east side. It's visually interesting and i'm really excited about the design. It's also important that the west side not have a huge block of concrete and I think this design is going to allow really small unobtrusive entrance into the neighborhood. The real restoration of the character of our neighborhood, I think, is going to require if I may say, funding and implementation of the entire south Portland circulation project. We've dreamed and planned and hoped for that for a long time. I think of us as residents of corbett as miners trapped below ground for a long time, and this pedestrian bridge is the first air hole that's been drilled down to us in -- and which is to say, great. Do it. We're going to be happy and grateful for it. But don't stop there. Please fund and implement south Portland circulation too.

*****: I too support this and strongly support the moving --

Potter: State your name.

Don Baack: I'm sorry. Don baack. Southwest trails, I strongly support this project and I think jody and her team have done an excellent job. I do have -- I have some concerns with the pedestrian connectivity on naito and barbur. I think they need more work. I think barbur is more of -- people won't use it because they won't go out of their way. We have a serious problem up that trail. I don't know who has the responsibility, but it's designated as a southwest trail and we're not going to touch it, particularly with the liability stuff we have to sort out. It does need attention and there's a lot of ohsu commuters that go up there. I'll write a note to sam, but it's a serious problem. The other end of the bridge, on the east, I think we need to think through carefully where the bicycle connections to the light rail works. I don't think that's worked out yet from what i've seen and that's important. Not necessarily part of jody's project. And we from southwest are extremely happy that we're getting this bridge because it is a key connection for the red electric. The red electric will come through hills dale and go across the barbur bridges once we get that fixed and we could use your help on that. And connect to corbett and then to this bridge and so we've got a good connection that people will use, in our view, to get to the water, and to the employment areas in this area. And then, the final thing, I just applaud the -- you moving forward with this and thank you very much and i'm pleased it's moving forward and we'll be glad to work on these other little pedestrian issues. Thank you.

Potter: Thank you, folks.

Moore-Love: The next three, ken love, jim gardener and tom naguchi.

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Potter: Thanks for being here. When you speak, please state your name for the record. You have three minutes. Anyone can begin.

Ken Love: My name is ken love. President of the south Portland neighborhood association and I would like to wish the top of the morning to each and every one of you. About two years ago, our neighborhood had a concern about this bridge and at my request, commissioner Adams came to our neighborhood meeting. And we had previously looked at a few beginning designs and they all ran two to three times over our budget. So after listening to us for about an hour, commissioner Adams said this is a neighborhood bridge. I'm going to let you be part of it. Get me about seven names, which I -- we advertised in the sweeney news and got commitments from seven residents and submitted them to him and a couple months later we had the beginning of the c.a.c. And we've had excellent, excellent participation. We were allowed to have a seat at the board on selection committee which was an interesting experience in itself. We spent many hours. If the city needs an example of how city government, city agencies, and neighborhood citizens can work together to achieve a goal, this is at the top of the list. I want it say thank you for the opportunity to be so involved. Happy holidays, and I look forward to working with each of you next year.

Adams: I want to take this opportunity to thank you. Because you brought to my attention and my team's attention, a project that was headed for rough roads. And when -- but more than that, you offered to help and then followed through on that, so I want to thank you for your continuing leadership of south Portland neighborhood and particularly your great work on this project.

Tom Noguchi: My name is tom and i'm a resident of the south waterfront district. I too, would echo the comments with regard to the project coordination and management by jody and the rest of the staff. For residents of the south waterfront, I think we see this as another piece of the long-term development to integrate both the neighborhood as well as access to the willamette greenway and providing for a multimodal transportation system connecting the educational facilities of ohsu, the natural -- national college of natural medicine as well as Portland state. It will certainly promote, I think, both healthy walking with -- from the district into the city center, as well as, I think, promoting for I think the connectivity of all the bike paths within the city. So i'm supportive of the design proposal for the [inaudible] design. I think it's both creative as well as unique and provides for I think complimenting the tram design in every way. Thank you very much for the opportunity to testify.

Adams: And those down in the south waterfront part now get easier access to the market. Lucky you.

Noguchi: Going to the ross island market is real important to us.

Jim Gardner: Good morning. Jim gardener, south Portland board member and a member of the c.a.c. It's been a wish of the lair hill neighborhood to have convenient pedestrian and bicycle access to the river and greenway. And with this bridge we're on the right track. With the design and with the plans for pedestrian improvements in the neighborhood. You've heard there may be some difficult choices along the way to actually complete this project within the budget. As we face those decisions, I think it's important to keep in mind how and why we're building this bridge. Long before there were thoughts of a tram, the fare called north macadam was intended for redevelopment at a modest scale. One amenity that was identified was this bridge. But this was basically a wish, because there was no money in hand. Then the plans changed dramatically. Under the combination of mayor katz' vision and public, private developer's capital and ohsu's expansion plans, the modest north macadam area soon became the ambitious south waterfront area. All parties recognized this these bigger buildings would generate greater traffic and visual impacts on the existing lair hill neighborhood. So the bridge was put in as a positive mitigation for those impacts. When the tram project came together, the bridge was again promised as only one of a few mitigation projects that were directly -- directed at this immediate neighborhood. Ohsu and the city and the developers and our neighborhood really worked hard to find a way to pay for this. We

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lobbied senators -- senators smith and wyden and congressman blumenauer and hooley and eventually got the money for the bridge. From the start, this bridge was intended as a direct connection between the parts of our neighborhood and links in a pedestrian corridor linking ohsu on the hill and on the river. It may turn out to be some use as part of a wider pedestrian and bicycle network but frankly that seems to be speculative and it's incidental to the bridge's main purpose. Hard choices must be made and we should keep in mind why we're building a bridge in the first place. Simply put: To connect the neighborhoods at either end and connect ohsu on the hill and down below. We should keep that in mind when identifying the location of the pedestrian crossings and the bridge landings at either end and if we have to make hard choices like between the pedestrian improvements and some snazzier lighting on the bridge or a plaza at the end, the pedestrian improvements should be considered most important. I think there are good reasons to be optimistic that the actual costs will come in lower than our current estimates and we'll build the best bridge we can want. I think we have the team and the consultants and the c.a.c. That can make this bridge a reality. Thank you very much.

Adams: And thanks for your service on both the tram citizen advisory committee and this bridge advisory committee. You're a true soldier.

Gardner: Yeah, at least I want to come out of this batting 500.

Adams: And I wanted to underscore, it's an important point to underscore, that this is a low confidence estimate. It's as much due diligence you can do at this part of the process, but we'll move to 30% preliminary engineering and the confidence will go up.

Moore-Love: One more person. Bob durgan.

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

Bob Durgan: Bob durgan. I represent the ziddell family and work for anderson construction. I want to echo everything the committee talked about. It is a good committee. I'm on all of the committees and for about five years for ziddell. Two questions that were asked. One that's coming up that's going to be critical is this strategy advisory committee and transportation. I met with carter menichol the other day and how the streetcar connects to the new light rail crossing, because the stations there, that's the next critical step that you can get off on the tram and how this northbound streetcar is going to connect, whether it goes up on moody. So something that to be aware of. The other thing is that my wife and I took a three-week vacation from amsterdam to budapest, and I got to see a lot of bridges and a lot of walkable cities and I saw at least a few examples of these bridges and they look nice. I get my 2400 pictures out between the bridges that I saw for the willamette crossing and the light rail pedestrian bridges and plazas, i'll do something, but I think this is a fine project and I especially want to -- a fine project and I want to give acknowledgment to jody, because coming from the construction side, she's a real engineer type and she knows how to get this type of project done. So --

Potter: Thank you.

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

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

Adams: Well, I want to thank the citizens who participated in the c.a.c. Bill danman and jim carter, steve, lee moore, john perry, david snyder, I want to thank emily gardener, and aaron from the willamette pedestrian coalition, the special efforts of the southwest trails folks. You've heard from don, but also glen bridger. Ohsu, brian newman. From ziddell, we heard from bob. And along with rick. And heard from tom. Jody, you did fantastic work. To our good friends at ch2m hill and mayor reed. We'll be coming back to council, this authorizes the next step. And after we're done with 30% of preliminary engineering and then we'll go out to bid. This moves the project. It's by no means the ultimate yes or no. So thank you. Aye.

Fish: Well, first I want to compliment commissioner Adams on his leadership on this issue and the way this citizens' participation was structured and the outcome we have before us today. Just a few

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comments also about people who testified today. First, I was feeling for don block as he testified, because I think this bridge is going to create a real headache. I don't know how he's going to integrate it into the fourth tee, but i'm sure you're working on it. To ken love who helped me understand the issues and concerns of the south neighborhood folks. I want to thank you. When I was a civilian. And to bob durgan, helping me understand the vision at the ziddell site. I hope whatever portfolio i'm assigned by the mayor-elect going forward, I know it will help me be a more effective commissioner. Looks like a wonderful bridge and a great day for pedestrians and cyclists and people who love the city and want to be connected to south waterfront. I'm pleased to vote aye.

Leonard: I too, really appreciate the process and followed it closely since i've been here and since sam has arrived and this is a wonderful outcome. Thanks for your hard work. Aye.

Saltzman: Well, this definitely looks like a great design. And certainly will add to our -- as jody said, our inventory of outstanding bridges in this city and certainly provide something that's long missing from the south Portland neighborhood and that's east-west access. As one of the persons that have great -- it's great north-south access throughout that neighborhood but it serves to divide that neighborhood into small strips and so this east-west access, pedestrian and bicycle is really needed and crossing i-5 is going to open up a whole new chapter in the city of Portland. Pleased to support this design. Aye.

Potter: I want to thank the community, pdot, and commissioner Adams for his leadership for bringing it to this stage. And I know when I came on, this was a controversial issue. I think there was a lot of people in the community didn't think it was going to happen. It's happening so i'm pleased to vote aye. [gavel pounded] move to the regular agenda. Please read item 1665.

Item 1665.

Potter: I'll read the proclamation and then turn it over to commissioner Saltzman. Whereas, the council of the city of Portland referred to the voters of the city at the municipal nonpartisan general election a measure titled renew five-year levy for children's investment fund. Such measure designated as measure 26-94 and according to the official canvas, 203,616 votes cast in favor and 77,384 were cast against said measure. Now, therefore, it is proclaimed by the undersigned mayor of the city of Portland that the measure has been enacted and in effect. Dated at Portland, Oregon, this, the third day of december, 2008. Signed, mayor tom Potter. Commissioner Saltzman?

Saltzman: Thank you, mayor. I appreciate this proclamation and let me start by first of all thanking my colleagues on the city council for their help in gets the measure passed. For five more years to continue to invest in proven programs that will help children in early childhood development and after school mentoring programs and child abuse prevention and a fourth category that the council added. And that is programs that will help children in foster care succeed. I think what we're truly amazed about is the margin of victory. We won by over 72% and it's no -- by 72% and it's no secret that the people in the economy are hurting and so the margin of support was astounding and still leaves me shocked. But I think it shows that Portlanders recognize that in tuff times, times are often toughest on kids and we need to invest in programs that help children succeed and provide them strong families with which to be in. So we're very grateful to the citizens of Portland, the voters of Portland and we'll deliver on our promises of delivering cost-effective programs and limited our administrative expenses to 5% or less and using the public money to leverage private investment in these programs as well. We're humbled by the outcome. We won convincingly in every precinct in this city and my gratitude to the volunteers and outstanding campaign staff who worked hard and made this victory so sweet. So thank you.

Potter: I want to thank you, commissioner, for your leadership on this, and also, it's really the children of Portland that won. I believe this is going to help our children live not only a better life, but have more opportunity to succeed in life. So thank you for your leadership and I want to thank

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the citizens of Portland for giving our children a wonderful christmas gift. There's no vote required.

Any other statements? Thank you, we'll move to item 1666.

Item 1666.

Potter: Second reading, call the vote.

Fish: Well, thank you, mayor. I have to say after spending a fair amount of time getting my hands dirty with this issue, which includes numerous meetings with our talented attorneys and folks from h.r., reviewing the record, that I have to begin by saying i'm profoundly disappointed that we're faced with this decision in the first instance. I'm disappointed on many levels but start with the fact that a claim of this nature could languish so long in the pipeline without appropriate action which has served no one. And frankly, the Portland taxpayers deserve better. As I have learned more about the claim and its tortured history, i've come to the conclusion that it's the poster child of why many of the reforms were so badly needed. On that note, i'd like to thank commissioner Saltzman, and acknowledge his leadership in many of the reforms brought to the system, frankly reforms that were long overdue. And i'm assured by our talents team here at city hall on the basis of a number of those reforms we'll never be asked to review another case like this in the future. In these troubled economic times, we as a council are called on to be especially vigilant in our stewardship of limited public funds. And ultimately, this is the criteria that swayed my decision. I will reluctantly vote in favor of the settlement today, not because of the merits of the case, and not because of my desire to funnel one additional dollar to mr. Balada, but because of my judgment, after reviewing the record very carefully and thinking about the risks to the city if we don't settle, I have concluded that the settlement will significantly limit the amount of taxpayer dollars at risk. So on that basis alone, i'm prepared to vote aye.

Adams: Commissioner fish, you articulated, and more, sort of my feeling on this topic. So I appreciate those words. I totally agree. Aye.

Leonard: Well, I have many of the same observations, although they draw me to a different conclusion. I think we have a process that's clear in the charter as to how claims are approved or otherwise. Without passing judgment on the merits or lack there of. This particular claim, I think it's frankly inappropriate for the council to intercede on a claim that probably should have its full hearing in front of a hearings officer and allow the claim to live or die based on the merits of the case. I unfortunately have some history with these kind of claims in the past, and they seem to -- back in the early '80s and into the '90s. One stress claim I first remember was in 1986 or '87, were quickly followed by a series of them after the board approved the first one and my concern is this sends the message to potential claimants that if they hire an attorney, file a claim, whether there's merit or not, they may end up with a settlement. For that reason and others, I don't think it's appropriate for this council to intercede with the settlement. I think the claim should go to a full hearing and let the chips fall where they will in that process. No.

Saltzman: Well as commissioner fish noted, in many ways this case was the poster child for why voters overwhelmingly approved reforms to the fpd in our system in 2006. However as part of those reforms, an independent administrator was appointed and given the authority to take settlement recommendations to council. And that's what's before us today. The administrator, Linda Jefferson, has made a well thought out recommendation to settle the balada case and I will support that. This case as it presently stands unfortunately leaves the city and its taxpayers open to a potentially large judgment against us. Before the system was overhauled by voters, accurate records and documentation were not kept in a manner that allowed the city to defend itself adequately in this case. The haphazard manner in which the system was run before the reforms leaves the taxpayer unnecessarily vulnerable in this case. And as much as this case really is one of the last vestiges of the type of cases that we may see or the administrator or the board will see, under the old system I think its time to get this out from underneath us and move on. Therefore, I do vote aye.

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Potter: I've heard of the sentiments of commissioner fish, commissioner Saltzman, commissioner Saltzman. I think it's better to no longer have him part of the organization, so I vote aye. Please read item 1667.

Item 1667.

Shelli Tompkins, Office of Emergency Management: Shelly tompkins, emergency management.

