



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **6TH DAY OF MAY, 2009** AT 9:30 A.M.

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

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

COMMUNICATIONS	Disposition:
540 Request of Richard Hartmann to address Council regarding sewer work permits (Communication)	PLACED ON FILE
541 Request of John Shafer to address Council regarding horse manure on sidewalks and roads (Communication)	PLACED ON FILE
542 Request of Darvel Lloyd to address Council regarding funding the crosswalk project at SE Belmont and 46th (Communication)	PLACED ON FILE
543 Request of Vicki Hersen to address Council regarding news about the 46th and Belmont crosswalk (Communication)	PLACED ON FILE
544 Request of Belinda D. Jackson to address Council regarding ethical behavior by Mayoral personnel (Communication)	PLACED ON FILE
TIME CERTAINS	
545 TIME CERTAIN: 9:30 AM – Adopt Portland is Better Together Campaign Spring Update (Report introduced by Mayor Adams) Motion to accept the report: Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-5)	ACCEPTED
*546 TIME CERTAIN: 10:00 AM – Amend Title 33, Planning and Zoning, to extend for a limited period the expiration date for approved land use decisions and related land use actions (Ordinance introduced by Mayor Adams and Commissioner Leonard; amend Code Chapters 33.730.050, 33.730.130 and 33.663.110)	CONTINUED TO MAY 20, 2009 AT 9:30 AM

CONSENT AGENDA – NO DISCUSSION		
Mayor Sam Adams		
Bureau of Planning & Sustainability		
547	Authorize an Intergovernmental Agreement with Portland State University in the amount of \$98,000 for the Single Family Weight Study to determine average residential waste disposal (Second Reading Agenda 504) (Y-5)	182741
Bureau of Transportation		
548	Transmit summary of sponsorships and donations received by the Bureau of Transportation in 2008, as required by Ordinance No. 179806 (Report) (Y-5)	ACCEPTED
*549	Authorize payment to City Center Parking to transfer revenue for off-street carpool permits collected by the City for January to March 2009 (Ordinance) (Y-5)	182742
*550	Amend Intergovernmental Agreement with the Willamette Shore Line Consortium of Local Governments for the management of the Willamette Shore Line Right-of-Way (Ordinance; amend Contract No. 50535) (Y-5)	182743
*551	Accept a grant in the amount of \$60,000 from the Oregon Department of Transportation to design and construct a pedestrian refuge island on SE 82nd Ave at Francis St (Ordinance) (Y-5)	182744
*552	Adopt and implement City of Portland Bureau of Transportation Title VI Civil Rights Program, Non-Discrimination Policy and Non-Discrimination Agreement for Certified Local Agencies (Ordinance) (Y-5)	182745
*553	Grant revocable permit to St. John's Bizarre to close N Lombard St between N Charleston Ave and N Baltimore Ave from 8:00 a.m. to 8:00 p.m. on May 9, 2009 (Ordinance) (Y-5)	182746
554	Authorize Intergovernmental Agreement with Oregon Department of Transportation to initiate a one year pilot program to improve towing performance along the Interstate 5 and Interstate 405 loop (Ordinance)	PASSED TO SECOND READING MAY 13, 2009 AT 9:30 AM
555	Authorize contract with CMTS, Inc. to supply street construction inspection and engineering technician personnel as needed and provide for payment (Second Reading Agenda 508) (Y-5)	182747
Office of Management and Finance – Financial Services		

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<p>*556 Authorize an Intergovernmental Agreement with Multnomah County for joint budget outreach services in the amount of \$26,500 (Ordinance) (Y-5)</p>	<p>182748</p>
<p>Commissioner Nick Fish Position No. 2</p> <p>Portland Parks & Recreation</p>	
<p>*557 Authorize an Intergovernmental Agreement with Multnomah County to clarify the rights and responsibilities of the County and the City as they relate to the west end of the Burnside Bridge and its associated right-of-way (Ordinance) (Y-5)</p>	<p>182749</p>
<p>558 Authorize lease of Firehouse Theater to Portland Actors Conservatory (Ordinance)</p>	<p>PASSED TO SECOND READING MAY 13, 2009 AT 9:30 AM</p>
<p>Commissioner Dan Saltzman Position No. 3</p> <p>Bureau of Police</p>	
<p>*559 Apply for a \$125,000 grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY 2009 Competitive Grant for the Gang Resistance Education and Training Program (Ordinance) (Y-5)</p>	<p>182750</p>
<p>*560 Apply for a \$2,000 Target Corporation 2009 Law Enforcement grant for Crisis Response Team Volunteer training (Ordinance) (Y-5)</p>	<p>182751</p>
<p>*561 Apply for a \$282,331 grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY 2009 Competitive Grant Program for the Gang Resistance Education and Training Program Regional Training Centers (Ordinance) (Y-5)</p>	<p>182752</p>
<p>*562 Apply for a \$286,201 competitive grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Recovery Act for prosecutorial support of local drug enforcement efforts (Ordinance) (Y-5)</p>	<p>182753</p>
<p>*563 Apply for a \$3,004,775 competitive grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Recovery Act for expansion of the Neighborhood Livability Crime Enforcement Program (Ordinance) (Y-5)</p>	<p>182754</p>

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<p>*564 Apply for a \$737,546 grant from the U.S. Department of Justice, Office on Violence Against Women FY 2009 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program for victim services (Ordinance) (Y-5)</p>	<p>182755</p>
<p>*565 Apply for a \$900 Community grant from WalMart Stores, Inc. for Crisis Response Team Volunteer training (Ordinance) (Y-5)</p>	<p>182756</p>
<p>Commissioner Randy Leonard Position No. 4</p> <p>Portland Fire & Rescue</p> <p>*566 Authorize application to Environmental Protection Agency for a grant in the amount of \$712,500 for replacement of pre-emission standards marine engines with Tier 3 non-road diesel engines on the fireboat David Campbell (Ordinance) (Y-5)</p>	
<p>REGULAR AGENDA</p> <p>567 Amend Sidewalk Obstructions code for a temporary extension of the expiration date to allow time for a City-wide public involvement process to educate, assess performance measures and engage citizens in the evaluation of the Street Access For Everyone package (Second Reading Agenda 518; Ordinance introduced by Mayor Adams and Commissioners Fish, Fritz and Saltzman; amend Code Section 14A.50.030 N) (Y-4; N-1, Leonard)</p>	
<p>Mayor Sam Adams</p> <p>Bureau of Transportation</p> <p>568 Assess benefited properties for street improvements in the SW Nevada Street Local Improvement District (Second Reading Agenda 519; Ordinance; C-10021) (Y-5)</p>	
<p>569 Remove redundant and outdated language, fix organizational and grammatical errors, reconcile conflicting Code provisions, increase program efficiency and effectiveness, and improve public comprehension to the Public Improvements Code (Second Reading Agenda 522; amend Title 17) (Y-5)</p>	<p>182760</p>
<p>Office of Emergency Management</p>	

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<p>*570 Authorize contract with TechLaw, Inc. to develop an Urban Areas Security Initiative Resource Management Assessment and Plan (Ordinance) (Y-5)</p>	<p>182761</p>
<p>Office of Management and Finance – Purchases</p>	
<p>571 Accept bid of Canby Excavating, Inc. for the South Airport Sanitary Sewer System, Phase 5 Project for \$1,288,900 (Purchasing Report - Bid No. 110226) Motion to accept report: Moved by Commissioner Fish and seconded by Commissioner Saltzman (Y-5)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>572 Authorize a cooperative procurement with Pierce Manufacturing, Inc. for fire apparatus for \$2,106,400 (Purchasing Report - Bid No. 110354) Motion to accept report: Moved by Commissioner Fritz and seconded by Commissioner Saltzman (Y-5)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>573 Authorize a cooperative procurement with Canby Ford, Inc. for replacement of Police Bureau patrol sedans for \$1,336,723 (Purchasing Report - Bid No. 110373) Motion to accept report: Moved by Commissioner Leonard and seconded by Commissioner Fritz (Y-5)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>Commissioner Dan Saltzman Position No. 3</p>	
<p>Bureau of Environmental Services</p>	
<p>*574 Authorize a contract and provide for payment for the construction of the Sellwood Sewer Interceptor Capital Improvement Project No. E06973 (Ordinance) (Y-5)</p>	<p>182762</p>
<p>*575 Authorize the Director of the Bureau of Environmental Services to execute an easement from Metro to the City including an indemnification to the extent allowed under the Oregon Constitution and the Oregon Tort Claims Act to Metro for the Sellwood Sewer Interceptor Capital Improvement Project E06973 (Ordinance) (Y-5)</p>	<p>182763</p>
<p>576 Accept a donation of \$9,000 from Providence Portland Medical Center for the construction of a green street stormwater curb extension in the public right-of-way at NE Glisan and 63rd (Second Reading Agenda 532) (Y-5)</p>	<p>182764</p>
<p>City Auditor Gary Blackmer</p>	
<p>577 Assess property for sidewalk repair by the Bureau of Maintenance (Hearing; Ordinance; Y1069)</p>	<p>PASSED TO SECOND READING MAY 13, 2009 AT 9:30 AM</p>

At 12:03 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **6TH DAY OF MAY, 2009** AT 2:00 P.M.

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

Commissioner Leonard arrived at 2:09 p.m.

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

Motion to hold an evening meeting on May 20, 2009: Moved by Commissioner
Fritz and seconded by Commissioner Fish. (Y-4; Leonard absent)

		Disposition:
578	TIME CERTAIN: 2:00 PM – Update and revise the Private For-Hire Transportation Regulations to better reflect the industry and the regulatory role of the City (Ordinance introduced by Mayor Adams; replace Code Chapter 16.40) Motion to amend 16.40.460 to clarify limousine roll and hotel fines: Moved by Commissioner Leonard and seconded by Commissioner Fritz. (Y-5)	CONTINUED TO MAY 13, 2009 AT 10:00 AM TIME CERTAIN AS AMENDED

At 3:46 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
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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<u>THURSDAY, 3:00 PM, MAY 7, 2009</u>	
579 TIME CERTAIN: 3:00 PM – Adopt findings, authorize an exemption to the competitive bidding process for development of an MLS Stadium and a Triple-A Stadium, pursuant to ORS 279C.330 and City Code Section 5.34.810 and 5.34.820 (Second Reading 445; Ordinance introduced by Mayor Adams)	REMOVED FOR FURTHER REVIEW; RESCHEDULED DATE TO BE DETERMINED
580 Authorize Sole Source Acquisition and Predevelopment Agreement and authorize Sole Source Acquisition of an Operating Agreement, both with Peregrine Sports, LLC for Major League Soccer and Triple-A Baseball stadiums, pursuant to ORS 279b.075 and City Code Title 5, Section 5.33.120 (Second Reading Agenda 446; Ordinance introduced by Mayor Adams)	REMOVED FOR FURTHER REVIEW; RESCHEDULED DATE TO BE DETERMINED
581 Select a site location for Triple-A Baseball Stadium (Previous Agenda 447; Resolution introduced by Mayor Adams)	REMOVED FOR FURTHER REVIEW; RESCHEDULED DATE TO BE DETERMINED

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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.

MAY 6, 2009 9:30 AM

Adams: We'll begin the meeting with communications. Karla, can you please read the title for council calendar 540.

Item 540.

Adams: Mr. Hartman, are you here? All right. Karla, can you please read the title for council calendar 541.

Item 541.

Adams: Mr. Shafer? Mr. Shafer? All right. Can you please read the title for council calendar 542.

Item 542.

Adams: Mr. Lloyd, good morning and welcome to the city council.

Darvel Lloyd: Good morning, thank you.

Adams: You only need to give -- all you need to give us is your name and you have three minutes.

Lloyd: Thank you, mayor Adams and city commissioners. My name is darvel lloyd and I volunteer at impact northwest and their southeast district advisory committee. On behalf of that fine organization and many other supporters, I wish to thank you, mayor Adams, and your transportation bureau for approving funding in the coming fiscal year of a badly needed pedestrian safety improvement at southeast belmont and 46th avenue. We especially appreciate the time and cooperation efforts that your transportation manager will steven put into this project and we worked hard to get local support. So much support and cooperation from local organizations, like the sunnyside neighborhood association, the southeast uplift, the willamette pedestrian coalition, elders in action and a number of others that I won't have time to mention. But it was a year of cooperative effort. And especially gratifying given the economic times. I was planning to give you -- or to present to you a petition, 19 pages of 269 signatures and many of the petitions are still out there, but instead, I will just file them and I hope you consider them as 269 thank you's and silent voices for you to get this project started this summer, if not sooner. I also want to express my appreciation to all of the new sidewalk curb ramps that are being constructed throughout the city. At street intersections in my neighborhood, and it's really great to see that. I urge you not to give up on the comprehensive safe, sound streets plan that was envisioned a few years ago, and try to figure out how to fund that when the economy improves. In this age of big projects, big bridges, big stadiums and big urban renewal, it's nice to acknowledge the little spot projects that are so beneficial to our neighborhood. Thank you very much for allowing me to speak. I just want to acknowledge the -- some of the folks that came here this morning and could you stand up? Katie from the willamette pedestrian coalition, mary ann swab, and lee noel. Thank you, folks.

Fish: I just wanted to note your comment about not -- the petitions being moved reminds me of an evening hearing we had a couple weeks ago where a substitute resolution was put before the community at the last minute and someone came to testify and said they were thrilled with the change and then took out the speech blasting us and read the speech. More interesting moments since i've been here.

Adams: Mr. Lloyd, you as chair of the southeast senior advisory committee and vicki is going to testify in a minute --

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Lloyd: Vice chair.

Adams: Vice chair. I just gave you a promotion. You and the council have been tireless to point out where infrastructure needs to be improved and I just want to thank you publicly for doing that very much.

Lloyd: And you're welcome, mayor.

Adams: Karla, could you please read the title for council calendar 543.

Item 543.

Adams: Good morning, glad you're here.

Vicki Hersen: Thank you. Good morning, mayor Adams and commissioners. My name is Vicki Hersen, executive director of Elders in Action and we were delighted to hear when the funding for this crosswalk and curb enhancements has been fast tracked by the Bureau of Transportation. It's been a great partnership with advocates from Southeast Senior Advisory Committee, Impact Northwest, Sunny Side Neighborhood Association and Elders in Action and Tri-Met. I'd like to thank Will Steven from the Portland Bureau of Transportation and Phil from the Willamette Pedestrian Coalition and Tri-Met for their hard work and Tri-Met for stepping up to the plate with funding. In these times of limited resources, partnerships and creative thinking are needed more than ever. And really, Elders in Action works with so many partners in the city, and our goal is really to kind of be a connector and help enhance resources wherever we can. The Southeast Multicultural Center at 46th and Belmont is one of eight district senior centers in the city of Portland. Where frail elderly residents come for specially designed exercise and hot meal and other activities that will keep them engaged in their community. Portland Parks and Recreation funding is critical. And it's really -- they have a specialized training at Impact Northwest at the Southeast Multicultural Center and hundreds of people who come and access those services and these are services where they can't get from other Portland activities because they're potentially designed and it's more critical than ever and I know it's been in the Parks and Recreation budget, it's called pass-through money, but we hope to educate people more about the need of this critical funding. It's not pass-through. It sounds like an odd saying because it's really critical services and recreation programs for people who come and visit, get off that -- come and visit and get off the bus and Tri-Met lift services and access services that are specialized, this district center as well as seven others within the city. We're so happy that this enhanced crosswalk and bus stop will provide a safer place for -- it was a young jogger hit by a car in March and it's going to make a critical difference in the neighborhood and we look forward to working with all of the bureaus and seeking out opportunities where we can really enhance resources for the city. Thank you so much and we're happy that this has happened.

Adams: Thanks for your leadership and continued good work.

Fish: We'll try to find a better word than pass-through. It creates confusion. Any time that city dollars go to fund a program that is led by another jurisdiction, we call it a pass-through. Like when we fund families and children's homeless programs, pass-through to another jurisdiction. **Hersen:** Right.

Fish: But it's not well understood so maybe we're do some word smithing.

Hersen: Great, thank you.

Adams: And Will Stevens, thank you for your leadership on this. Really appreciate it. Great work. That gets us to the consent agenda. Does anyone wish --

Moore-Love: 544. And Mr. Hartman has arrived too.

Item 540.

Adams: Good morning, Mr. Hartman. Glad you're here. You just need to give us your first and last name and you have three minutes.

Richard Hartman: Richard Hartman.

Adams: Feel free to take a seat.

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Hartman: I didn't bring a bag this time. Being a sewer matter, randy. You'll be able to follow through. What i'm going to read --

Adams: Go ahead, mr. Hartmann.

Hartman: This sewer matter is like you renting a car and taking it to a body shop and get a receipt and proves you own a car and the car was in the hit and run, and you were caught and accused and liable for all of the life -- you have no insurance because you have no recorded title to the car. Does e.p.a. Or do we want short private recorded sections of sewer amongst our sewers in public streets? On your side, will Portland be shamed? Portland is exempt from d.e.q. Permitting, Portland's mayor claims, and likes private sewers in central business street. No citizens can believe this. He wants hundreds more. All of the Oregon's cities are under d.e.q. Permitting. They don't have private sewers in c.b.d.s and new york, regulations require any sewer serving more than one property must be owned by a sewer district, etc. Two, Portland's mayor went over -- represented that the city must prove private sewer ownership. His chief engineer does not know why he can't find why the sewer code declared that sewer ownership by connections. Therefore, he used recent contractor sewer card notices to declare this matter's 1899 building sewer branch as private. Is the b.e.s. New 02 sewer code flawed because the city engineer was not designated for sewer connections before 1900? Did b.e.s., before creating the current '02 code, search city record enough to discover that the city's engineer was designated for the first building permits not sewers by ordinance 1899? The sewer policy in place at the time of these permits and this matter states once owners repair in-street sewers, the city will maintain them thereafter. Which way? Private, yes or no? Portland city council is supporting this flawed permit notes by amicus briefs into -- for a hearing set for a week from today. We hear our Multnomah county recorded statements. Addressing the current code. Have you seen any evidence whatever that the city engineer who was in office in the 1890s, when this line was built, made the designation it was private at the time? Have you ever seen any document where the city engineer designated this as private? I have not. Five, are there serious errors and omissions in the sewer code chapter 1732 --

Adams: Mr. Hartman, I need you to wrap up.

Hartman: You'll see a suggestion where you can help me and the lines are -- basically never deteriorate and still in existence in solomon's time -- solomon's time and would you like to withdraw the amicus briefs before wednesday's hearing.

Leonard: If I could, your partner was here last week. You both have spent two three-minute periods and neither one of you explained -- i'm sitting here scratching your head not understanding what your point is. I recommend you meet with commissioner Saltzman to explain what your position is and I think you'd find more satisfaction in that than spending time making statements that make it difficult to understand what the issue is you're dealing with.

Hartman: We've tried for about a year to get a council person, a director, we've tried and tried to present our evidence.

*******:** Can we get an appointment with mr. Saltzman.

Leonard: That's up to him.

*******:** We'll call you.

Adams: Thank you, mr. Hartman. Please read the council calendar title for 544?

Item 544.

Adams: Ms. Jackson. Good morning, welcome to the city council.

Belinda Jackson: Good morning. City council.

Adams: You only need to give us your first and last name and you have three minutes.

Jackson: Thank you. Mayor Adams, city council. My name is belinda jackson. And why i'm here today is because ethical behavior takes courage. Judgment, good judgment, also takes courage. And what I have experienced with mayor Adams, he is my mayor. I voted for him. I trusted him. What my experience has been with mayor Adams' office is unethical behavior. And I don't blame

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that office, but I will say this: Good government, effective government has to have a foundation of ethical behavior. And it is very difficult for your office, for your staff, for city government, to be effective and progressive and helpful for the constituency where their leader is embroiled in scandal, is embroiled in very disparaging and insulting and offensive comments about character, about who you are. People are saying things about you that put your constituency, put me in a position where I have to just look the other way. I don't have a voice when it comes to you, mayor Adams. At all. And when I -- i'm on your side, you apologize, I go to your office and I say, wait a minute. I have evidence which proves that mark merkel character, who supposedly gives evidence against you, who works at a nines hotel and in a relationship with beau breedlove. Wait a minute, I know him. I have information about him. Your chief of staff tells me they have no information about the scandal that is surrounding you and beau breedlove, but give me misinformation. They flat out are dishonest about the relationship with you and your advisor. Now, do I blame your staff? I can't. They can only be as good as their leader. They can only have the ethics and the judgment and the courage of their leader. And you're embroiled in scandal. You're not helping us, and you should step down.

Adams: Thank you for your testimony. [applause]

Adams: So that finally gets us to the consent agenda. Does anyone wish to pull any item from the consent agenda? All right. Seeing none, hearing none, Karla, can you please call the vote on the consent agenda?

Fish: Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. [gavel pounded] consent agenda's approved. That gets us to the first regular council agenda item. Can you please read the title for council calendar item 567.

Moore-Love: Do you want to do time certainties?

Adams: Sorry, I apologize. Can you please read the council calendar item for 545.

Item 545.

Adams: If you would come forward, everybody. So better together was launched by city council the beginning of the year and today we're going to get an update on how we're doing. The key focus of the better together campaign was to provide an easy reference phone number and website for people to get involved based on their interest and time and availability. Who would like to begin?

Laurel Butman, Office of Management and Finance: Ms. Laural. I work in finance and a member of the esteemed group of employees who are working on this and I want to recognize i'm just one of many in this campaign. We wanted to come back to you to report on how we're doing and take suggestions for the future and let you know what's coming up so we can all work on this together. So, yes, we did launch january 15th with an event at the food bank where all of you were there. I really appreciated you being out in the community. It was a fun event. We have people here today that are partners that are going to talk to you a little bit about what's going on out there in the community with our efforts and their efforts to address. This is an effort to address the people's part of the economic downturn and what -- economic downturn and how we can work better together. I'll let them speak about their experience of this. I wanted to let you know that -- thank you. We have been coordinating with the season of service for the last couple of months and that's still going on but moving now into what is called the corporate challenge and later in the summer we'll be focusing on youth and children and in the fall we'll focus on families. Those are our efforts we're putting to the. We've got a plan for that. We've had banners hanging up over bridges and overpasses for several months and those are now coming down and we're going to be rehangng them. There'll be one on city hall and community centers and fire stations and police precincts to we can get the word out better and coordinating with tri-met for local advertisement on buses and coming out later in the summer. We're trying to increase visibility. One thing you can help us with is volunteering out in the community with the council, let us know and we'll put a story up on the

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website. The websites, is the core of the campaign and I wanted to walk you through. Give a little virtual tour of the pieces the website in case you or the public are not familiar with this. Take time to do that. What you see here is a home page. Portlandonline, and you click on the link to get to the site. Thank you. Thanks. And when you go into the site, what you see is our banner, with the get help, give help, and choose local. And many feature stories. and that takes comments from the public. We have featured volunteer opportunities. And then if you go into the give help center, you can see that we're partnering with Oregon solve, hands on greater Portland and a number of different organizations. So that people can find an easy way to get out there and volunteer. And Andy from hands on is going to talk about the increasing volunteer efforts we've seen as people are dealing with the local economic crisis. Our get help center is -- features our partners, the office of neighborhood involvement information and referral line is our main line and we also work with the 2-1-1 call line. And if you go into choose local, this is one of the more exciting parts. Where you can hook up with the choose local or local first effort. And we would encourage people to take the choose local pledge and we'll list you on the website. And we have the beginnings of what's going to be a more robust business express site and people looking to start a new business and we have a lot of startups right now or needing financial assistance for their business, we have a simple f.a.q. To help people out. We would love you to visit the website, nominate a local hero. Send us a story. One of the things we may be concentrating on is gardening is really exciting right now. Everybody is into gardens, whether it's community or open source gardens, everything is sprouting up around us and we'll probably be featuring that as well. And we ask that every councilmember place a web banner on their websites so people can get connected to this and asking the came of each bureau in the city and I think that concludes the recommendations. Just wanted to bring you back what we've been doing and I think skip wants to go into more detail.