This item on the agenda is to formalize the acceptance process for the 2008 award through the military department. The award this year is 7.4 million. Emergency management has administered a total of approximately 47.8 million since 2003 for homeland security and preparedness for the five-county region area, and the Portland office of emergency management actually administers that and tracks any resources and procurement. We work in conjunction, having shared plans, any regional training, planning, and exercises for the five-county regional area.

Potter: Questions from the commissioners? Thank you. Is there anyone signed up to testify on this matter?

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

Potter: Anyone here who wishes to testify to this matter? It's emergency ordinance. Call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. Thank you.

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

Potter: Please read item 1668.

Item 1668.

Potter: Staff?

Andrew Scott, Office of Management and Finance: Good morning. I'm Andrew Scott, the interim financial planning manager. With me today is Drew Barden, who's the city economist. We'll be transmitting the financial forecast. We've already briefed all of your offices on this, so we'll just do a brief overview of the forecast today and then would be happy to take any questions.

Drew Barden, Office of Management and Finance: I'm Drew Barden, economist in financial planning. I have the traditional five-year financial forecast document before you which delivers this pending limit or number for '09/10. By way of background, I'd just like to make a few simple remarks and go over the results, which you already all know. We learned yesterday that the U.S. Economy has been in recession since January of 2008, and I would guess, if there were a similar dating done for the Oregon economy, it probably has been in recession since midsummer. For the financial forecast, this has a very simple meaning. Business licenses and transient lodging revenues are cyclical. They follow the economy up and they follow it down. So, in this forecast, business licenses and transient lodging taxes are following the economy down, and the assumption that's been modeled into the forecast is that the only objective data that we have is on these two what happened to them in the recession of the '80s, which was a bad recession, and the post 9/11 recession, which was a bad downturn also. So both of these revenues are following a path down that is about equal to the average of what happened to them in relative terms in the previous two sessions. That is the only objective data that we have to model this. Business licenses will decline from 74 million last year to about 62 million next year, and that should bottom out. Transient lodging should follow a similar decline, but since it's a much smaller revenue stream, it will be lower. Given this drop in these two revenues as well as decline in interest revenues and some declines in other revenues, resources are inadequate to support current service levels or bureau current allocation or Cal levels. So the forecast shows that, in order to balance, based on the assumptions in this forecast, the general fund needs to reduce expenditures from by about 7.1 million, which is very close to 2.5%. In March, we will update the forecast prior to the mayor's proposed budget as we traditionally do, and I don't know at this point whether the forecast will get worse or get better. On the plus side, it's clear that inflation has dropped off the face of the earth practically in the last two or three months with the steep decline in energy prices, and the inflation

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assumption that's in the forecast is probably too high. In february, we'll find out whether we're going to get any help on the cola front, depending on what the cpiw, Portland/salems -- Portland/salem comes in at this based on the data we've seen so far, we would reduce the cost benefits of health benefits and there might be some help there. On the negative side, the real question or uncertainty, as is pointed out in the back page of the forecast, is that this recession is different than the one in the '80s and the post 9/11 recession. The difference is it has an overlay of financial problems that weren't there in the '80s or weren't there as bad as they were in the '80s, and so how long this recession is going to last and how deep it's going to go is anybody's guess at this point. So you need to take these numbers with a grain of salt. Like I said at the retreat last month, we've never seen this story, and we don't know how it ends. So it may be that this is just part of a process and that there may be another round of cuts coming either in the next forecast or, if things get worse, the forecast in march may worsen the general fund's predicament and require that the size of the cuts that are required to balance go up. With that, i'll take any questions or andrew will.

Adams: Well, in looking back at various national economic recessions and Portland's experience with them, part of what we've talked about in some of our private conversations I just wanted to air out a little bit as well that it's not uncommon, when you give the nature of the national recessions and the nature of our local economy that the Portland region is sometimes the last in or late to feel the local impacts of a national recession but then also late in, sometimes, bouncing out of it compared to the national recessions. Can you talk a little about that?

Barden: In the recession of the '80s, Portland, Oregon -- Oregon led into the recession, and Portland came along a little later. In the 9/11 recession, Oregon went in later by about six months or so. So, in this recession, it's clear from the employment numbers for Oregon and for the metro area that we will be a little later to the party. In other words, the employment rate in this area is below the national rate right now. Oregon is not quite so well off. But it's clear that job losses didn't start here until maybe late spring or early summer, whereas job losses in the national economy started clearly last january and have continued since then. So that means that we're going to go in a little later and probably come out a little later, and that's what's modeled in this forecast essentially.

Fish: First I want to thank you both for the briefings we've been getting in our office. They've been very helpful. But also for the benefit of people watching this, can you explain in as simple way as possible why it is, in the next fiscal year, we're projecting cuts in ongoing but a \$2.5 million of one-time-only money?

Barden: In terms of the mechanics of the forecast, it's what's happening in the last year of the forecast in terms of resources or requirement that determines what you have to do now in order to balance over the five-year period. In the last year of the forecast, there is an 8 to \$9 million deficit based on the revenue forecast and where expenses are going. So, in order to cut that much to meet, to balance in the fifth year of the forecast, we need to cut that much now, which is more than the actual gap in the first year. So the gap in the first year is smaller. And so, when you cut the full 7.1 million, since you have a smaller gap in the first year, those resources flop over into a one-time amount. But you need to cut the 7.1 million so that, as far as we know right now, when you get to fy 13/14 you're balanced. In other words, you have resources in requirements and balance. So there's a smaller gap now. The gap gets worse next year and then lessens but still in the recession, meaning you lose revenues. You lose them forever. Costs keep on growing, so you've got a deficit in the fifth year that's about 8 to 9 million. We need to cut about 7 million which, with inflation, would go to about a 5 million cut over five years. The basic reason is that you have a smaller gap now. You cut to meet what the problem is in the fifth year and, since you have a smaller gap now, you put some resources over into a one-time column that can be used once.

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Fish: And the second question I had for you has to do with our reserves. Could you remind us how much we have set aside in reserves and what's the trigger that would allow us to draw down on those reserves, if the council so chose?

Barden: The reserve policy in force requires that reserves be held at 10% of net revenues, and net revenues is net of bond proceeds and grant revenues. So there's about 48 million in reserves. That's what the 10% level is. The triggers are economic conditions, and there are four triggers. The first trigger is a delinquency in discount rate on property taxes in excess of 8%, I think. The second trigger is an unemployment rate that rises above, I think, 6.5 or 7%. The third trigger is basic revenue growth, and the basic revenues are the general fund's four largest revenues, transient lodging, business license, property taxes, and utility license, franchise free revenues. When revenue growth for those four basic revenues drops below, I think, a 3% or 4% level, that's a trigger also. So you need to have those triggers get hit, and I would imagine that, during the course -- three out of four is what the policy says. I would imagine that you're going to get three of those four during this recession. The one I don't think will happen based on where the Lynn County rates are and property taxes right now, I don't think that property taxes will get up to a trigger on delinquencies.

Fish: And just the other piece on that is, if the council chose to draw down on some of those reserves, what's the period of time in which they have to be replenished?

Barden: Next 12 to 18 months. In other words, in the next forecast cycle, you have to start planning to replenish them and put them back to 10% -- to the 10% level. You get some money to bridge through a downturn, but it's not ongoing money. It's only going to be there once.

Scott: Following up on that point, commissioner, I think Drew talked about one of the problems with tapping reserves is that it takes any offsets when the economy starts recovering. We don't really benefit. It delays the eventual upside from the city. And another thing to look at now -- and Drew has talked a lot about the uncertainty in the current forecast. We really don't know how bad things might get since this is an unprecedented situation. One thing I know from financial planning and O.M.F.'s perspective is right now the city has to make some cuts, and that's unfortunate, but we are a little better off than the other governments in the area. Next year, things could get significantly worse, and it would be prudent to hold those reserves until times when things get probably significantly worse than what this forecast is showing. That would be our recommendation. The other thing just to note is the tapping of those reserves can also have an impact on the city's credit rating. It's uncertain how that would be viewed, but the strength of the city's reserves is one of the reasons why we have had such a high credit rating for so long, so it is possible that could have an impact and raise borrowing costs.

Fish: I don't plan to bring a motion today to draw on theory serves -- on the reserves. You talked about the extent of our reserves. You talked about the triggers. You talked about the repayment, if you will, replenishment. My understanding is there's one other important category we need to keep an eye on, and that is that the reserves are restricted. They cannot be used to fund certain purposes. Could you give us a couple highlights on that?

Barden: The major restriction is that they can't be used to fund labor settlements would be the major restriction that we've always pointed out.

Leonard: This is self-imposed.

Barden: Right. It's in the policy.

Leonard: But that's not persuasive to an arbitrator that's looking at it.

Barden: No.

Leonard: We tell ourselves that, but they see it as a source of revenue.

Barden: I think they look at it as reserves.

Leonard: They look at the ability to pay.

Barden: They aren't bound --

Leonard: They can't count what we will or will not spend our money on.

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Barden: They're not bound by council obviously. The general fund's revenue stream is, for lack of a better word, very lumpy. Property taxes start to come in in november and december. Prior from july through november, december, we have to pay bills on cash balances that we have around, in other words just the amount of cash that belongs to the fund. Around the reserves act as cash balances while we wait for property tax revenues to come in. In the early and mid '80s, the general fund's financial condition was much different, and it would go into, say, a year like 1985, '86 with a \$600,000 ending balance that was not cash but was accrued -- was accrued. The general fund in the '80s had to borrow anywhere from 30 to \$40 million of tax anticipation notes just to fund operations until property taxes came in, and that comes with a cost. If we get to a point where council decides to go into reserves, the forecast will have to be redone to reflect the fact that we'll problem have to issue tax anticipation notes in some quantity and incur the interest costs with that.

Fish: The final thing that would be helpful for all of us to understand better is the relationship between these reserves and our credit history, our credit rating. It's my understanding the council is going to be asked to use its good credit rating to potentially support some other projects down the road, and so I think it would be something that we'd all like to know more about in terms of how does drawing down on those 48 million in reserves affect our credit rating, and also how does allocating any portion of those other reserves that total hundreds of millions that we use as collateral for bonds and other things we talked about during the budget retreat -- how does any use of those dollars affect our credit rating?

Leonard: I think it's important on this topic that we're very clear that there's a distinction between general fund reserves, reserves at the water bureau, reserves at the bureau of development services. They have credit ratings based on their own internal revenues in those specific enterprise funds, and a lot of the discussion that we're having about infrastructure improvements are from those enterprise bureaus that do not rely on the general fund to fund those projects. So at water, for an example, we'll be bringing a series of projects that will be funded through water rates that are not affected by the general fund reserves but rather their own revenue streams and reserves that they have there.

Scott: Another thing to note on this, and I think we mentioned this in some of the briefings. This forecast does use some of the reserves. Because of the city's reserve policy, we have to keep 10% of the general fund reserved. As the revenue forecast has shown the decline in revenues, then that 10% number actually comes down. Drew, i'm not sure if you know the exact number used in the first year.

Barden: 5.5 million of the excess reserves is being used in the first year to soften the blow of the decline in revenues. That's why the gap in the first year is smaller than the gap in the fifth year.

Scott: That's a common practice that, as that 10% fluctuating, we keep that reserve at 10% because of the revenue decline.

Adams: So with the new member of the city council and the new staff that will be joining her in january, we'll begin the process of doing the briefing citywide, all the issues-related policies and reserves, and then going in bureau by bureau, so we'll make sure that staff makes the rounds and collects all the questions from commissioner elect amanda. The fact that we have \$900 million in checking accounts across the city, some reserves, general funds some, rainy day funds, bureau specific, some simply bond proceeds that have yet to be spent, we'll provide greater detail on all of that.

Leonard: I did have a question on the council set-asides. You've got in the table in the five-year forecast document 44,000,746 council set aside, which includes money for projects like the c.a.d. All of those dollars that are categorized under council set-asides capital projects that we previously made commitments to such as the emergency operation center, the c.a.d. Improvement, 800 megahurts, those kind of things?

Barden: Not all of them. The compensation set aside is in, for cola is in there, contingency is in there. There are a bunch of small little operating requirements like voter-owned elections.

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Leonard: Did we get a breakout of what adds up to the 44 million?

Scott: Page 4, you can see it by line item.

Leonard: Ok. So capital-asides, voter-owned election, city hall debt service.

Barden: So there are some capital projects in there like the c.a.d. Transfer and the north macadam project, but there's also some debt services that are supported by the general fund, street operations.

Leonard: The voter-owned elections, is that 280,000 -- that's --

Barden: General fund share.

Leonard: -- general fund share. That does not include the enterprise funds?

Barden: No. That's just the general fund share. It's spread across the whole city.

Leonard: What's the entire amount, including the enterprise funds?

Barden: I'd have to get back to you.

Leonard: If I could just get that.

Barden: Sure.

Leonard: The 280 is a designated amount we set aside every year?

Barden: Well, it goes up and down depending on what the treasurer estimates or the auditor estimates and where we are in the election cycle, but it has generally been between \$200,000 and \$300,000.

Leonard: Per year?

Barden: Per year. The forecast just uses the 280 for each year.

Leonard: This portion is ongoing general fund revenues that are dedicated for this purpose only?

Barden: Right.

Leonard: And then you'll get back to me with the other amounts?

Barden: Yes.

Leonard: Great. Any idea if it matches this amount, more, less?

Barden: I don't know. I'd have to look at the whole schedule.

Fish: You're talking about systemwide for voter owned?

Leonard: Yes.

Fish: I thought the number you gave me was about a million and a half.

Barden: Sounds about right, but I only keep track of the general fund portion.

Fish: I think it's between a million and a half and 2 million.

Scott: In the earlier years, we didn't spend quite as much, but there may be some carry-over.

Fish: But obviously affected by how many people participate. In the election cycle, I think we had something of an anomaly, six people participating.

Leonard: 648 ongoing total, so the 380 is roughly half.

Barden: 280.

Leonard: I'm sorry.

Barden: A little less than a third.

Leonard: Is there anything in there, other than that line item, that is discretionary -- discretionary? City hall debt service wouldn't be discretionary, would it?

Barden: It's discretionary revenues to fund it but you don't have any power to change it.

Leonard: As in voter-owned elections, are there other examples in the council set-asides where we have some discretion as to whether or not to spend the money?

Barden: You have discretion on streetlight o.m.m., what's set aside for b.e.s., \$386,000.

Leonard: That is a general fund? Why do we spend general fund dollars on it.

Barden: Previous councils set aside money for the river renaissance program. My understanding this goes to help fund that.

Leonard: We use that instead of the rates?

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Barden: No. I think i'd have to go back and look at the record or somebody would to find out. Ledge len would you be the appropriate person for me to ask that of?

Barden: I think andrew is the appropriate person.

Leonard: If you wouldn't mind looking at this and if you could just give me the breech -- briefest of descriptions in the general items, particularly that have ongoing general fund revenue that are discretionary in terms of the council deciding whether or not to spend the money, that would be very helpful. And I would imagine my colleagues would like to see that as well. If it's more than one page, it's too much. A brief description is fine. Thank you.