Skip Newberry, Mayor Adams' Office: Hi, i'm skip newberry with the mayor's office and i've worked with laurel and several others on this project during the last months and I want to say that the campaign would not be possible without the tireless support of dedicated employees across the bureaus. I know we have several committee members here today and I would like to ask them to stand up right now and be recognized. [applause] now that laurel has provided background about what the campaign is and how we got to where we are now, i'd like to focus a little bit on what the campaign has potential to become. And one of the greatest assets of Portland is its sense of community the we have tremendous partners, some of whom you'll hear today speaking from the private and non-profit sector as well and joined the campaign during the last couple of months. To date, we've been successful in yen rating interest in organizations throughout the community who can identify with the message of Portland is better together. Nevertheless, I think we need to try and improve our efforts going forward and raising awareness of the site both among citizens in the community and the businesses. In the next month, we plan to rehang better together banners as laurel mentioned covering key spots of the city of soon we'll have advertising available as well on buses and park benches later on this summer and that should help to raise visibility for the campaign. And part of why we're here today is to encourage you, members of the council to take advantage of the better together website and drawing together all of the great volunteer efforts that you yourselves take on a regular basis and the members of your staff. I think that the campaign itself will be better for that and you as leaders in our community stand in a great position to help draw awareness to what's going on throughout the city among non-profit organizations who have great campaigns in place and also among citizens who are contributing quite a bit of time to the community when people are struggling and in need of help. I'd like to talk a little bit about some of the efforts that we've made to try and use the site as a way to highlight some of the community centric websites and other services provided throughout the community currently. One of these includes a website called bright neighbor and it enables individuals to connect with their neighbors and share rides and barter and learn about neighborhood events and exchange goods and services

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and also a social networking network called local space and helps to serve businesses by providing access to customers who are interested in learning more about local businesses within their neighbor neighborhoods. Finally, we have a website that we're partnering with called the change exchange which is a microchange website created here in Portland over the last several months by volunteers, and it helps to connect social investors with non-profits and social entrepreneurs who need access to small amounts of capital and we're in the process of creating a website which laurel mentioned which is molded after the new york business express website and it helps businesses in the community get accesses to services, assistance, as well as do everything from do a budget to help figure out what thing costs will like -- permitting costs will be and who to contact to get access to loans. This will be available through the Portland is better together, as well as other city websites. These efforts will only be successful if people in the community know they exist and as leaders of our community, we're here today to ask for your assistance in helping to raise awareness for the campaign and services it provides. Thank you.

Adams: Thank you. Any questions for this group of people.

Fish: I have a comment. I've been struck by how, through your website, you've been pushing the envelope in how to get different applications out of our current system. I'm not a tech savvy person, but my overall impression of the city's web system is it's stuck in another century and it's hard to push the envelope. And I think all of us would like to have a more interactive website.

I see commissioner Leonard's got a blog. Sort of. But I mean -- but others -- others of us are putting links on our websites to groups and son I can't in my office -- sonya in my office figured that out. And just as you've invited us to participate with you to do linkages, I would urge you to do a sit-down soon with tech staff to educate us about what you're learning how to make the website more useful. Because i've noticed a lot of our colleagues in other jurisdictions have opted out altogether because of the challenges of working within our constraints. But it looks like you've got good ideas on how to make our websites more interactive to bring more people to them and link up to what you're doing. I would invite you to do a brawn bag lunch and educate us about that.

Newberry: That's a great suggestion and it's a great opportunity to do something like that. We have a number of other related initiatives that focus on Portlandonline generally and over the next several months we'll be starting a process rolling to look at ways to improve the Portlandonline website and the infrastructure that supports it and the better together complain which is a part of that, I think it's a great opportunity to sit down with your staff and other people throughout the city to find out what we would like to see, and more importantly, what would the community like to see in terms of improvements to the website. We have a couple of ideas to get the community involved in greeting a new Portlandonline.

Fish: Thanks.

Adams: More folks to testify?

Newberry: Yes and now i'd like to ask nicole from umpqua bank and andy from hands on greater Portland.

Adams: Good morning, we're glad you're here.

Nicole Stein: I'm nicole. Thanks so much. I'm here to talk about the role of a private company within the Portland is better together campaign. It began with the launch of the program in january and propelled forward by ray davis, our c.e.o.'s feeling moved by being actionable in the economic state we're in and the city's mobilizing in this way. The concept of get, give and local really resonate with our bank. There are two areas of ongoing synergy taking place through Portland is better together with umpqua bank. And that's through the corporate volunteer challenge and local place which skip touched base on which is a social networking tool for businesses. Within the corporate challenge, it really is giving a place for companies right now to share best practices with each other and set up volunteer opportunities with hands on greater Portland or other volunteer agencies in the community and ongoing assistance with a member organization called corporate

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volunteer council for ongoing networking and best practices sharing. It's reaching into the community and leverages things that are happening outside of Portland but leveraging it through it effort umpqua has had a strong history of volunteerism and seeing strong trends among wanting to help. The model we have in the paid off time system in terms of offering paid off assistance, 25,000 hours in 2008 were logged for the community's betterment. The bests are strong and this is something -- the benefits are strong. But employees and ensuring they're connected which is the whole point of Portland is better together. Morale, productivity, public image and the benefits to the community are significant in terms of daytime volunteerism and filling a gam. We want to share this with public agencies and encourage, as skip and laurel have done to you, to encourage involvement through Portland is better together. The local space component, which is what skip talked about in terms of social networking is a tool that umpqua bank created in terms of connecting businesses to each other to spur on the idea of buying local and supporting local and knowing who the local business partners are that you can work with to ensure that dollars stay locally. And I think this is a great example, the effort of Portland is better together in terms of just taking resources where they are and leveraging them. Whether that's sitting in a private entity, such as umpqua and putting them together in a public tool. But that public-private aspect is significant as limited resources are out there. There are limited resources and the way we can leverage each other in terms of making good things happening for our community. I want to commend the mayor's staff and hope for your continued support as this continued to roll forward through the next couple of months.

Fish: I want to highlight --

Adams: Some of the technologies that we're about to roll out and started by umpqua bank are needed more than ever in terms of the opportunity for business-to-business connections and local supplier networks.

*****: Uh-huh.

Adams: Purchasing from local suppliers. For every dollar spent at a local business or business within the city of Portland, we get over 60 cents staying in the economy, spent elsewhere, we lose a lot of money.

*****: Thank you.

Andy Nelson: Good morning, i'm andy nelson, executive director of hands on greater Portland. I'll be brief. I want to provide perspective on the power. I want to start with a brief story back in november. Commissioner Fish joined hands on in -- and Multnomah county jeff cogan and we painted some walls of a school that hadn't been touched in 25 years the since then, we've seen nothing less than a volunteer boom in this community. I don't know if there's a connection between your -- the 60% increase in volunteering, but I think it's notable in the wake of this down economy, we see incredible volunteering. Not just in Portland. It's a nationwide trend. In Portland, you may know we're third in the nation in volunteering. That's a 38% volunteer record. 38% of our population regularly volunteering. I don't know about you, but I think we can be number one. We can did better. And I think this website is a huge step in that right direction. There's little question to me, and i've been involved in the volunteer world in a while, that people want to help. That's not the issue. They just don't know how to help and don't know how to volunteer their time. And when people can find well organized meaningful volunteer projects, they're going to get involved. They don't know about them. There's been partnerships and involvement on behalf of the city to get people involved. Better together, to your point, commissioner Fish, you seem to use technology as a way to get people going in a way they haven't before. Why should the city be involved in this? I want to -- i'll finish a couple of brief perspectives on that. The first thing, especially at a time like this, you can't do it all alone. Government can't be the only solution. The more people that can step up and help, the better. There's viable opportunities for people dedicating their lives in helping their neighbors in substantial ways and people will do it if they know about it. Portland has an incredible

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reputation for being a livable city. That's something we have to work on every month. We can't take it for granted. When this site becomes more successful, this is going to be an economic effort. It's going to be good for businesses like umpqua and others that want to locate to Portland. It's a big picture and grassroots solution. And thanks for your support. All you can do to continue to motivate people to connect would be useful. Appreciate it.

Adams: Thanks for your partnership. We really appreciate it: Come on up. Good morning.

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

Adams: How are you?

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

Adams: Welcome to city council. Good morning.

Jen Madison: Hello. Sure, i'll go first. Hello, i'm jen matheson and I do outreach for 2-1-1 and housing connections and delighted to be part of the better together campaign because it brings together the focus and skills and what 2-1-1 can offer with an emphasis on supporting local businesses and volunteerism and we fit together very well. I think you're familiar with 2-1-1, but the bank story is we're a three-digit phone number folks can call when looking for health and human services information. We serve the Portland area region, southwest Washington and now central Oregon and hoping to serve yamhill and polk within the next three to six months and taking about 10,000 to 12,000 calls a month from folks trying to seek health and human services. People needs help with their utility bills, rent assistance, looking for food, housing, and as you can imagine, the face and the type of calls that we've received in the last six months has changed. It's been the first-time caller. The person who never had to seek social services before. We're hearing from callers who say what's it going to be for me to go to the d.h.s. office. To the unemployment office? And so the folks in our call center can really help people navigate those services and describe what it's going to look like to seek help and found out both public services as well as faith-based community programs and get them connected and that's what 2-1-1 does. So you know, a little bit about what we do. I think just on the back -- you can sew my small print on the back here. You know, our call volume as you can imagine has increased greatly. You can check out the blue line, showing calls received and starting last august, we saw this large spike of calls coming in to our call center. Again, the first-time callers and callers that had lots of income who are seeking services, reaching out and calling us and trying to get connected. I think the other thing 2-1-1 can offer to this campaign, to folks like you, is really looking at what the community needs are. We have great data about our callers. We track demographics, zip code, age, race. We know who the callers are and what they need. We have a lot of data around community needs and what people are looking for and can track that from year to year. So 2-1-1 is glad to be part of the better together campaign and if they don't have a call they can't answer they can pass it on to us and we're working closely with them.

Adams: Thank you, very much.

Fish: And thank you for the service you gave to the city during the winter emergency.

Madison: Thank you.

Fish: 2-1-1 was the place people could call to find out where they could get a meal, emergency shelters and people performed march will you saily and i'm pleased that it is still funded in the mayor's proposed budget.

John Dutt: I'm john, and supervise the city of Portland information and referral line. Otherwise known as 823-4000. I've been involved with this campaign since it began and it's a great opportunity for us to partner with city offices and bureaus and partners like 2-1-1 and also a great opportunity to get word out to the community about our line. I think anyone who has called the line will tell that you the staff do a wonderful job of helping people to navigate got the local government -- to navigate. The better together campaign has used our number on the banners we've put up across the city. Also done some handbills that have been distributed to the libraries and community

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meeting places and prominently on the website. We haven't necessarily been flooded by calls related to the campaign, but I think we've had a steady stream and got more of certain types of calls. Economic stimulus and policy stuff that the city's been edge gauged in and housing issues and small business resources. Through our partnership with 2-1-1 info, we've been able to enhance our database to assist with credit and mortgage counseling, job seeker resources, in an effort to take the burden off of them for the more basic social service calls. The thing i'd like to highlight the most, I guess, today, is the thing I value the most about being involved in this campaign, and that's been involvement of some better small business resource information for our community. When we started meeting, one of the things that became evident there was a lot of resources for small businesses, but there wasn't like one place they could call to figure out what those resources were, especially for a new business or small business that wasn't real experienced with doling --

Fish: You state that had very politely.