Potter: Other questions? Is anyone signed up to testify on this matter in.

Moore-Love: No one signed up.

Potter: Anyone here who wishes to testify to this specific issue? Motion and a second to accept the five-year financial forecast report.

Fish: So moved.

Leonard: Seconded.

Potter: Please call the vote.

Adams: A lot of work to do. Aye.

Fish: I want to thank the team from o.m.f. For the briefings we've received and the responsiveness to our questions, and I will concur with the mayor-elect. Aye.

Leonard: In my view -- and i've said this often -- the primary responsibility of any elected body is to develop budgets. And unfortunately I have a lot more experience at budget cuts than I do good times, especially including my time in salem. And this is not going to be pleasant as we move forward, but we need to ask a lot of questions as we're asked here today and prepare to do some things that will not be pleasant. Aye.

Potter: Aye. Please read item 1669.

Item 1669.

Anna Kanwit, Bureau of Human Resources: Mayor, commissioners, anna kenwith, assistant director human resources, and also with me dave benson. We're asking you today to authorize a settlement agreement between the Portland police and city of Portland to amend the collective bargaining agreement on a corresponding wage increase. As you're probably aware, executive leave, four members of this bargaining unit have had a long and somewhat difficult history with the bureau, and you've had numerous conflicts over its interpretation and implementation. Currently members of the bargaining unit receive three weeks executive leave. Executive leave taking the time off or cash out. Routinely this has been a cash-out for these members in part because of their long -- they're senior employees with the city, accruing vacation at a very high rate, and often they're unable to use that time and end up forfeiting vacation at the -- forfeiting vacation at the end of the year. This would allow the bureau and its commanding officers to focus on some other very important issues they have without having this hanging over their heads. We are very pleased with our ability to work out the settlement with the union. It has the support of the bureau human resources, the police bureau, and the commands officers' association.

Dave Benson, Bureau of Police: Good morning. My name is dave benson. I'm president of the Portland police officers commanding officers association. Over two years ago, the city and associate became involved in a dispute over executive leave which, as you know, is an article in our collective bargaining agreement. The dispute arose shortly after we negotiated an increase in executive leave in 2006 and has been in litigation ever since. It is my opinion that, in the labor world, litigation signals failure. It is a failure to communicate, to understand the other side's perspective and keep talking even when it appears there is nothing more to talk about. This case has all those elements. As an association representative, it is my job to keep the conversation going, to make those on the other side of the table understand labor's perspective and, just as importantly, for us to understand management's perspective. Since I have been involved in this

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dispute since the beginning, I all to you today with some personal regret for my part. Perhaps, if I would have found the right words that could have brought greater clarity to the issue, we might have avoided the uncertainty that litigation brings. But even though litigation was ongoing, the association and the city were engaging in formal conversations over a period of many months between the association and b.h.r. The conversations, i'm happy to say, were collaborative but very tough. The settlement before you today represents what we feel is a fair conclusion to this dispute. It hasn't made every member of my association happy, some of whom felt that more could be gained through litigation. However, every member of our association sees this was a simply good business decision to end the dispute earlier as opposed to later. I very much appreciate anna kanwit and her boss, yvonne deckard, for always being willing to listen on this and many issues, also appreciate you for being willing to end this divisive dispute. Most importantly, I appreciate all the members of the commanding officers' association who worked individually literally hundreds of extra hours each year, are almost constantly on call, and who tirelessly work to make Portland an even better, safer place to live, work, and play. Thank you very much.

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

Moore-Love: No one signed up.

Potter: Anyone here to wishes to testify to this specific issue? It's an emergency ordinance, please call the vote.

Adams: I want to thank you and your members and everyone at the Portland police bureau for working day in and day out to help keep Portland safe. I'm glad that we were able to conclude this in as positive a win/win as possible. I want to thank you for your efforts on that score and also for the bureau's efforts as well. Happy holidays. Aye.

Fish: Well, i'm going to ask my team to get a copy of dave benson's remarks here, because I think you've given us a good framework for evaluating future resolutions and labor disputes. And as a recovering lawyer and as someone who used to practice in the labor vineyards, a couple of the points that you made are very important. One is that we would like to settle our disputes with our labor partners across at the table and not have them mandated by a court or arbitrator whenever possible. And I completely concur with that sentiments and congratulate both of you for working through the differences and getting to this point. The second is that a good settlement is often one that everybody has a certain distaste or or that there are people that are critical of some parts of it. I would be suspicious of any settlement where you came in and said there was enthusiasm on both sides. A settlement means both sides have given a little bit to get the deal, and you can only do that with trust and with effort. So, again, I congratulate both of you. And you also touched on some other core values that I think we all share about how we treat our labor partners. I think this is a fair deal and that it is a good deal for our taxpayers, and I again want to thank the parties for continuing to work at this until we got it done. Aye.

Leonard: I, too, really appreciate what you said, dave, around I know those words to be very true. They're also indicators, for me, of the hallmarks of a leader. It is amazing to me how many times, either on this side of the table or that side of the table, I would observe somebody in a position such as yours who really never understood what it was that they won, and sometimes they fought for the sake of the fight. To me, a hallmark of a good leader is being able to identify, in the middle of a fray, when you've won and to move on, and you've clearly done that. I'm, too, pleased to support the settlement. I've always obviously had a lot of respect for you and your colleagues, but it has grown in the last year from my own personal experiences at the police bureau, and I appreciate all that your members do and am very pleased to be able to support this. Aye.

Saltzman: Well, i'm very pleased to support this. I want to thank dave, representing the commanding officers' association, bureau of human resources, and mayor's office, mayor, for bringing this forward. I think it's a fair settlement. I think it gets an issue behind us and allows us

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to continue to go onto do the hard work that commanding officers do every day to serve the citizens well. I'm pleased to support this. Aye.

Potter: I concur that this is a necessary settlement. I think that both sides were far apart on the issues but that this compromise, I think, is equitable to both parties in terms of the final settlement, so I vote aye.

*****: Thank you.

Potter: Please read item 1670.

Item 1670.

Potter: Commissioner Adams?

Adams: Andrew, tell us why we should do this.

Andrew Aebi, Bureau of Transportation: Good morning, mayor Potter and commissioners. Andrew aebi, local improvement district administrator. The deadline for objections to final assessment on the northeast winchell street l.i.d. Was last wednesday. We did not receive any objections to the final assessment. I did not see any property owners here to testify, but i've been joined by matt hengen from the Portland police bureau. I did want to note that I was directed by council to minimize project costs, and the estimated assessment rate at l.i.d. Formation was \$667 per abutting linear foot. The final is \$464 a foot, which is approximately a 31% reduction being passed on to the property owners. With that, i'll turn it over to matt.

Matt Engen, Bureau of Police: Good morning, matt hengen, police bureau. It's got my typical issue I usually appear on. This is a project I was privileged to work with andrew and pdot when I was at northeast precinct about a year and a half ago, and we brought to you a situation that was both transportation related through the street and crime and disorder related based on the unimproved area behind an adult business that had substantial issues surrounding crime and disorder and public safety. I'm here to thank you for your efforts and to publicly thank andrew and his great efforts through pdot to have this project brought to completion. There -- it's gone from a situation where I respond with numerous officers in the middle of the night to large crowds and disturbances and disorder to now a bartha has improved its relationship with the police bureau, a street that is paved, safe, well delineated, and provides a permanent crime prevention through environmental design solution that now will, I think, greatly enhance the safety of that little corner of northeast Portland. A responding officer knows where the street is. It's paved. It's beautiful. There's a sidewalk. We know where private property is. And it creates an atmosphere that dissuades disorder. So i'm here to thank you for your efforts and creation of this l.i.d., and andrew and his team at pdot, commissioner Adams who's very excellent to work with. I've not always had the pleasure to have complete partnership with all of our other bureaus, but on this occasion it was a model of how different seemingly nonconnected agencies can work together very well.

Adams: I've seen you at more neighborhood meetings than i've seen any other single officer of the Portland police bureau, and I know that the citizens really, really appreciate it. Thanks for your grassroots approach to your work.

Engen: Thank you.

Potter: Other questions?

Fish: I just want to say that the reason andrew has been a little blue since last friday and why i've lost a little sprite in my step is that we're both big fans of a certain soccer team in the city that lost.

Aebi: I'm still in mourning on that one.

Fish: The lady pilots did make it to the quarterfinals with five starters not suiting up, so we should concongratulation them for their effort and great season.

Potter: Is there a sign-up sheet for this?

Moore-Love: I did have one, and no one signed up.

Potter: Looks like there's no one here to testify, but I have to ask the obvious question. This is a nonemergency, moves to a second reading. Thank you. Good work. Item 1671 please read.

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Item 1671.

Potter: Second reading. Call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. Please read item 1672.

Item 1672.

Potter: Auditor blackmer?

Gary Blackmer, Auditor, City of Portland: Mayor, commissioners, auditor blackmer. Before you is a decision, whether you want to certify the votes that were cast on the november 4, 2008 election and proclaim the candidates elected and the measures approved. I would encourage that so that you can have a quorum in january.

Fish: Mr. Auditor, if we refuse to certify these results, what is the legal consequence.

Blackmer: You and commissioner Saltzman would be the city council. I believe I would have to start votes, which I don't want to do, and we'd have to have special elections, I think, but there may be some legal recourse for the candidates who are not appointed.

*****: [laughter]

Leonard: I'm intrigued.

Fish: Should we set this over? Gary, since you're here, can I ask you a question about a related matter?

Blackmer: I'll try.

Fish: We get emails from your office on the campaign commission and what they're doing.

Blackmer: Mm-hmm.

Fish: I saw recently that you anticipate between one and three vacancies coming up. I think one immediate and then perhaps as many as two or three next year. And I don't know whether that's because there's term limits or whether just people are cycling off voluntarily.

Blackmer: They're appointed for a time period. We've had one person who basically dropped off the commission, and we go through an annual -- biennial recruitment process. We have a group of evaluators that basically look at the written applications and interview the candidates. Historically, that's been representatives from a few members of council as well as some committee members, some stip members.

Fish: What's the process that you intend to follow to fill those vacancies going forward?

Blackmer: That's what we would do would be we would do a wide recruitment and ask people to put together essentially a resumé or application. But it's our clear understanding what their responsibilities would be, which would be to stay out of any perceptions of a conflict of interest and involvement in campaigns and so forth so that we are then interviewing them with a group of -- I think we had four or five evaluators essentially. Several were people that we got from council offices as well as a couple that were citizen campaign commission members.

Fish: So you're going to put together a committee?

Blackmer: Mm-hmm.

Fish: And then when is the earliest time that might come to council at least to fill the one vacancy that's open?

Blackmer: I'd have to look at the schedule. We had talked about -- the commission had talked about trying to get someone on quickly because they're trying to put together a report on this last election, but I think they reflected and realized it would be difficult to get someone up to speed on the last election as well as contributing to the report, so they moved that down as a priority. But probably in the springtime, I would imagine, we'll do that. The other six members have been picking up the slack that they had to to make up for the seventh that can't attend.

Fish: Thank you.

Potter: Other questions? Need a motion to accept the report.

Saltzman: So moved.

Fish: Seconded.

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Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. Please read item 1673.
Item 1673.

Potter: Second reading. Call the vote.

Adams: Aye. **Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Potter:** Aye. Recessed until 2:00 p.m.
Thursday afternoon.

At 11:47 a.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

DECEMBER 4, 2008

2:00 PM

[roll call] [gavel pounded]

Potter: Before we begin the official proceedings of council, I have a proclamation to read. The proclamation is in support of the united states census bureau. As everybody knows, in 2010, we're going to have probably the most full and complete census of people in our country that's ever been done. And so to that end, i'd like to invite mr. Richard lightfoot, and i'd like to read the following proclamation. Whereas an accurate census count is vital to our community and residents' well beak by helping planners determine where to locate schools, day care centers, roads, and public transportation, hospitals, and other facilities as used to make decisions concerning business growth and housing needs, whereas more than \$300 billion per year in federal and state funding is allocated to states and communities based on census data, and census data ensures fair congressiality representation by determining how many seats each state will have in the u.s. House of representatives as well as the redistricting of state legislatures, county and city councils and voting districts, whereas the 2010 census creates jobs that stimulate economic growth and create employment opportunities in our community. Whereas mayor-elect sam Adams has pledged to carry this partnership forward into his term of office beginning january 2009, information collected by the census bureau is protected by law and remains confidential for 72 years. I tom Potter, mayor of the city of Portland, Oregon, do hereby proclaim this day, december 3rd, 2008, that the city of Portland is committed to partnering with the u.s. Census bureau to help ensure a full and accurate count in 2010. With us today is mr. Richard lightfoot. Please say a few words.

Richard Lightfoot: Thank you, mayor Potter, councilmembers. You've already hit upon what the census is going to do. In the very short term, we're going to be hiring about 100 people -- about 1,000 people in the next month and a half to work here in this city. The number they need to call if they would like to be considered for a job is 1-866-861-2010. Once they call that number, they will be provided a test site where they can go take the test, and then we'll pull up the test data. Our goal is to hire people from the local area to do the census in their local area. And so we're looking at a hiring of about 1,000 people. And the pay scale ranges everywhere from \$15.25 an hour, to \$18.75 an hour. So it's not bad pay for the temporary job.

Potter: I think that's a great incentive. As you told me earlier, we'd really like to see also more people of color as part of this process. Because it's really going time pact a lot of our communities that have been traditionally underreported. So I really want to thank you for that. And the Portland city council certainly appreciates what you and your organization are doing.

Lightfoot: Thank you very much.

Potter: And the phone number is on the screen for folks to call. If you know someone who could use a temporary job, one that will help our community, please have them call this number. Thank you, sir. City council will come to order. Karla, please call the roll.

[roll call]

Item 1674.

Potter: We're pleased to have representatives from the Oregon food bank. Phil is the chairman of the Oregon food bank board of directors, and rachel is the executive director of the Oregon food

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bank. We've asked phil and rachel for an update regarding how the Oregon food bank fared over thanksgiving and how they are positioning for the upcoming holiday season in the longer term. We all read the numbers or watch the news every day, and are well aware that the country is in the midst of an economic crisis. Organizations like the Oregon food bank are critically important any time. During times like these, we realize how much our community depends upon the services they offer. Now more than ever, the Oregon food bank and the organizations that support it may be the only way for some folks to put a meal on the table for their family. Phil and rachel, thank you for joining us today. And thank you for what the Oregon food bank does.

Phil Kalberer: Thank you, mayor, thank you commissioners. I want to thank you on behalf of the Oregon food bank board for all that you've done in the past in terms of the hunger issue and what you're doing today and hopefully what happens in the future. I got involved with the Oregon food bank a few years ago when we had the dubious distinction of being one of the most hungry and most food insecure states in the country. And steps were taken at Oregon food bank to address this issue in terms of getting more people on food stamps, increasing the supply, and the delivery of food. We started making progress. Then a couple years ago another bomb hit us, and that was a declining or a stable food supply when there was an increasing need. We lost usda appropriations, they were way down. We lost many of the local food suppliers because they're being bought out or becoming more efficient and don't have seconds. We started programs to address this. Encouraging organizations and working with organizations like farmers ending hunger, Oregon hunger relief task force. And we started to make progress on the food supply side. But we've been hit with another bomb, and that's the increased demand for emergency food supplies, which has been astronomical the last few months, anywhere from 12 to up to 40% across the state. I think you know the relationship between hunger and many of the other issues we face in our society. Obviously if people aren't here they aren't that attentive at school. If people buy food and can't pay for rent, they have to find another place to live. This is all interrelated with homelessness and also with our health care system. So there is a real need out there, and fortunately we have an organization like the Oregon food bank that is doing a lot to address this need. I'm going to introduce rachel broll. She basically -- bristol. She's basically not only our executive director, our leader, but she's the heart and soul of what happens in this state in terms of addressing the issue of hunger. Rachel came to the state in 1983 as a vista volunteer working with the Oregon food share. As that joined with the Oregon food share and the Portland interagency food share, it formed the Oregon food bank, and rachel became our executive director in 1990. And she has been our executive director and c.e.o. Since then. The organization is kind of a different than you'll see anywhere else across the country. It's basically a state that has an interrelationship in the delivery system of food to the hungry. We operate, or we basically distribute food to over 16 other regional agencies, for which we run ourselves and the other ones totally independent of us. As with rachel's leadership that this is being done, i'd like to at this time introduce rachel and again thank her for all she's done for the issue of hunger in Oregon.

Rachel Bristol: Mayor Potter and commissioners, thank you again for inviting us here today to speak about the hunger crisis here in Portland. As phil shared with you, for the last three years we've been facing declining food supplies, and last year a very dramatic food shortage. This year the food supply is climbing a little bit, but it's being far outstripped by the rise in demand. Starting about a year ago this time, we started seeing significant increases throughout the state, primarily in the more rural areas of this state along the coast and Portland remained flat in 2003-28. So that -- 2007-2008. So that was the good news. The supply was keeping up with the need. That changed dramatically in the first quarter of the current fiscal year. Here in Portland we saw a 12% increase in the request for emergency food if just in the first quarter. In october we're still getting the data in, but 48 out of the 56 emergency food pantries in our network reported that they saw an increase of 41% of them reported increases of 40% or more. I always do better when I just talk and I don't

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have to remember to say things. Fish emergency services which I know you're very familiar with, reported 57% increase. Crossroads cupboard, 35%. Ecumenical ministries food program jumped 23%. Good samaritan center in north Portland, 85% increase in the request for emergency food. The list goes on and on, and in the written testimony you have many other examples, increases of 72%, it's throughout the Portland area. One of the toughest jobs at Oregon food bank right now is that of our receptionist. I -- I invited her to join me today to testify, and she declined. However, she did take the time to write up for you some of the stories of who are the folks that are turning to us in need. We've been hearing from our agencies that 30-50% of the people who are showing up are coming for the first time in their lives. I'll read a few examples she provided. The most common story I hear is people that have been laid off. Usually it's the husband who has been laid off for the past few months, and now the wife has gotten laid off. They've run out of money, they're in need of food. An employment -- unemployment checks are being cut back, they barely make ends meet. They've already applied for food stamps, but there's two weeks wait for an appointment. Recently i've had a number of calls from realtors, and again, we share this from our member agencies. Realtors, title companies, construction workers. A whole new group of people who have never had to turn to our system before. The drop in the housing market has affected lives, she says, often it's a single mother who tries to provide a good life for her children. But finds herself in a bad situation with her commission and income dropping drastically. They've already downsized their normal everyday spending, and they find themselves in need of food to survive. Mothers with newborns are calling for infant formula. We can only hope the emergency food box agencies that we referred them to have some to give them. The disabled and elderly, a significant increase among that population. Many of them don't have transportation, they've got mobility issues and without exception they feel very bad to have to call and ask. And repeatedly they will tell our receptionist, i've always been able to take care of myself. I never imagined I would be calling the food bank. Unfortunately only a few of our local agencies are able to deliver food boxes. And those that do have to limit distribution to once every three months because of the limits of the food supply. More people are walking in firsthand, and to give you the more recent -- the recent view, this time of year numbers go up, often it's requests for holiday baskets as agencies year to year try to go above and beyond to provide extra help for the holidays. This year that's not why they're calling. Instead of an average of 120 calls a month, last monday she received 100 calls in the first hour of the work day. 100 calls. And what her stories don't show -- what you don't see is the emotion each of those calls contain. She's sitting at the reception desk, there's mobs of volunteers arriving to help us repack food. That's terrific. And there she is, saying, it's ok to cry. It's ok, take your time. It's ok to cry. They have no idea really that there is a broad network there that's trying to catch them. At this time more than ever, we need all the help we can get. I'm going to tell you a little bit about what you can do. And I will say that this community has been very responsive. We frankly are overwhelmed with calls from businesses, individuals wanting to do food drives for us. At this point what we really need are volunteers to pick up and deliver barrels for all of those folks that are wanting to do food drives. You can always drop them off at our site, but we can refer you to -- direct to food pantry. Drop them off in your neighborhood. Drop your donations there. Or throughout the month of december, you can drop your food donations at any u.s. Bank branch or any jiffy lube. Again, if you organize your own food drive, we'd ask that you help us out by delivering it either to the food bank or member agency, and keep in mind that we're having difficulty keeping enough trucks and drivers on the road to keep that food moving. Cash contributions are especially important right now. We are in the process of trying to raise \$1 million to purchase additional food to supplement what's being donated. By the food industry and the u.s. Government. Financial support also pays for packaging supplies. We have 27,000 volunteers that - - i'm sure you've been there, I know you've seen some of you packing food in our warehouse. We buy in bulk, and much of the food that's donated comes in bulk and we pack it up so it's in a form

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that our agencies and their clients can serve them. I will tell you while our volume was up 12% overall in the first quarter, it is still moving out faster than it's coming in. And we have a lot of empty racks in that warehouse. Go to our website, www.oregonfoodbank.org. You can see lots of ways to contribute. And anything that people can do to help. I would also call on the city council to continue your effort to create more family wage jobs. I know that is a priority for you, and that's the real solution to the hunger crisis in Portland. They're being supported by churches and other organizations, and they don't have enough help to lug those boxes and help people in and out the door with food. We are booked through december, so I would ask you to remember that the need will still be there after the i'm most worried about what's going to happen after the holidays. During the holidays most people everywhere are thinking about their neighbors in need. But after the first of the year, people's lives get busy and they don't think so much about that and donations toned drop dramatically. We know the need is not going to drop dramatically come january 1st. And so we ask you to continue to do everything you can to help us.

Fish: First I want to express our thanks to rachel and phil for your powerful presentation. You've given us an alarming picture of hunger in Oregon as well as a call to action. During these tough times we hear a lot about banks and bailouts. These are all very serious things. For the more than 50,000 Oregonians, these tough times means they'll go to bed tonight hungry. Tonight and every night. We know that hunger impacts us all. And these people may be our neighbors, coworkers. On thanksgiving day my daughter and I volunteered for loaves and fishes. We delivered meals to elderly shut-ins. It was the only meal that many of the people we served would have that day. And they were incredibly grateful to the food and the limited brief companion ship we gave them but in the richest and most pow orful nation in the world this, is shameful. Today i'll add a home without food is an empty future. Children who are hungry have trouble learning in school. And hunger produces stress that i'm packs a family's ability to lead healthy lives. Last month as you indicated, the united states department of agriculture ranked Oregon third as the state with the highest percentage of hunger. What a dubious statistic. As you noted, this past quarter the Oregon food bank reported a 13% increase in emergency food box requests. Your food supplies are low, and this together this economic calamity we're going through means that individuals' ability to donate funds directly is strained. We all understand there's a great opportunity before us. And our president-elect has issued a challenge to all americans and i'm fond of reading these words because i've waited eight years to be able to quote my president on any subject. He said on his election night, let us summon a new spirit of patriotism. Of service and responsibility where each of us resolves to pitch in and work harder and look after not only ourselves, but each other. Let us remember that in this financial -- if this financial crisis taught us anything, it's that we cannot have a thriving wall street while main street suffers. In this country we rise or fall as one nation, as one people. So it is in the spirit of community service that we come together as a community and we all step up to do our part to end hunger. Today mayor Potter and the members of this council issue a challenge to our community. To take this issue to the next level. And you've identified things and given us a road map for how we can help. We can donate food, and that includes filling a bag and dropping it off at any jiffy lube or u.s. Bank. We can donate funds. We going online to www.oregonfoodbank.org. We can donate time by volunteering. You're full up in december, but in january, february, march, the need is just as urgent. And we can advocate. We can take time to learn about the issues and advocate for public policies that reduce the underlying causes of hunger. Perhaps we can even end poverty in our lifetime. , which after all, is the root cause. I'd like to join with my colleagues in thanking you, rachel, for your work, and you phil, and gene kempware, and the Oregon food bank for the tremendous work you do. Your work directly impacts the quality of people's lives and health every day. And I would close by letting you know that this city council looks forward to working with you in the months and years ahead to continue to raise awareness and to end hunger in our community. Thanks.

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Adams: [inaudible] I spent a couple hours on a good tour, and the work you do is amazing. We need it now more than ever. Thank you.

Potter: I'm proud to be mayor of a city where our community comes together in difficult times. I know this is a difficult time for many families, and I appreciate the fact that folks are going to be stepping up and helping out. And I don't know if you've certainly the Oregon food bank.org is a good place to go to figure out where to send the money or the nonperishable goods. You can also look at Portlandonline.com, the city's website. We have a direct link to the Oregon food bank on our website. Thank you Rachel, thank you, Phil. And did we have a food bin to put our cans of food into? There it is.

Bristol: Thank you for remembering the fruit, mayor-elect Adams. Of canned and packaged fruit is especially important this time of year.

Adams: Love the fruit.

I see you read the most-wanted foods list. Very good. Peanut butter, tuna fish, hearty soup, stews, things that are easy to make a meal out of. We get lots of bread donated, so sandwich fixings are good. Another thing that's not on our list that we need to add to it is cooking oil. Cooking oil has gotten very expensive. And we're having to buy cooking oil. It's not something that's donated. So that's something in particular agencies are saying they're spending money on. Powdered milk is also another good item. Infant formula is also extremely important for the moms out there. Thank you.

Potter: Thank you for coming in, folks. Could you read the 2:30 time certain, and read all five ordinances together?

Items 1675, 1676, 1677, and 1678.

Potter: Commissioner Saltzman?

Saltzman: Thank you, Mr. Mayor, members of the council. I'm pleased to present these proposed wireless amendments today that are contained in these franchise agreement renewals. They're the result of almost -- I guess a year of extensive public outreach of citizen and industry. And it's important to understand that these amendments what they are and what they are not. They are not about permitting new cell towers. They are about instituting additional stringent conditions that must be met when placing or replacing antenna facilities on existing or replacement utility poles in the right of way. In addition to working with citizens and industry, staff worked extensively with other city bureaus including transportation, bureau of development services, planning, parks, and the city attorney's office. We have some public here to testify. They've been instrumental in crafting these requirements. As we've heard more feedback since the announcement of this item at council, I would also like to propose an amendment today that will include neighborhood business associations along with neighborhood associations as organizations that wireless providers must meet with and Karla is distributing that amendment right now. So the current language requires wireless providers to meet with neighborhood associations, this would also include neighborhood business associations.

Mary Beth Henry: I'm Mary Beth Henry. As Commissioner Saltzman mentioned, we're here today to present proposed wireless amendments that strive to accommodate the increasing demand for wireless technology in residential areas while protecting neighborhood livability. Within the legal environment in which the city must work. We're here today because there are over 450,000 wireless phones like this one being used in Portland. Many of them in residential areas. We've been working with citizens, industry representatives, and other city staff for over a year. I'd like to take a moment to thank the citizens who came to our public meetings with some excellent suggestions on how to improve this process. Especially the neighbors who live near North Wilbur, who thoughtfully described what was needed to improve the city's process. I'd also like to thank the industry representatives who helped us to better understand the intricacies of wireless technology. As well as city staff, who helped to craft new approval criteria, these improved procedures include

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requiring carriers to provide notice to neighbors of what they'd like to do and the procedures require the carriers to hold a public meeting with the neighborhood association before applying town stall new facilities in the right of way in residential areas. The city staff who deserve special mention include first and foremost ben walters of the city attorney's office, and amy true of commissioner Saltzman's office. From pdot we worked with christine leon, alex, and john may, from development services, sylvia kate, from planning, phil, from park, rob crouch and dave mccallister. During this process, staff's consistent goal has been to provide a better balance between protecting the character of Portland's neighborhoods with the need to accommodate the relentless demand for wireless service in those same neighborhoods. Wireless is becoming essentially a lifeline utility service, and the only voice communication for many Portlanders. Simultaneously, Portlanders are using wireless technology for more and more purposes. They're surfing the internet, they're downloading videos, they're doing email. This results in an increased demand for bandwidth capacity to meet nicee new uses of wireless technology. While protecting neighborhood livability, the city is also obliged to accommodate increasing demand for wireless services consistent with the federal and state imposed legal constraints. Staff has prepared a power point presentation. We think it's important particularly with this issue to show you what we're talking about with pictures of poles and wireless antenna in residential neighborhoods. We'll go into detail about why this is happening, what is driving the demand, how the citizens really informed the process, and how these proposed amendments will give citizens a voice and some assurances regarding these polls and antenna that they do not have today. I think it's important to note the city policy normally recommends 10-year terms for right of way agreements. In this case, however, we are recommending a much shorter term of three years. This is because the technology is constantly changing and demand is rising so rapidly. The shorter term will allow staff to revisit the agreement, evaluate how the process is working in conjunction with our citizens, and propose any necessary judgments in fairly short order.

Adams: What has changed, the new assurance or the new -- what's different since this was last at council in october is the requirement that they have a meeting with the neighborhood association and business association, is that right?

David Soloos, Office of Cable and Franchise Management: Good afternoon, i'm program manager in the office of cable and franchise management. To reiterate, I want to be clear about what we're not talking about. Because there seems to be an unending source of confusion. We're not talking about cell towers or cell towers in streets. The first slide is of a cell tower in the background. This is in a commercial area near milwaukie and powell. This is not what we're talking about. There will be no new towers in the right of way. There's a zero net gain policy which means if they replace a pole with a taller one for an antenna, they have to take the old pole out. What you see here is a cell tower, major difference is from a utility pole. It's galvanized steel, probably 80-100 feet tall, it has three carriers on it. And it's on private property at the base you can't see it. There's probably a 10 by 10 chain link fence with bashed wire with a cabinet. None of this is going to be allowed in the right of way. All --

Adams: When you say it's not about cell phone towers, you mean that it's not about adding cell phone towers?

Soloos: It's not about cell towers, it's about placing antenna on utility poles. So when you look at that cell tower, you can see the panel, the entire structure, the only reason it's there is to elevate the antenna. So all we're talking about is putting the antenna when feasible, on a utility pole. That's what the next slide demonstrates. This in our opinion is a fairly ideal use of utility pole and supports the council's policy of colocation, which is to use any and every structure that's already in there before a new cell tower is built.