Dutt: So thanks to some of our partners, project most program dentally, from the small business, I was able it meet with her and to make our database more robust for being able to help us to get trained on getting people to navigate that and putting f.a.q.s on the website that we came up with to really help small businesses better navigate those resources. And again, we haven't been inundated with those calls but probably a few dozen over the half the several months related to those resources. For me, as we continue this campaign, any opportunity we can get to spread the word about the line would be a benefit to the community.

Adams: You've been fantastic, and nowhere has it been more appreciated than on the small business side. There's not a single number until we've done this. Not a single information and referral number for businesses to call. And so you, willing to step up and sort of fill the breach, is much appreciated. We have more work to do but appreciate this. Thanks. Anybody else? Anyone signed up to testify?

Moore-Love: We have two people signed up.

Adams: I think mr. Hartman left. Good morning, sir.

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

Adams: Welcome to city council. Glad you're here.

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

Adams: Have a seat. Give us your first and last name.

Edmundo Cardenas: First name is edmundo, here in Portland for six years now. I worked on the streets for three years, pro bono, is meth kids, battered wives. You name it. I kept 11 people from suicide. They were in the process of doing it. I really strongly recommend that this program be adopted and furthered. For example, ms. Fritz came to home p.d.x. Over the hawthorne bridge and spoke to the people there. Mostly street folk, and talked about the issues. Mostly about an issue not going to be covered today, sitting on the sidewalks, and she kept bringing us back to the larger picture. This is the larger picture right here in the handout I got from her office. To borrow a couple of phrases, it might sound corny, but it's true, I was of the j.f.k. Generation. I was in college when he was elected president. Believe it or not. And you know, what he said, ask not what your country can do for you, but what you can do for your country, you know, we can supplant that word "country," and say our community and city and environment. And another president, more recent one, the elder bush, said something about a thousand points of light. I liked that. I liked that very much. I think that the private citizen like myself can do a lot, just one person, touching another person's life, and that just ripples out. It's like a big circle. You know, you throw a rock in a pool of water and it just spreads out. I think we need that badly in this city, for people to care about each other. And this is a way of doing it. I won't talk about the technicalities. I'll talk about the effective issues. If people care, if they see you caring about someone else, even a total stranger, they'll care about someone else. It's a fact. A proven fact. And I think that keeps me going -- caring. I'll stop here. I don't want to go over the first -- the first time I spoke, I went a minute over.

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I'll stop here. I heartily recommend this program and I hope it goes through, and it sounds great. Thank you very much.

Adams: Your comments have provided an important part of why we're doing this; that -- thank you for everything that you do in the community. And thank you for your support of this effort. Really appreciate it.

Cardenas: Thank you very much. Good day.

Adams: All right. Is there a motion to accept the report?

Fritz: Second.

Adams: Moved and seconded to accept the report contained in council calendar item 545. Unless there's additional council discussion, Karla, please call the roll.

Fish: A couple of months ago, mayor Adams and I were out in the rose city neighborhood for a community event, and frankly, I think most people came out to talk to him, but after he spoke, I had a chance to speak and there were a lot of citizens there and when we got to q and a, a woman with two children in the back raised her hand and said, I sense there's a great need to help in our community, but I don't know how to volunteer. How do I volunteer? And it sort of -- you know, reminded me, like when I go to certain restaurants and look at a 20-page menu and what do I order? We're overwhelmed with information and yet there's an enormous appetite to do good, but many people don't know where to start and when we give them that first guidepost, good things happen. I gave the answer I always give instinctively, I say go to the website, hands on Portland, and just sign up. What we're doing today is we're building on a movement and fully engaging the city and engaging people at their best. At a time when we're forced to cut some budgets and make tough choices, we're talking about engage can the public in a much more dynamic way. We talk about partnerships and that's often a shorthand for asking someone in the private sector to write a check. But that's one benefit we get from engaging others. I prefer to focus on the human capital. The people who volunteer time, not treasure. Everybody has time they can donate. Not everybody has money they can donate. And the time is so vital to making a better community. So I think this is a very worthwhile undertaking and i'm impressed with the report and with the intentionality and good will of the people behind it and the presentation today. I thank the mayor for his leadership on this issue and I think it's exactly what we should be doing during tough times. Peased to support the report. Aye.

Saltzman: I'm pleased to support umpqua bank, city people, and 2-1-1, and our I and r folks and their ability to connect to anywhere in city government that i've tested them on occasionally and I appreciate their work and as commissioner Fish said, it's an opportune time to engage people in volunteer activity. People care. They read the papers and suffer these economic times and realize that helping others is not only necessary, but good for the soul. So appreciate it. Aye.

Leonard: Well, i'm instinctively as many as of those who suggest -- suspicious of those who suggest easy solutions to complex problems. Use drug, put you in jail. Lose your home? Get a job. And there's people in -- not so much in Portland, but our larger community that think like that. I believe the solutions to those various issues are much more complex and human. And that what causes people to find themselves in those places are much more complex and require a lot of thought on those of us who are lucky enough not to find ourselves in those positions, and this work that you all are doing is exactly that kind of approach that I just instinctively know is what the solution is. And so I appreciate not only this more thoughtful approach to helping those in need, but those of you who recognize the need to help others are donating your time and effort and money, it means a lot to me. Thank you. Aye.

Fritz: I'm strangely conflicted by this because as a person growing up in England, I was part of the girl scout movement there. And in the scouting movement, at concept of a good turn. And that's a secret. Something for nothing for someone. So the concept of the secret is kind of part of my volunteering in the past. That you don't necessarily get patted on the back where everybody says

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you did a great thing. You just do it, because it's a good thing to do and makes you feel good as well. But it's not a secret that we want to keep any longer. People should be invited and people are stepping up to participate in doing good turns all over Portland in helping each other out and that's something we can do even in these times of hard economic challenges and not enough government funding and we -- it does feel good to help each other out and people who have time can give the gift of time and muscles or sitting listening to a child read or answering phones. All manner of things for everybody, not neither what your level of physical ability, there's something you can do in Portland to help somebody out. I've been volunteering and I greatly appreciate the hands on Portland site and first of all, volunteer in your neighborhood. Doing something in your own neighborhood is fun and you can see every day there's less trash or graffiti or whatever there is. And then try volunteering in somebody else's neighborhood. I haven't volunteered in every one of the 95 neighborhoods but i'm getting close and there's something special in going to another part of town and pulling weeds or whatever it might be. Listening to the people there. What are they talking about and concerned about? I've learned so much by volunteering and just being quiet and doing the job. And now we have city commissioners going out and doing volunteer projects and you can bend their ear for two hours pulling ivy. I was out in gateway green and I got to hear about the great things going on there and why that particular project was important and we had a good time. You don't have to make an appointment to get on my calendar. If i'm out doing a volunteer project, you can help. We're partnering with solv on the down by the river side event. Go out and sign up for that and i'll listen to what you have to say, if you help to pick up trash along the willamette. I greatly appreciate mayor Adams in the proposed funding of the neighborhood involvement and which funds the 823-4000. And we need to volunteer. Thanks for the tech stuff which is helping and i'm happy to vote aye.

Adams: Well, again, I wanted to underscore my thanks to the better together team. Really appreciate it. We will -- I also appreciate the fact there's high energy and the willingness to sustain it. We've probably got another 18 months in front of us, unfortunately, in terms of economic challenges. And I wanted to thank skip from my office for his great work and laurel butman out of the office of neighborhood and finance as well. Aye. [gavel pounded] report is approved. Karla, please read the council calendar 546. Emergency ordinance.

Item 546.

Adams: Housing starts are down 48%. Construction unemployment 28% in the Portland region. We have, because of the freeze in the economy, a lack of liquidity and businesses being able to access credit. And cost -- in a cost effective way. We have a lot of permits that have been pulled and approved in the city of Portland. But the permit holders are not able to move forward because of the economic -- global economic crisis. The ordinance in front of you would extend the expiration date for land use approvals that have -- extend the expiration date for the following that have been approved. Land use approvals, preliminary land approval, preapplication conference, reports and final plat applications. So this is also in response to the financing issues, the economic issues, I should say, faced by the city. Gentlemen, if you would please come forward and provide any additional information and answer our questions.

Eric Engstrom, Bureau of Planning and Sustainability: Good morning, mayor Adams. And council. My name is eric engstrom, representing the bureau of planning and sustaining. With me is douglas hardy with the bureau of development services. I think you said most of what I was going to say. I'll be available for questions, but i'm going to turn it over to douglas to walk you through a little bit of the details.

Douglas Hardy, Bureau of Development Services: Thank you, mayor Adams. Douglas hardy, bureau of development services. Likewise, you gave a good synopsis of the proposal. But i'll go into a little more detail in terms of what the amendment is. As you indicated, mayor Adams, the ordinance is looking at extending the timelines for four specific land use processes. The first is

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expiration of land use approvals. The second is the expiration of preliminary land approvals. And the third is the preapplication conferences, and fourth is the voiding of final plat applications. And as you indicated, mayor Adams, the -- basically the current state of the economy is the reason for the particular code amendments. The land use processes typically are tied to the -- or the expiration of those land use processes are tied to the issuance of the building permit. For example, for land use approval, if a building permit is not issued within three years of the date that the land use approval was given, the land use approval expires. And we -- certainly b.e.s. has seen a significant decrease in the number of permits that applicants are applying for. Certainly, the number of land use reviews that applicants are applying for, and even permits that applicants have put into the system but have not yet basically paid the final fees in order to issue those permits is because of the lack of, in some cases, lack of financing, the lack of market that's there. For b.e.s. Building permit applications from late 2008, compared to the same period in 2007, we're down nearly a third. Permits for new residential were the ones, the permits we saw the greatest decrease in. In december 2008, there was a 64% decrease in the number of permit applications applied for new residential development. Again, compared to the previous year. And likewise, land use review applications are down a third. The -- currently, there is no process in the zoning code that an applicant can applied to extend those expiration periods. So what staff -- staff considered a variety of zoning code amendment options to address the circumstance. And the option that both staff and planning commission recommended approving was to extend the expiration date for only a limited period of time. This approach was intended to basically target those land use approvals that are most impacted by the current economic downturn. And so for example, under the proposed code amendment, land use approved, generally between 2006 and 2008 would not expire until mid 2012. Meaning they would have until 2012 to get a building permit issued. The same would apply for applicants who had received tentative plat approvals. During that same period, would have to mid 2012 to apply for the final plat approval. The existing three-year expiration date we do have currently in the zoning code is basically intended to ensure standards and policies applied at the time the land use went through the approval process continued to be valid at the time that the proposal basically is in the ground. The proposed code amendment was intended to specifically respect that time frame. But also recognized the unique nature of the current economic downturn. The freezing of the credit market and the number of land use -- approved land use cases that would be voided unless we do some code amendment. And we did limit that extension to the time we felt was reasonable for the economy to not only pick up, but for applicants to have confidence if the market to proceed to apply for the building permit and for the time it would take for the building permit to be issued. Briefly, accept considered a code option that would set up a land use review process that an applicant could apply and we would grant on a case-by-case basis, if certain approval criteria were met. Why we feel that still may be an appropriate approach, the -- we were concerned about the amount of time it would take to develop suitable approval criteria, the amount of public input it would take to develop those criteria. And again, the limited time that we're working within in terms of addressing immediate economic circumstance. So again, the planning commission did recommend the code amendment you have before you to limit -- or, to extend to a limited period, those extensions. Lastly, you do have in your packets, several letters we received from applicants both in support and some in opposition. We did receive testimony at the planning commission for those no support and opposition. The homebuilders associate testified in support. We had an applicant for a land division speaking in support of the proposal. And I think you may hear some of the same testimony today. And certainly, as questions arise, staff is certainly happy to respond to questions that you have or that come up.