Ben Walters, Sr. Deputy City Attorney: This is ben walters with the city attorney's office. These particular type of antenna are for the purposes of providing services to cars passing by. This is a

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heavily traveled area of burnside, and in a gully. And so it's -- these are the kinds of antenna that are put up to provide services to people passing through. These are not the kind of neighborhood antennas that we'll be getting to in just a little bit.

Adams: I must be the only one here who has this question -- when you say that this is not about cell phone towers, i'm not sure I understand. What is this?

Walters: This policy that is before you today, the amendments that are being proposed, are to the city's policy on colocation of cell phone facilities on utility poles. What we're talking about here are utility poles in the right of way, and attachments to those poles by the cell phone companies. Attachments that are otherwise allowed for under federal and state law, and so what this policy is about is implementing that local -- at a local ---- it's federal and state policy in a way that addresses neighborhood concern.

Adams: Apart from -- on towers apart from what I call telephone poles.

Walters: Right this is not about attachments to say water towers, it's not the stand ayellowstone towers that you might see.

Adams: So when this issue came up in october, and we saw the picture of the arbor lodge, I thought that was a new tower.

Walters: There was a confusion about that because of the way it was put up and the way it looked when it was originally installed. That particular incident served to inform the later development of policy, which is what david is going to describe in just a little bit.

Adams: I await.

Soloos: Ok. So this is, again, an antenna placement on an existing pole. Under our current policy, they can also replace poles with ones that are 20 or 30 feet taller and place antenna on them. And this is a pole at 39th and burnside that reflects that. It is a replacement pole. It's a wooden pole. It's 10 or 15 taller, and there's a canister at the top. When I showed this to friends, they couldn't tell it was a canister on top. Es much more to what our policy is geared to.

Leonard: While we may not be talking about erecting new towers, we might be talking about extending the height of existing telephone poles.

Soloos: Correct. And our current policy allows that. And there's no criteria in there for the choice of a pole. It's between the carrier and the power company. Our amendments actually do address that and we go into a hierarchy of nonresidential streets and nonresidential land designations. Before. We know about the growth and adoption of wireless services. Here you can see about 250 americans have cell phones.

Adams: Based on these trends, how many more ---- how many more collocated facilities are we expected to require in the city based on trends, and how many standalone cell phone facilities would we expect to see in our any.

Soloos: It's primarily a question for bureau development services. There's about 800 antenna in the city, only about 50 of those that are in the right of way at all. So a lot of what we've done we've designed to follow the zoning code so we have similar development and protections.

Adams: You're saying it's commissioner Leonard's fault. Thank you.

Soloos: The Oregon experience has demonstrated here, the primary point is that today there are about twice as many active cell phones in Oregon as there are qwest lines or basic residential and business phone lines. As you can see, at the end in -- at the end of 2006 the gap is greater today than it was two years ago. What does this mean for Portland? As mary beth point out b. 85% of repellants have a phone or that equivalent, and that's about 450 active -- 450,000 active cell phones in Portland. This is an old number from early 2007. Wireless has also become a lifeline service, which is a reason we need to keep the service excellent in residential areas. About 30% of the population is primarily wireless, even if they do have a land line. And it's been true for some time, well more than half of our 9-1-1 calls come from wireless calls. So with a three-year experience with these companies, and work with planning and development services, we began thinking about

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amendments to this, actually about 2004 when the zoning code changed and it made it harder to -- a lot harder to build cell towers, and it made it easier to place cabinets when the antenna are on utility poles. So we began this public process in about 2006, and in march we had three public meetings, then we had a large online survey that covered a couple months, and we had an extraordinary response to that. Developed another iteration, had a final public meeting in october. However, before this happened, we had the wilbur situation, which I have a little history. I'm sure we're somewhat familiar with it. This is the original electrical distribution pole at wilbur and dekum. It's 34 feet tall, the average height of any distribution pole in a residential area in Portland. That pole is replaced a little less an year ago, I think, and this is what it was replaced with. It does look for all intent and purposes like a cell tower, even though it's not. It's in the right of way, it's not new, you can see the shadow of the old pole that was removed.

Adams: What do you mean it's not new?

Soloos: It's what we call a replacement pole. It's not an added pole in the right of way. Technicalities.

Potter: Was there an explanation as to why they went from wood foals metal?

Soloos: We do not regulate the material nice are made of.

Leonard: Can we?

Soloos: We actually inquired about that a couple of ways in our survey, and the basic survey response was either replace a wood pole with one that looks like it, but it doesn't have to be wood, so we didn't -- we opted not to.

Walters: The choice of materials is determined in the negotiations between the utility and the cell phone provider. It's a determination bite structural engineering having to do with what's put up on the pole and what else is going to be attached to the pole. We could regulate that, but it would mean undertaking to do determinations on structural engineering. And the other part of it is that these types of poles, these wooden poles, are getting more and more expensive. And there are environmental aspects to putting wooden poles in the right of way, and that is that they are creosote impregnated, which is an environmentally hazardous material. And so to a certain extent using metal is more environmentally friendly --

Leonard: My question wasn't necessarily -- I didn't mean to suggest can we require wood poles. My question was, can we regulate the material the pole is constructed of, understanding you'd want to take that into consideration?

Walters: We could regulate it, and in fact we do to a certain extent in terms of the visual aspects of the pole. And that aspect of this policy was informed by what happened out at arbor lodge, where it was replaced with an unpainted pole and there were aesthetic concerns that were raised. The replacement pole be painted with something that is similar to the visual look for the pole that it is replacing.

Leonard: That implies we could regulate the material that the poles made of.

Walters: We could. It would require more administrative resources.

Adams: Just so commissioner Leonard was talking about material, you spoke a little bit to my question in terms of design. The difference between that pole cap that you showed versus the things at the top of this cell tower are not insignificant can be regulate -- I assume those are two different technologies?

Soloos: We do regulate it now. The current regulation does not regulate the antenna, and we don't -- the current zoning code doesn't. There's regulation of the structure that raises it, of the mounting device, but not of the antenna itself.

Leonard: Could there be?

Adams: That's my question too.

Soloos: That's a private property development services question.

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Leonard: We regulate the pitch of roofs, we regulate a lot of things that happen on private property. Why couldn't we regulate the antenna?

Walters: It could be, but that would be a discussion outside of this. An amendment to the zoning code.

Adams: The pole you were referenced earlier, that you showed earlier, it was a wooden pole, regardless of the material, and there's a cone at the top, you -- you yourself said, and I agreed, it is less obvious cell phone tower versus what you just showed, to me those were significant differences.

Soloos: Than a panel antenna.

Adams: You're saying that we can or cannot regulate those kinds of different looks?

Soloos: We are now addressing that in advance of the zoning code in our amendments. The zoning code currently doesn't.

Adams: Those appear to be in the right of way.

Soloos: Correct.

Adams: Why are you talking about a zoning code applying to private property? What am I missing something.

Walters: The point David was making was that the existing policy was informed by the zoning code. The zoning code does not contain requirements addressing the types of antennas put up on the pole. And in response to the neighborhood concerns that were raised regarding this particular installation, the policy was modified. The policy was modified to address not only appearance of the pole and that it be painted before installation, but also the appearance of the antenna and the attached facilities going on to the utility pole.

Adams: Just to be clear, this is right -- I'm talking about right of way poles, that we can regulate these -- we could mandate, for instance, the cone antenna versus this other antenna that we saw on the screen last?

Walters: That's what we're trying to get at with this new policy.

Leonard: I think the questions from here are right of way in private property. You're saying we'd have to do the zoning code --

Walters: You'd have to do a zoning code amendment to address the private property concern.

Leonard: So we don't have the authority through office of cable and franchise to regulate the installation of cell phone antenna on private property?

Soloos: That's correct. We don't have jurisdiction over private property. That's with development services and the planning bureau.

Fish: Could we go throughout picture --

Saltzman: Can we go through the presentation? Or can we get through to the policy and recommendation and then have questions?

Fish: The only concern I have is that there's more to this story than just painting the pole. I want to make sure when we look at that picture, people understand what actually changed. I don't want to have to come back to that slide if I can just set it up.

Soloos: I think we're there. On my power point we're still on the original replacement pole.

Fish: If you could go back to the former pole, the original --

Soloos: That's the original. Where's the cell phone component to that pole? On this original? There wasn't.

Fish: I live in Grant Polee Park. We have wooden poles that have a light attached to them and carry electrical or phone lines, but they don't have any cell phone component to them. Go to the next picture for a second. So this is what appeared in front of this neighbor's -- this individual's house. This is not anything like what was there before, and it has this unit at the top. I'm not going to try to

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describe what it allows for some cell phone coverage. And at the base of this pole there's a square utility door that you open and buried in that is something I think is called a transponder.

Soloos: There's a vault in the right of way, and it's actually to the left, the right of way is wide, undeveloped right of way, and there's a vault that has the equipment, and there's also cooling equipment in that vault.

Fish: I just want people to understand what the issue we raised before, because it sounds like you're addressing it, but I want to make sure it's set up. So there was a wooden pole that was just like any other residential wooden pole carrying electrical lines with a light, it's replaced with a metal pole, it has a cell phone apparatus on the top, has this additional equipment that's buried next to it to the left, which a number of the neighbors complained caused some radio frequency disruption in their house, and some noise. We can argue, that but that's what you and I heard at the community meeting. And the other piece of this was that the folks on this street had received a notice from p.g.e. Saying there would be a brief interruption of their service, so there could be some upgrade to their service. And the upgrade to their service it turned out was not putting a new line on the wooden pole or making some other change, it was putting this metal tower with a cell phone component and then this piece buried next to it that everyone on the street claimed caused them some hardship because of whatever it was emitting. I don't know enough about the technology. I just -- i'm pleased to hear you, what you earlier said was this was going to be addressed in these rules, but that's what triggered my interest, and you and I were at the same meeting when we had folks as far as two blocks from this particular site claiming they had been impacted.

Soloos: The notice p.g.e. Gave was unrelated. It's under the opec regs. If you're going to cut power, you must provide notice. That's a safety issue. People are mole life saving equipment, they have to know. The pole immediately to the right of this, p.g.e. Did replace a transformer. They can only do that by cutting power. So that notice and the notice for this pole are two separate issues.

Adams: That was coincidental?

Soloos: Yes. Let me proceed, if I could. So then we worked with the pourer company, the wireless company, and the neighbors, and this pole now looks like this. And it's also painted.

Leonard: That's a metal pole?

Soloos: This is still metal. Right. With a new antenna. So here's an example of same power company, same wireless company, same steel pole, almost the exact same height of a replacement pole. Also in a residential area, also on a residential street, across the street from homes. This went in after the wilbur and deKum pole, and staff heard zero complaints. So no calls, no emails, no meetings.

Fish: Is there anything buried next to it akin to what was at the arbor lodge?

Soloos: Yes, there is.

Fish: What you described as the cooler --

Soloos: If you look closely you can see white cement, new cement in the sidewalk in two place, one in the foreground one adjacent to the pole. Yes, there's vaults underneath.

Adams: Is that a park or a school?

Soloos: That is a church.

Adams: Nobody lives in front --

Soloos: There's a home --

Adams: Across the sidewalk?

Soloos: To the left. Correct.

Leonard: Is that a metal pole painted --

Soloos: Yes, it is. This last slide is a kneel was replace order boones ferry and stevenson. I used it to demonstrate another requirement that we have. And that is that if street tree can be planted, there's city regulations about where and when you can plant them, and there are national electrical

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safety code regs as well. If those can be met, then we're going to require that the carrier plant a street tree if it can be planted such that all or most of the pole can be obscured by the mature canopy. So this is our goal for this process. It's to provide a clear nondiscretionary permit process that allows wireless antenna, yet respond to the neighborhood concerns about aesthetics and eliminates or minimizes the visual or other impacts. That was staff's goal throughout this process. And here are the legal constraints as has been already mentioned. They have a legal right to place their attachments on utility poles. So what are the changes? And here they are. In a single family residential area, where the primary issue has been, first of all we're going to ask the carrier to demonstrate and certify that they've looked to use any other structure if possible, and I believe handed out to you was this yellow sheet. This is an application that the wireless carriers are going to have to submit with any future wireless application for an antenna in the right of way. And they first need to certify that they have tried to use any other building or structure including like a water tank or an adjacent or abutting cell tower, anything, before they've looked to the streets. Then when they use the streets, we ask they look to the most nonresidential streets first. I'm sorry, for zoning. We go through the zoning. So as you can see, they need to look at industrial first, employment second, commercial third, and so on, in the single family residential last. Then even if they still have to be in a single family residential area, or not, turn it over, you can see they have to go through the street hierarchy, they have to look to freeways and the major streets, major city traffic streets, and then the traffic access streets of which there are few around the central city district collectors, which is like lombard, neighborhood collectors, and finally the residential streets which is what will serve as streets. And in addition if the pole is going to be replaced with a taller one in a residential area on a residential street, they do have to provide the notice and conduct a meeting with the neighborhood. And I understand the amendment is to include the business association. And that also addresses that notice issue. Staff will be attending these meetings. So there's -- there are staff eyes several places along to make sure the certification is real, and this would be like the first one, because the staff would attend these meetings, and we would see what's going on, we with know if there's a major arterial near bay, we say why don't you use poles instead, etc. The neighbors could also contact city staff, and on the notice we're going to mandate the city person's name and number and email will be on there. So the city contact will be easy they will also require a contact for the power company and the cell phone company.

Potter: On the yellow sheet, on the back, there are lines crossed out in regards to seeking approval of the abutting property owners. Is that -- what was the reason for --

Soloos: We still will, because there's a financial aspect to this. There -- at the last minute -- we were having trouble figuring out the street tree requirement. We were originally going to have the carrier have to go through and negotiate with the property owner and so forth. And the industry said and parks agreed that if they just pay the fee, we meaning parks, would work with the owner for that. So this isn't the final, but it's nearly final. And that's essentially the change.

Henry: I think there were a couple of other points that are different from the current policy. We have reduced the number of feet that you're allowed to increase the pole, from 20 feet to 15 feet.

Soloos: Right, and the incentive not to use the residential areas, as we have allowed poles at great replacement heights in the nonresidential areas.

Adams: -- antenna on top of a wooden pole, is that accurate?

Soloos: I'm not sure I understand.

Adams: A metal pole, hollow, you could put wires up the middle.

Soloos: Correct. And the ones u.v.a. Seen, there's -- p.g.e. Does require separation of the power from the coaxial cable that goes to the wireless facility.

Walters: They have to put a conduit on the outside of the pole to run the wires up and down.

Adams: A little bit of a follow-up on commissioner Leonard's and commissioner fish's earlier questions, could we require that what these replacement poles or what have you, just the end

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product, the metal pole with the wire up the middle, and there's -- there's less obtrusive top cap antenna?

Soloos: The current amendment does not regulate the material. I suppose we could, but I would like, if we're going to do that, it might be best to call the carriers back in, because it starts to move into the area where there are national electrical safety code issues.

Adams: Is it the technology that's improved to the point where we just -- we haven't sought this level of improved sort of compatibility, because the technology -- the caps have gotten smaller? Is there some advance in technology that prevented us from doing this earlier?

Soloos: The wireless carriers don't build their own antennas. They're all from third-party vendors, and the technology is always advancing and getting better. We were informed though they can do this and are willing to, and the carriers started doing the caps before we -- before today, even, there have been other placements since, they're not as good a coverage, but they're still adequate. So that's a balance.

Walters: In all other utility point stallations bite utilities, we don't review the nature of the structure. That is being proposed by the utility. The permit application comes in and we don't do a check to make sure that the calculations by the utility are appropriate for the location.

Fish: What's the criteria by which we evaluate something -- whether something is feasible? It is a cost factor? A timing factor? Is it a coverage factor? Is it a safety factor?

Soloos: If you look on the yellow sheet, we describe feasibility, or the best efforts, as capable of being done, take nothing consideration existing technology and logistics, and cost in light of the overall project purpose. That's taken directly from a cell tower denial from a hearings officer that the city council affirm. So there's some subjectivity to it.

Fish: If we had the legal right to restrict all future cell phone equipment to major arterials with a particular focus on colocation, if we had the legal right to do that, would the wireless companies be able to achieve the coverage that they seek in our city? Is the technology such that as long as you're on major arterials you can cover most of residential "7 new wonders of the world."

Soloos: I can't answer that definitively, but I can tell you generally the -- the searching for a new antenna has a radius of 2 hundred -- 655 feet. Which isn't much. When we considered over 50% of Portland is zoned residential, and within that 80% of the streets are local service streets, it didn't seem to us we could make that requirement.

Fish: Certainly our understanding of the technology is relevant to how we evaluate whether it's feasible or not. The reason I say, that i'm guessing, though maybe you know, i'm guessing the arbor lodge pole appeared at that site because it was the path of least resistance. They were able to do it by replacing the existing pole, putting some equipment in, and it was an area where they didn't expect to get much push-back. There were no alternatives within four blocks, including arterials within four blocks. This was just a convenience, and it was done and without much consideration of the impact.

Soloos: We did talk to p.g.e. And the carriers together, and because there is -- there are some larger streets very close by and a block away there is a run of those transmission poles that I was talking about. They're already 65 feet tall, they have the large -- lots of large wires and the separation of the high-voltage power lines. At the time when they planned that site, which was two or three years ago, p.g.e. Was not allowing anybody on those poles. And the poles that were on rosa parks way and on greeley were too far away. Which goes back to the point of this fairly small search ring, 650 feet is not very big. That didn't leave them a lot of choice. In addition, they looked at the park across the street, but under that 2005 land use decision, a new cell tower, even if it's low or short, can only be built if it's -- if the carrier can demonstrate if the use of one or more antenna on other locations is feasible. They couldn't meet the standard to put even a low pole in the park across the street.

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Fish: The proposed changes you brought before us clearly enhanced, in my opinion, are clearly better than existing law. Let me ask council a legal question. We are party to a coalition in Washington now trying to push back against a proposed fcc rule which would effectively preempt all the state and local jurisdictions from having much of a say on the location of cell phone towers by creating a uniform national standard of something like 75 days or whatever, whatever is agreed upon by the commission. Under which you would have to review any application, and if you didn't do it within that very abbreviated time frame, it can be deemed approved. That's one way the federal communications commission is attempting to strip the states of any authority here. If we enter into a contractual agreement with the wireless companies that set forth these rules, does our contractual agreement survive whatever changes are adopted under federal law through any regulatory body?

Walters: The proceeding you're referring to is a petition by the cellular telephone --

Henry: Industry association. Ctia.

Walters: And they have petitioned to preempt zoning regulation and require that decisions be made within a specified time frame. And the petition identified a 75-daytime period for review, which is inconsistent with Oregon law. And we point that out in the filings we made with the fcc. That matter is under consideration and we're awaiting a determination. It would not affect these particular contracts. Because these contracts are for use of the right of way. But that's not to say that there couldn't be a subsequent petition from the cell phone industry in seeking to, say, preempt local regulation of the right of way. Because there have been -- this has been this is the third proceeding before the f.c.c. to preempt various local regulations.

Fish: It doesn't preclude the wireless companies from seeking to have the fcc preempt our authority to enter into an agreement, which we're now proposing to enter into by contract. Just so we're clear, it means that if this council gives the green light to these changes, and they've entered into these contracts, it does not preclude the wireless companies from going to Washington and getting a preemption which nullifies these provisions.

Walters: There is that legal risk. We can't resolve that, whether we approve this today or not, that legal risk remains out there.

Fish: I think we can resolve that. We can do by contract with a contracting willing party anything we want. As long as it's not illegal. So why can't we -- if we're negotiating good faith with wireless companies, why should there be any risk any of the contracting parties we're dealing with are going to seek to enter into a contract they get by getting a federal contract --

Walters: If what you're asking is we're asking them to waive their federal -- the federal statutes, I would have to take -- I'd have to think about that, but I'm not sure that's something we could accomplish. But I'd have to give it some thought.

Fish: The point I'm driving at is, if the wireless companies are agreeing to these conditions, and we're advertising to the neighborhoods that these are the new ground rules, wouldn't it not be disingenuous to simultaneously have these contracting parties go to Washington and have the federal government invalidate the agreement they've agreed to with us?

Walters: Well, I can answer that on two levels. One is I'm not sure what form that kind of a requirement would take in the sense of asking them to waive the ability to petition the federal government for redress. And then secondly, there's some hope government relation and in my office, that with the change in administration and a change in the membership of the fcc, that those kinds of petitionless not be welcomed with open arms as they have been over the last several years.

Soloos: If I may add, the ctia's membership is probably somewhere in the nature of 80-120 different companies. So if we get some sort of a waiver from these five, the federal preclusion, fits going to happen, is going to proceed, or stay. Because the industry is much more than these five companies that we're talking about today.

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Fish: But these partners could represent to us that at least during the term of a three-year contract, they'll abide by these rules and will not seek to invalidate them through other means. I assume this is a friendly negotiation. We're not putting a gun to someone's head. They're agreeing to sign a contract that contains these rules. And we've not been appraised by anyone that these are -- they believe these are illegal.

Soloos: Quite the opposite. We worked very closely with industry to develop what you have before you.

Fish: I'm framing a concern about how binding these are. But I have one other concern if I could raise it. What's the -- with respect to the new public notice requirements, what's the notification radius in your proposal?

Soloos: 200 feet.

Fish: And was there any conversation given to have a 400-foot radius?

Soloos: Yes. We actually developed this in conjunction with b.d.s. Staff and followed some land use statutes. 400 feet is what's required in a type three land use review, which is a huge, usually the most major impact type land use review, brand-new cell tower, things like that are type three land use cases that only require notice at that level, since we're talking about putting antennas on existing or slightly taller replacement utility poles, it didn't feel in our opinion or b.d.s.'s opinion that the notice radius would be -- could go to 400 feet. So we looked at the radius that they use in the land use code and came up with 200 feet, which is more than a type one review, and I think it's the same as a type two review.

Adams: On the technical side, where do we the city get our technical knowledge related to cell phones and cell phone towers?

Soloos: The 9-1-1 folks operate the city's public safety radio system. And I spoke with staff about some of the things that we had, we had spoken with you before, which can you regulate, second guess where an antenna goes, can we get into things like propagation studies and search rings and so forth. And they have some of that expertise that advised us not to.

Adams: Not to what?

Soloos: Not to create a second tier of second review of structural calculations or r.f. Radio frequency calculations.

Henry: I think another part of the answer to that is we're part of a national association of local officials responsible for communications policies. Cities all over the country. We have a network where we share information about what's going on. There are many communications, engineers that are part of this network, and we rely on that in a lot of our work in terms of sharing information, bouncing questions about, the wireless is proposing this, and getting feedback. And so it's a very cost effective way for us to share what's going on here and understand what's going on in other cities throughout the country.

Adams: So sort of following up on commissioner fish's earlier question, do we know what -- do we know what would be required on the ground to ensure that the city gets cell phone and wireless access that it needs?

Soloos: Bite city, you mean the city of Portland or our overall residents and citizens?

Adams: Residents. It's a technical question. Have question studied, based on, a, do we know what the industry needs, do we know what the cost benefit to the industry of various approaches, are they using equipment that is robust, that can work in different situations. I'm curious about what our technical -- for our city who is doing sort of the technical review.

Soloos: The city doesn't perform a technical review at that level. But when the carriers about it rights to the spectrum licenses from the federal government, there are coverage capacity requirements in there about serving x amount of the population.

Adams: Do you review those?

Soloos: We don't. We don't have the expertise.

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Adams: And we don't seek to get the expertise because -- .

Walters: Primarily up until now we've been relying -- these antenna and the placement of antenna are market driven. And the facilities are expensive to build and expensive to maintain, and expensive to operate. And we've deferred to the marketplace in terms of making those decisions about when an installation will occur, and where an installation will occur.

Adams: I feel a little outgunned by the marketplace here. Clearly we want the best service for Portland residents at the lowest cost we can help facilitate at the least -- with the least amount of intrusion into our quality of life. Both visually and people are concerned, and there might be realities. My former boss had very big concerns about these towers, as you know. So I feel like if we're not -- if we don't have the technical capacity to at least keep an eye on what's happening, how do we know -- how do we know we're getting an appropriate sort of deal from the other side?

Soloos: Well, there's a compensation component to this as well. If that's kind of where you're getting at. Are you just going pure on the service level?

Saltzman: How do we take their word this is where the tower needs to go?

Soloos: Is that where you're going with this?

Adams: It's a combination of location and equipment. Are they investing in the appropriate kind of equipment that provides good service that is the least intrusive? It is a couple of different things that I think fall into the category of trying to facilitate a good city. I don't know how we're having that conversation with them when they have all of the technical expertise and we don't have much that is pertinent to our city. I understand we have generalized information from cities across the united states but what about as it relates to our city? I just don't understand.

Soloos: Well I need to fall back on Ben's comment that this is market driven up to this point and if we're going to go to that level it might be a larger city discussion than just the antennae going in the right of way which are only maybe 5 or 10 percent of the antennae that are in the city.

Adams: Fair enough and I think I'm done with the line of question but I don't know how we, the collective we in the city government, that even if we can't regulate it at least we can facilitate an understanding of whether a cell phone company is acting in the most responsible way. Responsible to its shareholders no doubt, but also responsible to the neighborhoods in which it serves. It just doesn't seem like we have enough technical information to know whether one particular pole is needed or could it be -- could we facilitate using a pulley underneath or anything else -- collocation of services on the same pole, fewer poles. I just don't, I'm not getting -- I feel outgunned.

Saltzman: We've already done that.

Leonard: In every hearing I have been at since I have been at the council, I or staff will recall the question, which is what you guys do fabulous work come I know from personal experience. When I read the current standards that say apply best efforts, I have recall the cell phone company asking me to co-row indicate, I would identify where I happen to know another facility existed, the truth of the matter is what we ended up hearing time after time was they would have to lease space off that other facility from the competing cell phone company and they really found it just untenable to do that so we are proposing a stand alone facility. So not withstanding our best efforts, I mean I have to say I very much agree with commissioner Adams' sentiments that I feel sometime that not withstanding us doing everything we can possibly do, that we're allowing some of these poles to be placed in areas that I think we actually do have the legal right to say no to if we knew more about the technology involved. And I am not sure I agree with commissioner fish that we can't regulate them out of residential neighborhoods just as we don't allow certainly industrial kinds of behaviors in industrial neighborhoods as well. I think we have to do what we do based on our best intention of helping coverage but i, too, am feeling a little bit frustrated. Some of which is not so much this stuff you guys have worked on which I think is a dramatic improvement over what we have but some of the history I am personally aware of similar kinds of languages, of language that's been

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used heretofore with respect to co-location that doesn't seem to work the way we intended that language to work.

Henry: Well, we did actually as part of this process, investigate and come up with some estimates for communication engineering expertise. But we did, we ended up not proposing that. Instead relying upon the company certifying it, and the citizen involvement and staff involvement and then our networking.

Leonard: So you have actually anticipated that as an issue --

Henry: Yes, we did. And we came up with some figures for communication engineering expertise. We even consulted with comnet and the 9-1-1 safety folks. But there really wasn't the kind of specific expertise to what we were talking about here. So we did investigate that but did not move forward with it because of budget limitations.

Leonard: I appreciate that.

Potter: It seems to me that because this problem probably isn't unique to Portland, you belong to a national organization, that there must be a body of information or recommendations in terms of models that could be used, either from the technology side or the public policy side on how they're placed. I assume that you folks have consulted with these and that -- but i'm kind of going to the question that the commissioner Adams and commissioner Leonard are raising in terms of technology side. I agree with commissioner Adams. I feel like we are sort of outgunned on this issue. Is there a way to use those national, those national organizations to determine either the technology issues or public policy issues? So that we could make a more informed decision as a council?

Henry: Yeah, we can do that and we can follow up with that, absolutely.

Soloos: We have done already as mary beth indicated on both sides, both the technical side and the policy side.

Potter: Right public policy issues the same ones we're facing here?

Soloos: Yes.

Potter: And is there a model out there that people seem to say, oh, it's the galveston model that works really well or some other model?

Soloos: No. Primarily in my investigation of that question, I found that most jurisdictions, their zoning codes do seem to apply to the right of way and that's not true in Portland. So most of those other codes were essentially zoning codes.

Fish: Which is likely to be preempted anyway. I want to go back to something commissioner Leonard said because that's very important. I want to be very clear. My preference would be to have an absolute bar to cell phone towers in residential areas. You had a slide earlier where you showed federal law that applied here and you raised, and when I asked you specifically about the technology you said there was a certain radius you needed in order to get coverage. And you linked it with a slide that talked about life lines, the implication being if you have a sole phone tower, a cell phone you want to call 9-1-1, you have to be able to function so we don't want dead zones within residential areas. So I get all that. My preference would be to have an absolute blanket prohibition of putting these towers in residential areas. The question that is sort of, you know, the premise of everything we are doing here is that if for some reason the technology is not there and these things have to be spread out in such a way that they include placement within residential areas to have coverage, so that is -- explains why I asked the two questions, one about technology. Do we know for sure that that's actually 42? That the question I specifically framed was, can we restrict them to arterials and will that give us the coverage we need? You said no. You said something about 600 feet. And the second -- and the second question is -- which i'm conveniently forgetting but the point is, it geese to the issue of the technology. Without a better understanding of the technology, I agree with my colleagues. I'm not sure how we make a feasibility assessment. A feasibility assessment so they put in writing that it's not feasible and there's technological costs and

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other considerations, we have no baseline to evaluate that. We can say do it under penalty of perjury so they sign it and certify it. How do we -- unless we have the same so fisted professionals looking at it that they have I think we are outgunned. But anyway, I want to clarify my position. If there was a way to restrict them completely from residential areas I would support that.