Adams: The larger sized applicants in terms of business concern, applicant fees can be relatively small expense depending, they're a larger sort of firm. So this is definitely, I think, most helpful to the smaller firms and to folks that are working on their own projects. And it would have been, I

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think, short-term thinking, but, you know, another option is to not do this. What it means is potentially less revenue to the bureau of development services. Just requiring people whose programs are caught in the economic situation to let their permits expire in the standard timeline and make them reapply and government could collect more money and since the bureau of development services runs on fees, it will collect more money. But my partner has been commissioner Randy Leonard and we've taken a smarter approach and one I think will be appreciated by the thousands who are caught up in the economic situation we face. I wanted to acknowledge commissioner Leonard's leadership and partnership in this. This will cost you money that you otherwise would have received. Any other comments or questions? Amanda. And then commissioner Saltzman.

Fritz: Preapplications, how many have -- would it affect that have currently been through the pre-app conference and we'll give them two years instead of one year now?

Hardy: Currently, pre-application conferences expire within a year.

Fritz: How many have been through that this ordinance would allow an extra year?

Hardy: The proposed amendment for pre-apps is going back to -- let me verify. It would affect the pre-apps going back to 2007. So I would say roughly, ballpark in terms of number we have in a year, I think roughly 100 a year, certainly in the last couple of years, or year and a half we've had significantly fewer than that.

Fritz: So that's the ones that have already been done up to this point?

Hardy: Right.

Fritz: And what is the public purpose -- and I can understand given the extra time. But the concern I have with pre-apps, part the purpose is to say these are the rules that will apply. We could have improved the rules and then the pre-application conference won't be valid because the rules have changed.

Engstrom: It's typically the start of a conversation between an applicant and b.e.s. staff. After the conference, there's a continued dialogue with the planner. That wouldn't be different in this base. Even in a year time frame, codes get updated and we have to call a person who had a pre-app earlier and give them a heads up that something has changed and that would continue.

Hardy: For pre-apps, they're only required for type 3. The complex land use reviews, and rarely do we ever have a project going through that process where they don't, as Eric indicated, don't follow up with the various city service staff. In terms of the follow-up meetings and questions.

Fritz: Any neighborhood representatives included in that loop to let them know that the rules have changed? If there's a neighborhood representative at the pre-application conference, do they get notified that something has changed and they might want to comment. Terms of code?

Fritz: Yeah.

Hardy: Certainly through the public review process they will have been notified if the zoning code has been amended subsequent to the pre-app and through our standard legislative process, all neighborhoods receive a notice that there's a new code.

Fritz: But the specific person who showed up at the pre-application conference, will they know that the rules have changed?

Hardy: No, they don't.

Fritz: And am I understanding correctly if something's approved today that the land use approval then that six years to get -- to go into production?

Hardy: Under this proposal?

Fritz: Yes.

Hardy: Well, it depends on where you fall into that timeline. For land use approvals, we're focusing on those approved between 2006 and 2008. Those at the beginning sort of -- in 2006, yes, we certainly would be giving them more time up to six years to get a building permit issued. For those at the tail end, closer to the end, they would only be getting six months.

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Engstrom: If something was approved tomorrow, it would still be expiring in 20001278 going forward, we're not extending future ones to the extent we're extending those between 2006 and 2008.

Fritz: Something that gets approved today, if we approve the regulations by 2011, they still get to use the 2009 rules?

Hardy: They're only vested under the zoning code. Not under any other city title.

Fritz: And then I had a question on the final plat, the exception for final plat applications submitted before december 1st, 2009. I'm wondering why that's 2009 where most of the other references are december 1st, 2008.

Hardy: You're referring to the paragraph d.

Fritz: Yes, on page 5 of the final.

Hardy: And I think it's in large part because no. 1, for the final plat, that timeline is smaller to begin with. For land use, they have a three-year window. For final plats, for them to be void, they have to do something currently within the 185 -- yeah, 180 days, i'm sorry, so basically anybody who is currently in the final plat process, they are obviously being affected by the existing economic downturn. So the theory was anybody currently in the process, up to 2009, will give them the little extra time to basically complete their application.

Engstrom: Part of that is because the final plat process is a second step in a two-step approval process. So the projects that were going through the system in the last year are still going to be in that second step potentially. Later than the other land use situations.

Fritz: My last question concerns the testimony that was submitted and the legal considerations where he's saying the deadlines for getting the building permit is part of the original land use decision and so is binding on the permit. Can you address that?

Hardy: We did cross that aspect with the -- we did discussion that with the's office advised us that that particular cited luba case was not relevant to this particular amendment from the perspective that that luba case focused on at the time we had -- effectively approval criteria in the zoning code that said if you want to extend the expiration date, here are the criteria you have to meet and that was the substance of that particular luba case. And in this -- currently in the zoning code and under the proposed amendment, there's nothing that requires an applicant to go through a -- meet certain criteria in order for us to extend the timeline.

Fritz: Thank you.

Adams: You haven't been up in front of council for a while. I forget how thorough and knowledgeable you are on these issues.

Hardy: Thank you.

Adams: Thank you. Other conversations from council?

Leonard: Did commissioner Saltzman have something?

Saltzman: I think commissioner Fritz answered my questions.

Leonard: So douglas and eric, thank you very much for very good work.

Adams: Yeah, both of you. Thanks. Karla, do we have people signed up?

Moore-Love: Yes, three people signed up.

Adams: Good morning, gentlemen. Welcome to city council. Glad year here. I think you know the protocols. We need your first and last name and you have three minutes and that countdown clock in the big wooden box helps to guide your use of time. Why don't you begin?

Arnold Rochlin: Thank you, mr. Mayor. I'm appearing for myself in the forest park neighborhood association. The legal issue is compelling. It goes to o.r.s. 227.178 which includes sometimes the goalpost rule. Standards and criteria that are in effect at the time of the original application continue to govern throughout the entire process. In -- this was litigated in forest park neighborhood association versus Portland, where similar, but somewhat different circumstances prevailed. The city rightly argued in that case that the statute concerned substantive, not procedural

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rules. But the city wrongly argued that the duration of the permit is a matter of procedure at not substance and that's what Luba held and I think this council gave Mr. Hardy advice that was given, they missed the point of that case. What is substantive is what directs the outcome of at least some part of a case. What's procedural generally may impact outcome, indirectly. If a hearing is on Tuesday, I wouldn't be here to testify, so you would make the wrong decision. Something like that. The court of appeals, gave a definition of standards and criteria. And in the Forest Park neighborhood Luba relied on Davenport versus the City of Tigard. And this is a quote from the decision part of which I attached to the written testimony. The court of appeals said the role of the statutory term standards and criteria is to ensure both proponents and opponents of an application that the substantive factors actually applied that have a meaningful impact on the decision permitting or denying an application will remain constant throughout the proceedings. Standards and criteria include code provisions that the local government applies and have a meaningful impact on the decision. Luba went on that the duration of a preliminary subdivision approval under Portland's regulations is subject to the statute and rejected as unlawful the city's intent it extend for two years -- from two years to three years. I know something about that case because under the direction of an attorney, I wrote the brief. It was not disputed by anyone and what you've heard very little on that argument here today. You know, with the legality aside, what are the consequences? I don't know. If you -- if you enact this. Unless you do an analysis of the cases outstanding that would be affected by this analysis of the regulations that have changed that are relevant to those cases and consider how the outcome would be different. This is not a necessary thing. Staff was very contradictory in testimony a while ago. Development is not stopping now because the permits aren't lasting long enough. It's stopping because of the economic conditions and you can extend this for 10 years and development won't start until economic conditions justify it. This is not a public service proposal. This is a -- an assistance to developers proposal. And we would all love to have you change the regulations for anything when we become personally inconvenienced by them. But that's not the way a government system should work. I know that if I should be inconvenienced by some rule or regulation, I won't get the same tender care that's being proposed here. And I'm reminded of Orwell's "Animal Farm": All animals are equal but some animals are more equal than others. I hope we don't go that way today.

Adams: We in city government are taking action to try to ameliorate the worst impacts of the economic recession. So this is consistent with other changes that we've looked at in terms of city government. I hear your point and it's well stated. I just respectfully disagree with it.

Rochlin: Your honor, your statement there goes exactly contrary to it. Akin to what staff said. Which is that -- only when banks can start lending and market is good enough --

Adams: I hear your point that we should not extend the valid permits and let them expire and when things get better, they can reapply and go through the process and pay the fees. I hear your point. I'm just speaking to the larger point at the end that says this is -- informs this is the only thing we're doing to try and help businesses out during the recession and I wanted to reassure you we're working on a number of fronts to help businesses and individuals through these tough times. So I appreciate your testimony. That's the only point I'm making. Sir?

Joe Robertson: Hi, my name is Joe Robertson, owner and president of building company and here on behalf of the homebuilders association. I'm a board of directors and chairman of the government affairs committee. I'd personally first like to thank Mayor Adams and Commissioner Leonard for proposing this extension and the rest the council for being willing to consider it. I'd first like to say the home building association is committed to providing quality housing and developments within the city of Portland. I personally through my businesses have been involved in developing in the city of Portland for 19 years, everything from a two-lot partition to a few subdivisions in excess of 100 lots. However, I currently have no project in process with the city of Portland. I'm here merely to represent the homebuilders association, my colleagues there. We would like to affirm our

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support of the amendments for the extension and the staff report from b.e.s. and the bureau of planning. It might be helpful for you to know, too, what some of the other jurisdictions around the area have been doing that we have been in contact with and working with. Clackamas county is allowing unlimited extensions of plat approvals and waving most -- waiving most, if not all time-related deadlines for developments currently in process. Washington county has allowed unlimited extensions, really a matter of their normal course of doing business. But they're working to remove the type ii hearing stipulation currently codified in order to alleviate additional cost. And the following cities have extended plat approvals. And most of the other items listed on the city of Portland's report. Hillsboro, st. Helens, fair view and -- st. Helens, fairview and happy valley. Given the current economic situation and the development industry, this set of extension provides developers who are trying to do the right thing by not placing more inventory on the market and avoid being pinched by the ticking clock that will lead to significant cost increases. To delay those plans until the market comes around, and the supply does go down. And it's a healthier situation for them and the public in general. The decision to extend this helps ensure new inventory will not continue to flood the market at developers are trying to ensure they have not lost their development right as individuals seeking financial options that currently aren't available in today's economic conditions. So i'd like to finish by thanking again the council and the staff, and we wholeheartedly support this report and recommendation by b.e.s. And the city -- the planning department. I would like to mention, too --

Adams: You're over your time.

Robertson: I am? Sorry.

*******:** Sir?

Jeff Fish: Thank you. I'm Jeff Fish, Fish construction northwest president. Homebuilder for 37 years, 99% of my work inside the city limits of Portland. I, too, as Joe, am a member of the homebuilder's association. I'm here on their behalf and my behalf and in behalf of my competitors. This is an important issue. Portland is unique to a lot of cities our size or larger in that we have quite a few small builders doing infill versus Phoenix or Las Vegas or places that have big firms that can absorb the cost of going through a land division twice. I know of four competitors that I deal with every day that are general agenda gentlemen in their late 20s, early 30s, this is about those guys. I can afford to take a bump on a couple of projects if I had to. It's about the guys who are trying to raise a family and trying to do land divisions. And having gone through the recession in the 1980s, which I thought I would never see anything worse than that. This is worse. I fear that some of the young guys are going to get beat up worse than the older guys. I hear the gentleman two seats to my left, by as Joe said, several jurisdictions have looked at this issue and feel that it ought to be extended. And Commissioner Fritz, your questions, if those projects had gone through, not been extended and built, we would have on the ground projects that were under existing code, so I can see code changes maybe coming up, but I don't see how that would greatly impact the difference of what would have been accepted and built that would be out on the ground. Three years from now, 2012 is a fairly short period of time. I won't deny there could be changes in existing ordinances and laws, but I don't think there's going to be something radical that we would want to flow away the work that's been done and the expenses of those who have gone through the land use approval process. And a lot of those land use are not developer. They're moms and pops who want to divide their property for one reason or another. So I ask your support of this measure. Thank you.

Adams: Appreciate your testimony.

Moore-Love: We have one more person.

Adams: Good morning, welcome to the city council. Glad you're here.