Leonard: And to be clear what I was speaking to and I have had this discussion with ben and david as recently as yesterday, I am not saying that I think we could defend unilaterally saying you can't have cell phone transmissions in a particular place without some justification. And I think the issue becomes here, you know, do we have justification? And the answer is we don't really have the expertise to decide that or not. Is there some other method by which we could provide coverage other than what the cell phone industry tells us? And the concern I have had is that we haven't staffed up to the point or have not developed the tools to the point to challenge some. What they tell us has to be. I'm just not buying what they tell us has to be really is. And whether or not it might be true that we could restrict the placement of these facilities in commercial arterials.

Adams: Do we know, just curious, do we know the systems? I mean do you know where the cell phone towers are in the city and the company has showed you the range that, given topography and the strength of the particular cell phone tower, what they're covering within the city?

Soloos: Yes.

Adams: Ok.

Soloos: Planning keeps the map of all of the antenna placements that go through building permit or land use cases.

Adams: And you have got that all compiled on a map somewhere?

Soloos: Planning does.

Adams: But you all study that as part of your management of the franchisees?

Soloos: What we have done on these, since even before these amendments, is when they make an application, your street system management folks let us know and we go take a look at it immediately. And if it's one, well, we can ask them, you know, this is 50 feet from a major street. Can you move it? Or this isn't painted. It's got to be painted before we sign off so we built in some of that.

Adams: Great. Do you know, though, if -- again, if the gold is best possible service, at the best possible price for our citizens, least intrusive, do you then also look at where the nearest towers are of a competitor? Or other options for putting the equipment up?

Soloos: Yes. But it's not a rigorous inquiry for the reason that ben noted.

Adams: Noting that we just can't tell them to do something else?

Soloos: We don't have -- if they tell us something we are just -- we have to take it at face value is where we are. And if we find out later something isn't done as the way it should be done there are franchise remedy sections in these contract.

Potter: In addition, the technology, and perhaps as part of that technology examination, has there been research done in terms of the effects on humans? In terms --

Fish: Health effects?

Potter: Yeah, the health effects on human beings in terms. Emission of the electrical -- I know that in the west hills there was some concern and I don't know where it's at, about the radio towers up there. And people living nearby. Are there senior effects with cell phone?

Leonard: That's the area I will help staff out here a little bit that I learned is one of those areas that we're not allowed to use as consideration in placement because of preemption of federal law of health effects. I am very careful in my own --

Potter: Federal law prevents us from looking at that?

Leonard: I have never sat in on a cell phone hearing because she had taken a strong position that that contributed to some of her health issues so she precluded herself so I want to note for the record

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that is not an issue that I have raised here, mine are very focused on the zoning issues and the technological issues.

Fish: I would like to follow up on the mayor's question. At this hearing, which is not a review of an application, where we are not similarly constrained, so based on -- I was going to ask, following up on the mayor's point, either mary beth or david, do we as a city believe that there are adverse effect impacts of, as a result of the placement of cell phone towers in close proximity to human beings?

Henry: There are studies that indicate there are. There are studies that say there are not. And so I think that's a very difficult question to answer. There's scientific studies on both sides of that issue.

Fish: Ok. I would note that we are still arguing. In new york city they are still arguing about whether 9/11 caused a deleterious health effect on people within a half mile of the impact. That said commissioner Leonard is right. This question and the wisdom of the senate has been preempted so we can't consider that part of our review of any cell phone tower. But it does not preclude us from adding to our legislative agenda, for example, a request that the health impacts be reviewed at the federal level. It doesn't preclude us from seeking to have the preemption lifted nor, in my judgment, does it prevent this council at some point if it chose to have a hearing on the health impacts of cell towers as long as it doesn't back part of our review process.

Leonard: It doesn't. I just having been schooled on this topic early on, I have been very careful not to ever place the city in a position of any of the advocacy positions I have taken to overturn applications that I don't think I have been unsuccessful in one of my position yet to never mention the health effects because you don't have to. You don't actually have to to make the case they are not being placed in consistent with city policy, for instance, co-location. I remember the debate we had on milwaukie and the holgate centered around whether or not they had actually pursued co-location well enough. So I would just caution us not to get -- too much offtrack and then create some grounds by which all of our good work could be overturned.

Fish: I do raise this, though, randy in part to throw david a little life because the last time I was with him at a neighborhood meeting, there were a number of people who got up and said that they had been literally physically ill because of the tower and the equipment. And david very correctly said, I am sorry about that but as federal law we have no jurisdiction to inquire into that. Go so a doctor. Get well.

Leonard: Unfortunately.

Fish: So as for anyone watching this program, it's not that we are indifferent to the potential health impacts but we have been told that is not within our jurisdiction.

Leonard: And I would just argue that to get to the place where we are making a policy decision whether they placed them and there are plenty of other good reasons not to allow that without having to get into the health issue.

Soloos: In an indirect addressing both of these issues, the technology issue and these other issues, is mary beth pointed out, this extension is only for three years. It's not the typical 10-year franchise we grant for the very reasons you guys raised.

Adams: How much money do we get?

Soloos: About \$30,000. They have 52 poles so that's \$160,000. It's not really a revenue generator.

Adams: What do we use that money for?

Soloos: It goes into the general fund.

Saltzman: Do we have people signed up?

Potter: Thank you very much, folks.

Soloos: Thank you.

Potter: Do we have folks sign upped to testify on this matter?

Moore-Love: We have three people signed up.

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Potter: Please call them. Thank you, folks, for being here. When you speak, please state your name for the record. You each have three minutes. Anyone can begin.

George Polas: My name is George. I have lived in Portland most of my life, 33 years at my current residence, S. It is Southeast 50th. I am chairman of the Mount Tabor Neighborhood Association Cell Tower Committee. We have real concerns about clear wire and placing their cell tower equipment and transformers on P.G.E. Power poles in residential neighborhoods. This is creating some problems you should be aware of. First the transformer is very large and placed about 15 feet above the ground on the pole by the street. It is amazingly ugly, unsightly monstrosity as plainly visible by all who pass past lie. This is located about 25 feet from my house at the end of my driveway. P.G.E. Meter is located on the same pole at eye level. Secondly the really worst of everything the transformer is very noisy. It emits a constant humming sound that can be heard inside all parts of my house and some of my neighbors'. It is especially noisy during the quiet of the night or when windows are left open. This detracts from the livability environment within the city of Portland. I do have certain city bureaus look into this noise aspect already and hopefully something will be done to modify this noise level but I don't have too much hope. We do not other residential neighborhoods to face the same problems we are facing. I have contacted numerous people regarding this including Paula, Portland noise control officer, Paula completed a noise reading on the transformer on Friday, November 21st, and discovered it was several decibels too high but I am afraid even with possible adjustments there will remain humming or vibrating sound to continue to start and stop and it starts and stops 24/7. I am sure most of you wouldn't enjoy listening to that and prior to this your neighborhood was quiet and very peaceful. I understand the council will be approving this item on the agenda amending ordinance 1781.246 by replacing section 60 with exhibit a. If these rules have been in place when they completed the transformer work they would be in violation of the structure and street low cases. Single family dwelling zones and local service streets are last on the priority list in the placement of above apparatus. The first structural selections are industrial employment and commercial zones. Single dwelling family zones are last. Major traffic streets are to be used. I feel clear wire did not exercise good judgment by eliminating the first five categories and both structural and street selection and conversely placing their transformer in our residential area immediately. I cannot believe that a suitable pole could not be found on Burnside or Stark Street the two streets I live between for their needs. I hope city bureaus will monitor the placement of future cell equipment closely and others don't have to live with the problems we currently face. My wish would be the removal of the transformer to another location. This would be possible if newly adopted rules were retroactive but since three-year contracts have already been signed as I understand it and clear wire managed to install in equipment before your passage of the new amendments without talking to any of us which is rather amazing I suppose we are going to be stuck with this unwanted unsightly and noisy intrusion in our once nice quiet neighborhood.

Saltzman: I would point out the three-year contract are before us today so in essence had this policy we are considering been in place, you might have had a better shot getting this on a major arterial? Ok. Thanks.

Potter: That's the picture of it?

Polas: Yes. That's right outside our driveway right on the little grassy strip between the sidewalk and street. And doesn't show all the antenna. Looks to me it's looks like a cell tower. But it's the noise level that is so irritating all the time. Several houses down people are hearing this thing. When it's quiet. It's noisy. You have the humming noise and then there's an irritating other noise inside that. Piercing my ears and then you have this vibrating sound and it's very pronounced west and south and east. You don't hear it so much on north. It comes at us.

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Adams: I just to me this would be an example of whether or not that's the cheapest noisiest equipment or is that maybe more expensive by quieter equipment? I just want to see total cost, total benefit, from everyone's point of view.

Polas: We have contacted the people in seattle. One of the people up there, kevin mckey about it and when they first put it in it was really loud. A lot louder than now. He said we can put some sound musclier things on it which they did a couple two, three weeks later. That eliminated a little bit. Then another guy came out later that same week, on monday or tuesday. Thursday night somebody came out, did some jumps and we are right back up to a very loud process again plus we have that noise within the noise and the vibration going on. And I don't know where to go. I have contacted a lot of people. We are trying to get this noise level down. It's not comfortable to hear this in your house, all parts of your house and the neighbors are complaining also about it, of course. I don't think that has been brought up so much, you mentioned one time about the noise level but nobody realized the noise level. When I presented this at mount tabor association nobody realized we are talking about a monstrosity like this come front. Your house and the noise level being involved when you fill out some of the surveys. Nobody realized this is what we are getting. And they did it without any contact with any of the neighbors. None of us were notified. They blocked off the street three days doing all this stuff.

Fish: Sir, do you happen to know why this particular piece of equipment wasn't buried in a vault?

Polas: I do not.

Adams: It's cheaper. I suspect it's cheaper.

Potter: Please proceed.

Kathy Fuerstenau: Hello. Cathy. 4930 n.e. 73rd, Portland. The testimony I handed out to you is a long version. I am trying to do the short version. So here we go. I feel that the proposed amendments today need some work. Stating that a carrier will use the smallest equipment available is too vague. Despite the fact each carrier has different size equipment some of them are quite large there should be definite dimensions defined. Otherwise, how do we know the criteria are being met? Current limits for poles other than open space is 20 feet for the current height, to structures no taller than 80 feet. It would allow unlimited heights in industrial zones. Park, schools and housing can be adjacent to zones. Do we want the skyline to be inundated with towering equipment? There are no consideration avoiding saturation of an area in these amendments. Cell phone equipment only needs to be separated by 650 feet to avoid interfering with each other. So on west burnside there's like 20 poles right now, of course, there's no other streets like that have that but there are no restrictions currently in these amendments restricting them to like half a mile radius, how many per pole. So I think there needs to be some restrictions. Oftentimes the facility cabinets will be put on private property because it's more expensive to bury them in the street and so you need to get a permission from the property owner and in doing that, becomes a land use case because you are paying someone to have the facilities on a property so that really makes it having a business in a residential zone. So that's really not in the character of a neighborhood. When cell phone carriers replace an old pole with a new pole they do contact within the 200 feet. According to this and they contact the neighborhood associations but what is the purpose of that exactly other than to say, this is what we are putting in? You can choose the color but we can't say, no, we don't want this. I don't know what the point of that is. They say 85% of the Portland residences own cell phones. I think that's inflated because many people own two or three cell phones for work, for personal use so when you count that into that I think the number would drop significantly. I know myself, nine adults in my family only two of us have cell phones. And so I don't feel that it is our burden to accommodate the cell phone companies. Carrier needs more poles because they need the capacity to handle the broadband. Streaming video, if they were to just use phones as phones people would then the current equipment would be sufficient so I am asking that you do not approve the amendments until changers made that the pole width and antenna dimensions be assigned and there not be unlimited

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height to those poles. Saturation limits be addressed, wording is included to allow neighborhoods and individuals to deny poles or just don't deny it or just don't have poles in residential areas at all.

Adams: Please continue.

Fuerstenau: Thank you. The city can't be a barrier to the market entry or prohibit telecommunication service, the city can choose not to allow utility poles in residential areas if it's not based on health reasons. So I would hope that you could make at least the tighter restrictions because it is your choice. If you pass these amendments today as proposed, neighbors really don't have much of a choice. Thank you.

Rick Seifert: I'm rick seifert. Don botch can't be here. And mike roach can't be here. He is the president of the hills day business and professional association but they support what I have to say today. I prepared a testimony, which I am really have put aside. I am not going to read from it simply because I think there's been some responsiveness to my concern. I still have concerns. But the addition of business and professional associations as some. These companies have to contact, is certainly welcomed. And I thank you, commissioner Saltzman, for your prompt response. That said, I want to give you the perspective from the hillside town center and it may be a perspective from town centers in general. I don't know if we can show the first picture here but I have in the screen in front of me. Is that up there? Yes. This is hillside. This is capitol highway and you all know it well. And you can see that if this town center, which is to be a place that is attractive for pedestrians and is to have a pleasant streetscape and which has seven bus lines that runs through it, if it is going to be what it really ought to be, those poles have to go away. And they have to be underground. And, in fact, we in our neighborhood had a vote in which the majority of people wanted to establish an underground district. It wasn't a mandate but it was like 54%. This was sometime on the council instead decided to set up an undergrounding study group which was informative, and I refer you to it. But in any case we haven't solved the problem, obviously. So the other day -- I am now going to go to the other day when I was walking around the neighborhood and I came upon this thing happening. Let me see if this is going to happen. There. This is the installation of an antenna on top of a pole in our town center. You don't see here the large box that's about to go in place as well. And, of course, all of these poles that are putting in place are gone but the antenna is there. It's a very large box, about the size of a file cabinet is attached to the side of this pole and our town center, this is all news to me and news to everybody else. We are concerned now that this is another player when it comes time to underground in the town centers. That how are you going to underground an antenna like this? And, in fact, we need to look ahead and find alternative locations in an area we want to underground. Also the distinction between residential and commercial doesn't work in town centers. Town centers are for mixed use. We are trying to get people to live close to commercial. In fact, on top of commercial in some cases. And so to say, hey, not in residential areas, isn't to understand that town centers are, in fact, are residential areas, just as the pearl district, which by the way is undergrounded, is a residential area as well as a commercial area. So you have got a special case here. And i'm not sure that we fully address these concerns of town centers and the needs of town centers in this proposal as it is. I think we need to do more than ask people whether they have met with potentially affected neighbors and businesses, we have to really work together in partnership. 50 yards from this antenna that's going in is the county library. Where we could have put this antenna and it would have put some money into the county system and the library system. There are many commercial property owners who probably would have welcomed having a little extra income and put this an he 10 that. None of these people were approached. We can help facilitate that in hillside. We are pretty well connected. I can think of at least three or four commercial property owners who would have welcomed to have this antenna here. We were never contacted. And I am not sure that may just be a pro forma window dressing meeting where people show up and say, hey, we are planning to do this and what are you

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thinking and we may object but we have no power over it. We really want to work with people. We realize the importance of this technology. I don't want to interfere with it. But we want it to -- I commend you, commissioner Adams, for pointing out the esthetics and intrusiveness. Yes, we need the technology but we need to do it right. I think town centers present a special case.

Potter: Thank you. Thanks, folks.

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

Potter: Any questions for the staff?