April Burris: Thank you. Hi, my name is April Burris. Sorry. And I'm testifying for myself today. But I also would like to point out I'm on my neighborhood association and I'm involved with the

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neighborhood coalition and even the meetings here at city hall and this is the first i've heard of this. The whole thing is about people versus business. You know, while business is good, development is good, times are tough for everyone. Those getting hurt the worst are your citizens that are maybe not employed right now, not getting the special breaks you give business. This city, we have tax breaks, urban renewal districts, lots of things for businesses. But what -- I would like to ask the whole city council, especially the mayor, what are you doing for the individual person? What are you really doing? At this time, when the city is having to slash their budgets, when they are having to slash budgets for social services, when they are having to slash budgets for neighborhood coalitions, which leverage an awful lot for the city government, I fail to see why we're even considering this. I think development is important, yes, but during hard economic times, there are things you have to put off. There are things that -- you know -- at least regular people have to put off. So why are we having so much concern for businesses in this city than we are for the actual citizens. The city council is here to rule over the city. [applause] But we also elect you. And it's in our best interests to elect people that are going to take care of us as citizens. That's all.

Adams: Thank you very much.

Fish: I can appreciate your testimony today. I think you were here last week for the week before. The one thing I just want to respond to, 'cause you talked about priorities in terms of investing in people, and I respect your frame, which is much bigger than this issue, and I understand your larger point. But I do want to say that, at a time when the state is proposing draconian cuts and Multnomah county is in its eighth or ninth year of tremendous cuts that will affect people's lives, i'm proud to serve on a body in which the largest single increase in funding in the mayor's proposed budget goes to human services. And I would have been happy with the budget that filled a \$7.3 million hole in social services, because that would have at least held us harmless. This budget has \$9.9 million of funds. It goes to fund -- and I take nothing away from your other comments. I'm not here to -- you and I may even agree on some of the other priorities. I do, though, want to say that this budget, in my opinion, is historic in its investment in people through the social safety net during the worst economic downturn in my lifetime. On this one piece of the budget, I think this is a historic investment in people.

Burris: I just want to say i'm really, really glad that this budget is funding more human services, but the only that the increase is that great is because historically human services have not been funded very much. And I also want to say that, looking at numbers and persons of budgets, it's really great. I would hope that my elected council would look at the actual effects on people.

Fritz: The opposite of human relations are not taking cuts to the ongoing budget, unique in the city. Another budget was just announced on friday, and we'll have public hearings, and we're certainly wanting to take more testimony on that issue. We do care about individual people.

Adams: And we're investing in them more than we have in a time that it's very difficult to come up with funding to do it. Thank you for your testimony. Anybody else? Douglas, you want to come up with eric again and answer or respond to the legal questions that were raised?

Engstrom: On the legal question, I think that as douglas said earlier, we did speak with kathryn beaumont in the city attorney's office and did some analysis of that issue and feel that the point off law that that earlier case was decided on is not directly applicable to this situation, because the code at the time did have criteria related to extensions. The code does not today -- and we think it's a slightly different situation.

Hardy: And I think, as mr. Rockland indicated, the substantive requirement of the code was that review process that was in the code at the time -- that a lot of applicants go through that process.

Adams: So there used to be a provision in the code that allowed people to --

Hardy: Right.

Adams: And that has been removed over time, and this puts it back in.

Hardy: Right.

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Adams: It doesn't change the requirements for approval. They have to go through the same processes. It simply gives their permits or approve values more time.

*******:** Mm-hmm.

Engstrom: On the issue of whether this is just for business or for average people, one of the things I would note is that we're not like some of the more suburban jurisdictions where a development is a vast green field and putting a housing tract on it. Most of our development is small infill. A typical scenario is, for every one of those small home builders mr. Fish was talking earlier, a property owner is working with that person to -- who maybe has an oversized lot and they've realized that their zoning a lous for a couple of additional houses, and so there is a direct connection to every day property owners throughout the city that have that opportunity to get some -- where they've maybe had a nest egg of an oversized lot and are relying on that for their retirement or for income. And so there is a connection there.

Hardy: And I think it even goes beyond. If you look at the types of reviews and they expire, yeah, there are some of the big high-density condo developments, but there's a significant and probably more case that are more along the lines of a homeowner has come in to expand their house. They needed to reduce a setback somewhat. And given the current economic crisis, now is not a time they can afford to expand that. In terms of what this would do for the people, I think that certainly is an intention certainly of this ordinance as well.

Saltzman: Do we know how many land use reviews, plat reviews, and stuff are in this universe of 2006/2008?

Engstrom: Yeah. There's typically between 800 and 1400 land use reviews each year. I think we're probably at the low end in the last year. So three times that amount, so a couple thousands and cases potentially. I don't know what percentage of that has already been built.

Fritz: This hearing has been very helpful, and i'd like to know exactly how many it does apply to, how many have been built. I'm wondering -- this is an emergency ordinance. I'm wondering if there is any particular reason we could not hold it over until next week so I could look at some of the issues that have sprung up.

Leonard: That's ok, but I fear we're developing into a pattern. These questions are good questions, but they should be asked before the hearing, and i'm being very patient listening to them, but I make a strident effort on issues that are on the council calendar to avoid consuming the time of my colleagues when I can get answers prior. That's a good question, but it feels more like it becomes a delaying tactic rather than a quest for good information where, at the hearing when we can use the staff and have them do a lot of good work that they haven't been asked these kinds of questions in advance.

Fritz: May I just respond to that please? Because I got this code language when it was published on the city agenda on friday evening. So essentially we had monday and tuesday to look at it, ask all these questions. And I respect and agree with your opinion, commissioner Leonard, if we could get the information more in advance than two working days before the hearing. Ledge len I get the information the same time you do on the whole agenda, and I have yet to ask the council, in seven years, to hold something over because I ask questions in advance.

Adams: Let's find out if the council would like to hold it over or push on. Ready to vote?

Saltzman: I'm fine with setting it over a week. If that's commissioner Fritz' desire.

Adams: Ok. We'll hold it over till next week.

Moore-Love: You're gone next week. May 13th on the regular agenda in the morning session?

Adams: Is there a thursday next week?

Moore-Love: Nothing is scheduled.

Adams: So week after is fine.

Moore-Love: The 20th?

Adams: Yep.

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Moore-Love: Regular agenda?

Fish: Mayor, because there are some people who testified, can I take two minutes to put my comments on the record?

Adams: Yes.

Fish: Thank you. First of all, as always, a superb job in your presentation. Appreciate it. I want to provide a historical context. In 2002, many will remember there was a special election in Portland. I remember because I was one of the 16 candidates who got into that race. My recollection is that the big issue that emerged during that very abbreviated campaign had to do with a question that was framed by a lot of people. And that was: Was this city council responsive to business issues, business concerns? Stated in different kinds of 28s, but I think ultimately it came down to was the council helping to promote or inhibit job creation, because that was a frame I think everyone could agree. We heard from people in the regular business neighborhood, large neighborhoods, people who had thoughts on how the city council could be more job friendly. If i'm wrong, commissioner Leonard will correct me, because I believe he won that special election. If not the top issue, it was near the top. I don't think anyone disagrees that you can always do more to stimulate jobs. During the worst recession in my lifetime I am proud to be in a body where the notion of creating jobs is at the heart of everything we're doing. We have respectful disagreements about where we should be targeting public resources. That's a good debate. But there is no disagreement on the fundamental premise that we need to do everything we can to improve how we operate so that people in the private sector can put people back to work. This is the second reform within a month that has occurred that is involved with the bureau of development services which has the promise of accelerating our shared desire to put more people back to work. The first was an effort for collocation, an effort that galvanized five votes on this council. And the second today is a further reforming of the code to ensearch some people in the private sector to continue to make investments that will result in properties being built that are on the tax rolls. There are details about this that next week or whenever this comes back -- I always listen carefully to my colleagues when they want to get into the details of pit I certainly many open to learning more. But on the big picture of a council and particularly a mayor who has set the agenda and a commissioner in commissioner Leonard who, at b.d.s., has been historic in his reform issues, this is the second initiative within a month that goes to the heart of what we've been talking about, this is putting people back to work. On that point, I would not compliment my colleague.

Leonard: Thank you. I want to say just a couple things in kind of response to what was said here as well. I've been in an elected position, one or another for 16 years and was a union president before that. Nobody enjoys kicking around more than I do. I've chastised them on a number of issues including the corporate income tax at the state or that they don't pay and should pay. But the issue here is not having fun at the expense of corporate businesses, because I certainly would partake in that if that was the issue. The issue is these home builders that you saw employ carpenters, roofers, landscape folks carpet layers, plumbers, electricians. And those are jobs that those guys get for building houses. When those builders employ those people, they pay taxes which support the services that people care about. The only reason that we are able to restore the money that commissioner Fish referred to in his remarks to human services is because we realized more business income tax than what we thought. So one can't be mindless in their attack on business. One has to be surgical. And i'd like to think my approach in holding business accountable is surgical and not an atomic bond approach which would cut off our noses to spite our faces. This is an effort to keep working people working. This is an effort to keep people who live next-door to us in our working class neighborhoods in Portland get a job so they can pay their mortgage and car payment and their insurance and they can provide health care to their kids. So I don't want people to get kind of wrapped up in the history of this as a pro business approach. It's not. It's to help working people keep good jobs. Thank you.

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Adams: Unless there are more comments from council, this moves to a second emergency reading on may 20th. All right. That gets us to the regular agenda. Please read the title for item 567.

Item 567.

Adams: We held a public hearing last week. This is a second reading, vote only. Please call the roll.

Fish: I want to begin by thanking commissioner Fritz for her work in crafting this ordinance and in developing a framework for our further consideration going forward. I want to acknowledge the work of the safe oversight committee. They have one of the toughest jobs in our community, probably rivaled only by the school board members. I learned something last week, though, that concerned me greatly, which was the fact that a number of people testified, said they had not had a chance to read the safe oversight committee's report. We've verified that it is posted online. We want to make sure that, in the community conversation, which is to follow that people have a chance to review it, because it's not only a very thoughtful report but contains 17 recommendations and this process will not be a success in my judgment, if people don't have a chance to engage the report and recommendations in addition to other concerns that have been raised. And finally I want to thank the advocates who have come forward. Always the housing commissioner, i've heard from advocates on both sides -- advocates on both sides, people who provide services, people who are on the front lines, people who frankly sue the city over these issues who have said maintain the safe framework but strengthen it. I've also heard from people on the other side that raised compelling issues of civil liberties and flaws in the system and concerns about enforcement. I take all of these concerns seriously. What I have agreed to do is to support a five-month extension to join with commissioner Fritz in a series of public conversations about this ordinance. I'm hoping that the conversation is guided largely, not incidentally, by the good work of the safe oversight committee and the recommendations they've put forward. At the conclusion of that outreach, we'll come back, and i'm looking forward to a very informed and robust discussion here at council. But as important as this issue is, I also just want to say that, as the housing commissioner, my focus the last four months has been on three issues. Number 1, filling a \$7.3 million hole in our budget as it relates to our social safety net and people experiencing homelessness and at risk of homelessness, families with children, chronically homeless individuals, and increasing number of youth. And this budget, the mayor's proposed budget, exceeding even my expectations as the housing commissioner in terms of making investments in people. And we'll have a good chance to air out and have a community conversation about the merits of the other portions of the mayor's proposed budget, but this -- there is substantial good news in this portion. The second focus of my work has been on building a new housing bureau for the 21st century, taking the talent from the bureau of development and Portland development commission in creating a new bureau. I respect the fact that there are five reform measures that were launched in january by a new mayor. I'm not sure any of them is more complicated than this one, although I respect the work of all my colleagues working on their agenda reform issues. This involves history and law and practice and bureaucracy and some times conflicting agendas and, in a very short time, we are trying to bring together two talented groups of people and create a new powerhouse bureau. I'm pleased to report, though, with the strong support of this body, that we're making tremendous progress. We selected a consultant who is going to help us conceive of what the bureau may look like in that consultant group as headed by former county chair, bev stein. And the best possible candidate nationwide to lead this bureau will be sought. Third focus of my work has been to build the resource access center. The resource access center is a project which has been debated, conceived, and refined and improved. It needs to be built. It is the centerpiece of the 10-year plan to end homelessness. It is, as I have publicly stated, an essential companion of any safe, s-a-f-e, procedure. It has the potential to affect positive lives of hundreds of people every day. It will be a national model in providing pathways from the street to opportunity, because our job is not just to provide services. Our job is to create

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self-sufficient individuals who are the masters of their own destiny. And our goal -- the resource access center is an important component of the continuum, but the goal is to have people who are in charge of their lives living independently. Let me finish. But it's reason stalled --

Adams: There's no interrupting during this portion. You can sort of have your response at the final vote.

Fish: It has been stalled on the funding side because of a fight over a satellite district and an expansion of an urban renewal district. No one up here believes it's acceptable any longer to allow essentially a rather rarefied, philosophical disagreement to get in the way of moving forward on something which we are all committed to doing.

Adams: hey, hey, hey. There is no interruption. You had a right to speak last time, and we did not interrupt you. This is a chamber of discussion and debate. Please do not interrupt.

Fish: Last friday, I was pleased that, when the mayor announced his proposed budget, he and I were also able to announce that the city financial staff has been charged with coming up with a plan to finance I know pendent -- independent tax dollars not available. That's good news not only for the people we will be serving but good news in terms of creating jobs and economic opportunity. Frankly, it has the potential to be the greenest building of its kind in the country. I know that a lot of passion has been provoked by this effort to renew safe, and i'm copy dent that, with the breathing room that has been proposed, and the chance to have a broader community conversation, we can come back in four or five months, debate the merits, up or down, but at the very least have an understanding of the various ways it may be strengthened if it is to go forward. I, for one, was not here when it was authorized and am not prepared to cast a vote until i've gone through that process. I want to thank commissioner Fritz for taking the lead to craft this extension. Therefore, I vote aye.

Saltzman: Aye.

Leonard: Recently I've had some of the media come up to me recently and, in a hushed tone, say we got an anonymous e-mail, randy, that you offered to vote for this ordinance if the business community would drop their lawsuit against the urban renewal district. That is true? I said, yes, that's true. I did. (whispering) I said i'd never voted for this ordinance but I would vote for it if all the elements of providing alternatives to people were in place, and one of them is the day access center. The day access center is held up, as commissioner Fish articulated, because of a lawsuit from some people who -- they refer to themselves as the friends of urban renewal. I refer to them as the beneficiary of urban renewal. Their nose is somewhat out of joint because we intend to help some of the most vulnerable people in our society, including a school in david douglas. So, yes, if we can proceed and build that day access center and all the other elements that provide alternatives to some of our communities most vulnerable in blaze, i'll vote for this. But I need to lay my cards on the table here today and also confirm what is whispered often about me. I grew up in Portland and so I think I have the ability to make the following observation, which I think this issue characterizes more than any for me. Sometimes we get caught up in process for or process's sake as no process itself is an end. Process itself is a means to do something right, and you use a process ultimately to be fair to people. This process being asked for by my colleagues is at the expense of some of the most vulnerable people in our community. For me, i'm just appalled that the justification for extending this is to prevent further acts of what I consider to be unfair treatment to some of this community's most vulnerable. Now, I have friends who say, but, randy, you're enabling people who have bad behaviors that live on the street to assault people, and I say to them, we have laws to deal with that. That's not a rational -- rational reason to create sweeping approach that denies some people the help they need to get into recovery or education or housing or whatever else they need. So i'm really not pleased at the reasoning that got us here. If the reasoning was I hear all of the objections and weighing in and all that I think it makes more sense to have a safe ordinance than not, I don't agree with that but respect that. To say you want more time, I have a

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real problem with that. So, having said that, I hope that those that are looking at this in the next few months come to the conclusion i've come to. And I try to take in every case that comes before me a balanced approach, and that is what works and what doesn't work. As i've said here before on this approach in my view, it does not work. The bottom line is, tell somebody to move along, what do they move along to? They move along to another neighborhood. You have to have choices for people. I've worked with the police bureau in what has been described as the most effective law enforcement system she's ever seen at the police bureau. You give people choices. You give them opportunities to get better. And when they can't make those choices, you help them make those choices by giving them treatment or medication or housing or whatever it is they need to survive and succeed. Thank you. No.

Fritz: It's important to state again that we're not voting on the merits of the problems with the sidewalk obstructive ordinance. I support the extension because people all over the city do care about people experiencing homelessness. They do care about helping small businesses in the downtown area and elsewhere. They do care about livability in neighborhoods all over the city. And i've noticed a lack of understanding and education about what the ordinance does and what the rest of the safe programs does and what it doesn't do. I want more people to understand exactly what it is, what it's done, what it has not done. I want to show respect for volunteers and good-hearted people on every side. It's not just two sides to the issue. There are many sides to the issue and many people who have not been heard or don't feel heard. There needs to be more opportunity for folks to have their say even though, eventually, some folks are not to get in the way. I have not decided whether i'm going to support this ordinance when we consider it again in september. I need more information. Support on the council for extending the sunset is not tied to funding. We hope that the funding will remain available. The mayor's proposed budget includes huge amounts of funding, but there was no deal on this extension. It's about the principles, not about the funding. I want time to evaluate street access for everyone report and other concerns. I want to hear from you who oppose the ordinance about what you think about the street access for everyone report, what services are still needed, what has been provided. I said in my campaign that I would need a lot more evidence to become persuaded that the ordinance was worth keeping, and i've heard a lot more evidence. I've talked to a lot of folks who have given me new information, and I don't apologize for wanting and requiring more time to get that information. We need the time to consider it. I need the time to consider this. So why not let it sunset and then come back to the table? Well, we know right now that homelessness is up 11% already and is going to get worse. If we don't have the ordinance over the summer or if we do have the ordinance over the summer, there are going to be more people on the streets in every neighborhood who don't have places to go. So if we were to come back in the fall and consider was there a difference in not having the ordinance over the summer, we really wouldn't be able to tell because of these other factors. I want there to be a continuance about the status quo. This was a public hearing last week, and I greatly appreciate the testimony, and I don't put my name asco sponsor unless I have made up my mind. So when folks were concerned last week that minds had been made up, yes indeed that was so, and I wanted to be clear about that because, when I came to the conclusion that we needed the extension and why, that felt much more right than either voting for or against the ordinance and letting it sunset. Commissioner Fish and I will contact every 1 who signed up last week to invite ongoing participation. In 18 years, I don't remember a time that i've been participating in city stuff -- I don't remember a time that the vote has changed at the second reading, so I wanted to be clear about that. I recognize that the opponent -- opponents are unhappy that the ordinance is not changing now. I believe it is my responsibility to be upfront and open pen about when i'm doing and why, whether you're going to want to hear it or not. I believe democracy in Portland is about participation -- ongoing participation. I appreciate everyone who attended last week, and I snowed from the testimony 39 areas I want to address in our discussions in Portland over the next few months. I'll

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post a schedule with opportunities to participate on my website soon. I greatly respect my colleague, commissioner Leonard, who deeply cares passionately about this issue as does each and every one of us. I understand that he cares about the urban renewal appeal and that, to him, that would be part of extending this ordinance. I don't understand there part just as he doesn't understand my commitment to this ongoing process. It's ok that we can disagree here on this council just the same as people disagree in the community. That's what makes us stronger. We, as elected leaders, the five of us, figure out what we think the best way forward is. I want the time to figure out that best way forward and to look at a lot more improvements. Whether the ordinance goes a way or not, whether we look at the anti-camping ordinance, the services and more needs to be provided. We're not going to solve anything by voting this up or down. There's a lot more problems that need to be addressed, and i'm committing to help address them with commissioner Fish over the next five months. Aye.

Adams: I appreciate the fresh eyes of looking at this issue with commissioner Fritz and commissioner Fish. As we've talked between these meetings, my hope is that you will be able to gather together in the same room, all the stakeholders, so there there can be some face-to-face discussion from the various perspectives that the various stakeholders can try to see the issue from the other side. Aye. 567 is approved. Please read the title for 568.

Item 568.

Adams: It's a second reading. Please call the vote for council item 568.

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

Fritz: Just have a comment. Somebody signed up to testify last week and wasn't able to because it ran long. I understand, if there were further objections, I would have gotten them. Aye.

Adams: Aye. This is a second reading, vote only, please call the roll for item 569.

Item 569.

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

Fritz: I greatly appreciate the staff work on this. Aye.

Adams: Aye. 569 is approved. Please read the title for emergency ordinance council calendar item 570.

Item 570.

Adams: Staff? Please. Welcome to the city council. Give us your name.

Bob Machin: Bob machin.

Adams: Glad you're here. Why should we vote for this?

Machin: Sir, this project is important to the region due to events staging from katrina, vernonia, and recently the winter storms where we have determined that resource management, how resources are allocated, shared, and tracked throughout the region is not currently done very well nor done consistently across the region. By getting this contract, we'll have a contract we've identified to help us go through the process to identify what our current capabilities are, our current resources are and processes that we'll use to do this.

Adams: Questions from council? Anyone here wishes to testify on council calendar item 570?

Karla, please call the roll. Thank you, sir.

Fish: Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. 570 is approved. Please read the title for 571.

Item 571.

Jeff Baer, Director, Bureau of Purchases: Before you is a purchasing agent report requesting authorization to enter into a contract with canby excavating for the south airport sanitary sewer system, a project for the bureau of environmental services. \$1,785,189,000 is the amount. They are in full compliance with our equal benefit comply answer and e.e.o. Certification. They have indicated in their bid response that we'll have 35.1% of minority/women, participation.

Fish: Could you just clarify again the bid price?

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Baer: I'm sorry. Thank you. \$1,288,900.

Fish: I'm just pleased that I saved the council a half million dollars.

Baer: I read the project estimated amount.

Fritz: So the bid came in half a million dollars less than the estimate.

Baer: Yes.

Adams: Further discussion from council? Anyone wish to testify on council item 571? Do I hear a motion to approve the purchase?

Fish: Moved.

Saltzman: Seconded.

Fish: Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. Purchasing report 571 is approved. Please read the title for council item 572, an additional purchasing report.

Item 572.

Adams: Mr. Baer?

Baer: Good morning. Before you is a request to execute a contract with pierce manufacturing -- execute a contract with pierce manufacturing. Council member authorized the ordinance april 22, 2010 tour approval to execute a contract for this. We looked at our solicitation options. There is an agreement available through the houston, galveston area. We issued our notice of intent, that that's who we were intending to enter into the contract with. We did not receive any protests to that.

Adams: Discussion from council? Is there anyone who wishes to testify on council item 572? Do I hear a motion to approve?

Fritz: So moved.

Saltzman: Seconded.

Adams: Please call the roll.

Fish: Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. 572 is approved. Please read the title for purchasing report council item 573.

Item 573.

Adams: Mr. Bayer?

Baer: This is a recommendation to enter into a price agreement with canby ford. They have a current state of Oregon price agreement that authorizes or allows to us opt into this contract. Because this had come before council on april 15, they approved the authorizing ordinance. Looking at the factory cutoff dates, we felt it would be necessary for us to jump onto that because of the contracts between mid march and may and that we needed to execute this to hold the current cost for the sedans, which is 21,000914 -- \$21,914 each.

Leonard: I have a question. I've raised this before with you, jeff. Why is that we cannot purchase from a local dealer? Portland?

Baer: In this case, we looked at the timeframe involved if we were going to do a collision taste -- solicitation for these. It would open it up for others to bid on it. We wouldn't be able to relegate it just to a Portland dealership, for example. When we found the state of Oregon had gone through a formal solicitation process that was open for every ford dealer to participate on, we felt this would be the best for us to pursue this one that already existed with the timeframe on it. Sequentially.

Leonard: You're doing what you're supposed to do. I get that. In a larger context, we've had discussions here today about proactive measures the council has taken to stimulate local growth.