Adams: I do. Mary beth? You mentioned that -- thank you. Mary beth, you mentioned that you didn't have enough resources to hire a category professional that you would consider, and then we, is the total amount of resources that we get from the cell phone franchises, the \$150,000? That you mentioned?

Saltzman: Right of way.

Henry: It's for the right of way, going to the general fund. I'm sorry. I don't understand the question.

Adams: A simple question. I am trying clarify to try to put two things together as part of your testimony at different times during your testimony. One, you said that my feeling you were outgunned, you said you had contemplated hiring some expertise.

Henry: Communications engineer.

Adams: And you didn't have the resources. I asked how many much do we get from cell phone franchise fees and you answered \$3,000 a pole so about \$150,000 for the pole expenses. There are other franchise piece that we get from our cell phone franchise agreements?

Henry: No. These -- this is the sum total of the cell phone franchises.

Adams: How many franchises do we have more or less? Just what we are approving today?

Soloos: No. There are three others. But one of them was verizon but when they were written they don't expire until 2011. When we are done here today or with this issue one or the other we take the amendments for these other five and talk to them about amending theirs. There are two others but they have rights to be in the right of way but they don't have any facilities on the poles.

Adams: The total compensation that the citizens of Portland get from the cell phone companies for, in franchise-related income, is \$150,000? More or less?

Henry: Correct.

Adams: Ok. And do we, commissioner Leonard talked about materials. I just wanted to -- I assume the answer has been a the same if we were to ask, if we were to switch out equipment for materials. Do we have the right to regulate the type of equipment if we knew more about equipment, do we say that it had to meet certain standards that for quietness, for emission of rays or whatever they are? Do we have the right to make specifications about equipment?

Walters: If I understand your question, commissioner, ben walters, the answering your question, there's a number of aspects to it. We would have to bring in a structural engineer to review the proposed materials. We would have to have a communications engineer who would be able to review the proposed antenna equipment and other proposed -- like the transformer to see if there were owe possible. So we're talking possibly two positions.

Adams: Do we have a legal right to say that cell phone companies, let's say, have to use a particular type of transformer equipment that we know because of our study, is quieter than, is the quietest on the market?

Walters: Right now we don't have that expertise in hand.

Adams: Legally, would we have --

Walters: I am not aware of anybody doing that around the country. We could look into that.

Adams: Ok. Then my other question is, to potentially staff up, and this issue I just want to, was raised by commissioners fish and Leonard during these reups, I want to give them credit, but are we stuck with getting a total of \$150,000 in terms of franchise fees from cell phone companies when

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we, that is clearly not enough money for us to be good stewards on behalf of the residents of Portland? Do we get more money so that we can be staffed appropriately?

Henry: Well, certainly, we could talk with the companies. I mean, the franchises are negotiated.

Adams: So this is federal law doesn't say you only get \$3,000.

Henry: No.

Adams: I thought there was some sort of state or federal law.

Henry: No.

Adams: Wow.

Henry: It's a negotiated -- but it's \$3,000 per pole or \$3300 per pole right now.

Adams: That's what we negotiated with them? I don't know about my colleagues but given the impact and given that I think that you are, I really appreciate your willingness to engage us today and to answer our questions. I have learned a lot. And I agree we have got a great team but I do think we are undergunned and understaffed. I would be interested in, I think, the cell phone companies paying a fairer share of what is required to manage the industry effectively in our city. I don't know how to do that but i'm interested in that.

Leonard: And I hate to do this but I have to go to a doctor's appointment. And I realize this is the first reading. And -- o. It is an emergency.

Fish: Why isn't it -- why is it an emergency?

Leonard: What I was going to say we do next week, in uncomfortable voting on these today. I would like to have a month -- the staff has done a great job but there's a lot of questions raised and I would like to have a month just to look at this, ask some of the questions, do a little more research before I agree to a three-year contract. Just give me some time to get my arms around it. And I will tell you that I yet when I approached this yesterday, I was a no vote. I met with ben and I met with david they answered a lot of questions that I had. But i'm getting there but I need to feel more comfortable than I do right now.

Fish: So this is an emergency ordinance because we are up against some deadline in terms of renewing?

Walters: These expire.

Henry: They expire december 31st.

Fish: We have until --

Henry: 2008.

Fish: So we have two weeks if wanted?

Potter: If it expires, what's the consequence?

Soloos: If it expires the wireless, none of the wireless facilities have any authority to be in the right of way.

Leonard: We could do some interim.

Adams: Like three months?

Henry: Extension? That's what we did.

Saltzman: We already have extended these before in a result of the same questions we are asking.

Adams: The council could choose, that is legal question, we could choose to extend them for, again, for three, four months or two months or whatever. Is that accurate?

Walters: In the sense of the council is that at this point if you are not comfortable with the staff proposal, then, one interim solution would be to have staff submit extending ordinances for a specified duration.

Fish: I wanted to be just be clear. Commissioner Leonard proposed a month. I believe that there's been some substantial progress made in terms of what you have offered, what you proposed here but I do think there's some issues raised in a hearing a number of us would like to have some chance to adjust and discuss. So what is an appropriate amount of time?

Leonard: You tell me. I mean, I threw a month out. If it's two months, it doesn't matter.

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Henry: I think if there are some questions. If we need to look into the structural and communications engineers, perhaps renegotiate, look and research a little more about the, you know, dollars per pole, I think it would be helpful in order to include all the parties that we have been dealing with that we look at more like a six-month extension.

Adams: I'll accept that.

Walters: All right, then.

Adams: As long as we can be clear if we could before we vote on that things just so we are all clear, so what we are you are going to do --

Soloos: In six months. We would appreciate that.

Saltzman: Amend the terms of these agreements? I think the policies in these agreements as by two of our three, are better than existing policy.

Adams: Absolutely.

Saltzman: Amend the duration today and pass these with six months? With the new policy in place? I guess that's a legal question, too.

Walters: So is what you are asking rather than having these be for an extension of three years have them be an extension of six months? And then pass them with all of the other conditions --

Saltzman: Yes.

Walters: As proposed? You could amend the ordinances to do that today.

Potter: Could we do that on an amendment sheet so we could do it on one amendment?

Soloos: That's a process question for the attorneys, I believe.

Saltzman: I would certainly be prepared to do that. I think that it's going to take some more time. But I do think we need something in an interregnum.

Walters: Could you say --

Saltzman: Protecting neighborhoods.

Walters: Mr. Mayor, could you take a five-minute break and I could go work with staff to craft up some language and bring it back on a sheet so it was clear on this council?

Potter: You would add it to the --

Walters: Yes. We will add it to that particular sheet so it will be in one package.

Potter: How about three minutes.

Walters: Three minutes? Three minutes it is.

At 4:11 p.m., Council recessed.

At 4:16 p.m., Council reconvened.

Adams: Thank you.

Henry: Were legible.

Potter: Do you have copies of it?

Moore-Love: Yes, they are coming.

Adams: That carbon paper stuff.

Potter: Yeah.

Adams: Is that on like the wagon trail?

Potter: Good.

Saltzman: So do you want to explain this?

Walters: Sure. The first change would be to directive a. And this will have to be an amendment to each of the ordinances so this will have to be moved and seconded and approved for each of the five ordinances. The first is to change the date from, i'm sorry, should be 2011, december 31st. I didn't get a chance to proof this before I brought it in. But in the ordinances itself it says 2011 and that's changed to june 30th, 2009 so it would be a six-month extension. And then the other is the language regarding the business associations and that was what was previously brought up.

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Saltzman: I move that amendment.

Potter: Before we, there was rick wanted to make a statement very quickly. Can you please come up, state your name and try to keep it succinct.

Rick Seifert: I had expressed my concern about the city wide wireless cones that are still in place and can't be removed because the company is no longer able to pay for the removal and my concern is that if an antenna goes up and a company goes out of business, and we have companies going out of business or contracting, that there be some bonding associated with the removal of equipment in such an instance so that we're not stuck with this stuff.

Fish: Don, mike couldn't be here. You are here and there may or may not be some written testimony so if we are going to take this action today and there's anything in writing you want to submit --

Seifert: I will summarize. Can I do that in a day?

Fish: At any time you want. Lies it looks like we have a six-month extension we are voting on. Feel free to communicate through the clerk's office or with each of us individually any written comments.

Seifert: I will do that. Thank you.

Potter: Thank you. Anything else, folks?

Saltzman: I'm moving the amendment to add the new termination date from december of 2011 to june 30th of 2009 and add business associations as one of the lists organization must be consulted.

Fish: Seconded.

Potter: We have to do them individually.

Adams: Before we start voting I want to make sure before we do that we try to be clear on the kind of analysis that we collectively seek to have completed in the next six months. So I am no expert in this area so, first, let's get an expert. Sooner than later. I'm interested in pole indications, types of poles, so where they would be located and whatever the attributes of size and type that we talked a bit, the difference, if they are in front of your house or your business, between wires in the pole versus conduits running outside the pole up to the transmitter equipment. Type of equipment beyond the poles, including the sort of what's out there, what's for sale, what companies use, the noise, the size, the appearance, the strength. I guess also in the pole indications it would be given that we have seen now two examples just today of the noisiest part of the overall package being above ground, how many of the noisiest part is above ground versus below ground. So it's poles and then are the trans-- whatever they're called, transformers above or below ground? I'm also interested in the strength. Only because that leads to how many poles there are. And then related to, so strength or service area --

Henry: Strength of signal.

Adams: Correct.

Henry: Ok.

Adams: And then, assuming -- something again that helps us measure impact, how to better analyze the impacts versus the benefits, which is the service but sort of the impacts, anything else there. And then it would be also good as we are sort of doing inventory locally, what our best practices, because I think in these details and more is the difference between acceptance and obviously, within a particular location and obviously impact of one. Trends. I would like to know more about trends, what can we expect in the future and given where the technology going, is going, can we be a leader in just like the airport has worked hard to get aircraft carriers to switch out equipment that is quieter and they have made that a concerted effort in terms of the cargo planes at the airports because of the noise of the impact on the neighborhoods below. What else do we need to do to sort of be proactive, either in a facilitative, using the bully pulpit, regulatory or otherwise. And then, of course, I just remain, i've been here a long time so shame on me. I had no

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idea we got so little in terms of fees off of trying to manage this that we can't even do it well. So I am interested in sort of best practices on sort of fees.

Potter: I think it would be a good thing to perhaps, a few months down the road, to have a work session on this rather than a council session so that we can get more, get a better in depth -- not we but you guys -- get a better understanding of the consequences. [laughter]

Saltzman: You will be watching.

Potter: Yes, I will.

Walters: A special invitation could be extended to you.

Fish: If I could add a couple of items to commissioner Adams' excellent summary of the relevant issues, one is, since we had testimony about the noise that's emanating from at least one external box, I would like to know whether our existing noise code covers that, we have existing tools to deal with that. And second, this is really for council, ben, I would like to know more about the legal issue of what happens if you enter into a three-year agreement, and the federal law changes and preempts the guts of what we are trying to work out here. Can we, by contract, have the wireless companies waive their rights to get a better deal under federal law and/or would the contract automatically terminate if some provision was invalidated? I would like to get your legal advice on those questions.

Adams: That sparked one other issue. What is your name again? This is George's point. And that is, what are other retrofit options? For the people that are suffering right now. What are our options once we figure out how to do this quieter and better, if we can, what are the options to try to get that improvement for folks that are already having to deal with it?

Fish: That's a great point. Why don't we ask, add to that request to the particular carrier what would be the cost of retrofitting that? If we were to condition a renewal on some of these things being cleaned up and/or if we just wanted to know what the cost of mitigation would be, I think it's fair to ask, what right options at that site and what would be the cost? Also I think help us, would help us understand feasibility as it comes up as a test later.

Adams: Great.

Potter: I suggest you start a blog site. Strictly limited to city council. [laughter]

Saltzman: So we have to vote on each agreement and the amendment separately.

Kathryn Beaumont, Sr. Deputy City Attorney: You have moved --

Potter: Each ordinance.

Beaumont: I think the way we would treat this you would move the amendments for the first ordinance, 1575 and for each item you will need to take two votes. One on the amendment and one on the ordinance.

Potter: Ok. Do we have to read the ordinance or just ordinance 1675?

Beaumont: I think since you had Karla read them all you can read them by number.

Potter: Ok. Item, ordinance 1675, do I hear a motion on the amendment?

Saltzman: So moved.

Fish: Seconded.

Potter: Call the vote.

Adams: I'll just give my brief comments now and vote. I want to thank you again for engaging us in this discussion. I have learned a lot during this hearing and you have been very patient with us and forthcoming and I appreciate that. And the work that you have done and the work that commissioner Saltzman and his team have done between our last session and this, I don't want to overlook the fact that what you have done in the interim is a significant improvement and I appreciate that. I look forward to staying on it. And being an advocate with you to make things even better. Aye.

Fish: I would like to join in commissioner Adams' comments. I think this has been an exemplary hearing and both of you are probably eligible for a purple heart but we appreciate the exchange both

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to you, david, and mary beth, ben walters and brendan finn and amy true because there's been a lot of work that proceeded this hearing where the council offices have been briefed and brought up to speed. So I am grateful for that. And, dan, this is a thankless task so I will echo what commissioner Adams said, which is thank you for your leadership on this. And I think this is a significant improvement that can get even better with a little more time. Aye.

Saltzman: Well, I also want to take this opportunity to use my remarks to say I want to thank dave, mary beth, ben walters, amy true in my office for their good work. This policy is substantial and significant improvement in between striking the balance between neighborhood livability and providing a service that people want more and more every day and they want more of it. And they want it faster. And so this is a great step, I think, in balancing, preserving residential areas but also recognizing that this is an industry that our consumers, our voters, want to have. So it's a balance we have to strike and it's also rife with federal preemptions so I vote aye.

Potter: I appreciated what you folks have done. It is difficult work. I'm stunned by some of the information I heard about some of the things we can't talk about. And I am going to be talking about those things to the intergovernmental relations office, and the mayor-elect about it. I just think that's reprehensible, whatever it is we are talking about. I think some of these issues brought up some of the pictures that were here today, both of how they do it right, the one in front of the church where it's buried, but then in front of this gentleman's, near his residence where it's just out there and obnoxious should be corrected and I think commissioner Adams' point about retro fitting is something that needs to be looked at. Thank you, folks. Aye. [gavel pounded] and we now vote on the ordinance. Please call the vote.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] ordinance 1676.

Saltzman: Move the amendment.

Fish: Second.

Potter: Call the vote.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] vote on the ordinance.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] ordinance 1677. Call the vote. Excuse me.

Saltzman: I'm sorry. I move the amendment.

Fish: Second.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] call the vote on the ordinance.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] ordinance 1678.

Saltzman: Move the amendment.

Fish: Second.

Potter: Call the vote.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] call the vote on the ordinance.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] and ordinance 1679.

Saltzman: Move the amendment.

Fish: Second.

Potter: Call the vote.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] call the vote on the ordinance.

Adams: Aye. **Fish:** Aye. **Saltzman:** Aye. **Potter:** Aye. [gavel pounded] that's some of the finest choreography I have ever seen. [laughter] we are adjourned until next week.

At 4:31 p.m., Council adjourned.