Baer: Yes.

Leonard: When we stimulate local growth, that generates revenue, income for us that helps support positions like yours and others. I'm not trying to be parochial about this, but I do think, in the context of this larger effort of the council trying to still late growth locally -- I don't want, on the one hand, to send a message you shouldn't try to get the best deal. Of course you should. But I wonder if it worth some effort from us to figure out how to sit down to develop criteria.

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Baer: I agree.

Leonard: For instance, on the biodiesel effort, if you recall that -- I won't bore the council with details on that, but we developed a methodology in which we favored local producers by using specific criteria that had to do with carbon footprints and those -- carbon footprints. It seems to me, with the creative we have and the really good stewardship you bring to this, if we could figure that out, I would feel a lot better about spending 1 point three million dollars -- \$1.3 million to a local business.

Adams: He's right.

Baer: I really appreciate those comments. It is something that we do look at very seriously. We had a real good experience with biodiesel, for example. I think, had we had more time in front of to us pursue this in more of a request proposal format is what you're talking about to have some evaluation criteria -- criteria, I think we may have been able to do that.

Leonard: Didn't we anticipate the need for these cars?

Baer: If I remember correctly, and we have Don Shapiro here from city fleet if I can't answer that. I thought we had gone through different iterations of the ordinance. It was not approved until the 15th of April, so we're a little behind the gun in terms of getting authorization and what our options were to participate.

Leonard: Let's just presume that the council decided, because of the amount of money involved and the amount of impact it would have on a local dealer, if we decided to postpone this until we did that, what's the impact? What does that mean?

Baer: We would miss the factory cutoff.

Leonard: What does that mean?

Baer: That means that, instead of the current model year for the Crown Victorias, the Ford, we would be buying the next model year and be pushing this off for another year.

Leonard: And that's harmful because --

Baer: The price difference would be higher potentially. I don't know what the price would be for the next model year.

Adams: Are these the undercover cars?

Baer: Don't know.

Adams: Are these just the regular sedans?

Baer: I set patrol sedans -- it says patrol sedans.

Don DePiero, Office of Management and Finance: Don DePiero with city fleet. 60 are patrols. Two of those are 2003s. The 58 are 2005s. All the patrol cars, police cars that are up before you now have a minimum of 80,000 miles on them, upwards to 136,000 miles on them. If you double that due to idling time, virtually they have 160,000 miles plus on that.

Leonard: I appreciate and respect that. I'm not being critical. I know you guys do a great job. But why wouldn't we have anticipated that far enough to advance? This is not the first time I've raised this subject. I've raised it in a number of different forms over the last seven years. I'm just curious what it's going to take for us to actually recognize that council really wants to do business locally where we can? And particularly -- I mean, I raised this when we were riding high, and I don't think it really mattered to dealerships. This could make the difference for some dealerships. I mean, this is \$1.3 million. That's a lot of money.

Adams: Can you take a vow?

Leonard: Well, I'm just wondering --

Adams: Not you.

Leonard: I get that there's a risk in the next model year. I also get, because of the economy, there might be an opportunity to realize more savings.

Adams: So you made your point really well, commissioner, and I agree with it. You said we'd have to wait a whole another year. I don't quite understand.

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DePiero: With the sedans, with, like, general motors, ford, chrysler, they go on production years. Normally their production years cut off somewhere between february and may usually, and then they don't usually start up again until late august, early september, somewhere in that timeframe.

Adams: I didn't know that.

DePiero: There is a down time that they do retooling and model changes.

Adams: Are these things selling like hot cakes and we're not going to buy the current model year? They won't have them on sale later in the calendar year like they usually do at regular retail lots?

DePiero: Not the police cars. They normally -- normally come straight from the factory. Dealers seldom have them sitting on their lots.

Leonard: Why wouldn't a dealer in Portland be able to be the person that gets that delivery versus the people in canby?

DePiero: Frankly, I don't know. We haven't had a whole lot of success with dealers within the city limits of Portland bidding on any of this stuff. We do a lot of bids --

Leonard: When i've raised this before, not to interrupt you, I got a flood of phone calls from dealers saying, we don't bid 'cause we never get the deal. The reason we don't get the deal is because we pay a business income tax. And that's because you guys pass the tax, which immediately puts us out of competition. I was very sympathetic to that argument. Again, I want to reiterate i'm not being critical of you doing exactly what you need to do. But as a council, I think we need more guidance of what it is we would like to see happen when we are making these kinds of purchases, particularly in the context of all the ideas that we have to stimulate local business. The guys that get the money here are salesmen that live in our neighborhoods that could really use, I think, this kind of an income.

Adams: In the coming weeks, council will be considering something called the local business enterprise designation, much like the minority business enterprise or emerging small business or women-owned business price that will, under -- it's a narrow window of law and will provide additional benefits, additional scoring benefits, on our procurement efforts as it relates to Portland-based businesses. And we're probably two or three weeks away from being able to come forward with that. If we waited two or three weeks -- well, we'd have to start all over again.

Leonard: I hear your concern about the mile large on the cars. I also know you guys do exceptional maintenance so our cars last longer than the average car. I'll vote for this if the council wants to, but I would also be interested in seeing if we couldn't maybe take a step back and see if we can't do business with a local dealer.

DePiero: We -- the deadline on these is may 25th.

Leonard: I hear you, but i'm willing to take a chance that, because of the economy in the state in the automobile industry that we may even see better deals on cars in the next model year.

Adams: Commissioner Saltzman?

Saltzman: Let me clarify that every dealership had an opportunity to submit a bid.

Baer: The state of Oregon did the competitive bidding process, and so it was open for everybody. That's correct.

Saltzman: So the local dealers, Portland area dealerships, did not respond?

Baer: All I know is that they.com pet tiff bidding process and award it to the canby ford dealership. Ledge lent state of Oregon did.

*******:** Yeah.

Leonard: That makes sense.

Fritz: I've watched you bring this issue to light in previous times sitting at home watching channel 30.

Fish: Excuse me. That's a cry for help.

*******:** [laughter] Fish and wildlife I want to extend the meeting --

Fritz: And I am so glad.

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Fish: Professionals on the fifth floor --

Fritz: Oh, dear. So, if I may finish my sentence, i'm really glad to be sitting next to you and hearing you respect the bringing this to the fore. I'm happy to support whatever direction you would not go on this.

Leonard: Appreciate that. Thank you.

Fish: I completely concur with commissioner Leonard's point, and also i'm reminded, when I bought my first car, it was a dealership that didn't have the car that I wanted, and they went on a network and found it in a neighboring state, did the transaction, brought it. That sort of is customary. So i'm hearing a safety concern, and i'm hearing a variable about price.

Adams: This is a big concern?

DePiero: These are patrol sedans, not the staff or supervisors' sedans. These are the actual patrol sedans out there every day chasing after people and so they are being put in harm's way every single day. We have to have these so they are able to do that.

Fish: I appreciate that, but i'm also reminded, when I was the fire commissioner before it was stolen from me -- [laughter]

Fish: -- we had conversations about the useful life of some of our rigs. And because we have a superb maintenance crew, we were getting more use out of those rigs than we actually expected. So i'd want to temper, balance, this sort of typical versus -- if you maintain them and take preventive measures. We've got the benefit of applying in volume, and we are hardly in an inflationary environment right now.

Leonard: Commissioner Saltzman?

Adams: One clarifying yes. I would not make sure. Are you telling us that the factories only make these cars when they get orders for them or they just make cars and sell them?

DePiero: They make about 40,000 police patrol sedans a year, and they open up a window of opportunity to order them, and this is the window of opportunity that we have right now. They don't make excess cars and leave them sitting on the lots. They only fill orders is all they do.

Adams: So they only respond to orders. They don't make extra cars that we could buy later?

DePiero: No. They do not make extra cars.

Saltzman: So these are not the same cars you could go on a lot and find crown vic?

Leonard: Because of the previous discussions, I understand that. I'm interested in what you're --

Saltzman: I'm certainly concerned. I think this has been a great discussion, and I don't want to take away from that. I'd like to find a way that we can do this, but I am also persuaded by the concerns of our fleet about the mile large on those patrol sedans. Patrol sedans really are important. This is not something just sitting on a lot somewhere and we're hearing discussions about many automobile plants shutting down for three to six -- as long as three to six months perhaps. You hear more about g.m. And chrysler, but I don't think ford is too far distant from that. I guess I would say the points are good, that this local enterprise gives us some ability to control in the future. I guess i'm persuaded that we should go ahead.

Leonard: I guess I should offer a compromise. If you could sit down with our office and help develop a future protocol -- and this is of course not just applied to police vehicles. All city vehicles. That that would develop lawful criteria that would at least make the level of the playing field level for Portland dealers. What they have told me individually, without talking to each other, is that the playing field is not level in Portland, and that we develop whatever kind of process we need to possibly even be our own as opposed to going with the state. If you want to sit down and talk with me about the down side of that and potential upside, i'd really like not to have to revisit this event so that we're put in a spot where -- you know -- we have cars with 140,000 miles them. I'm thinking, well, we've talked about this a number of years. Why can't we develop something. If you can commit to me to come work with us with the approval of the mayor to do that so we can come back with -- i'd like true adopt a policy.

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Adams: Say yes. Ok. He said yes.

Leonard: I'd like to adopt a policy specific to procuring vehicles.

*******:** The options in front of us to meet this deadline were very limited. Had we had more time, I think something developing like that where you have more evaluated criterias that we could have actually looked at.

Fish: Our message to our friends in canby is prepay your state income taxes so we can get it back as full funding.

Adams: Do I have a motion on 573?

Leonard: So moved.

Fritz: Seconded.

Adams: Anyone wish to testify on item 573? Please call the roll on the purchasing report 573.

Fish: I very much appreciate the discussion, and i've actually learned quite a bit from it, and I look forward to supporting a policy that would, as commissioner Leonard said, level the playing field. We're not looking for preference, but there appear to be some structural disadvantages for local businesses. Aye.

Saltzman: Good discussion and good work by fleet and purchasing. This does sound like and important decision we need to make now. Sequentially.

Fritz: Thanks so much to commissioner Leonard and to mayor Adams for your leader ship on this - leadership on this.

Adams: After seven times raising it, you'd think you would have fixed it by now, commissioner. Just kidding. Aye. Approved. That moves to 574.

Saltzman: 574 and 575 together?

Adams: Please read the titles for those emergency ordinances.

Items 574 and 575.

Adams: Is this ty kovach -- ty kovach screaming out there?

Leonard: It's someone trying to get an interview with commissioner Fish. [laughter]

Saltzman: The sellwood interceptor sewer project its one of the last capital projects to combine sewer overflows or c.s.o.s. I'll turn it over to staff for a quick presentation on both 574 and 575. [laughter]

Leonard: Finally snapped. Finally snapped. I knew it was coming. [laughter]

Fish: Sorry to ask if you weren't planning a roadway. I'm afraid there was a misrepresentation. [laughter] Sorry.

*******:** That's ok.

Adams: Please proceed. We get rummy by this point.

Scott Dixon, Bureau of Environmental Services: Mr. Mayor and commissioners, my name is scott gibson. I'm in engineering and bureau of environmental services. I'm here with john dale, my right-of-way agent, for acquisition of the easement and kirk robinson, my signage representative here. We're just here to answer any questions.

Fish: I think the report was complete. I'm prepared to vote.

Adams: Unless there's additional council discussion, would you please call the roll?

Fish: A compliment to commissioner Saltzman and the team from b.e.s. On their good work. Aye.

Saltzman: Good work. Aye.

Leonard: Aye. **Fritz:** Aye.

Adams: Aye. Call the roll please for emergency ordinance 575.

Fish: Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. 575 is approved. Would you please call the roll on second reading of 576.

Item 576.

Fish: Aye.

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Saltzman: Well, I want to publically thank Portland providence -- providence Portland medical center for their donation of \$9000 to the city to build a great green street facility near their center. We appreciate this generosity towards making a greener Portland. Aye.

Leonard: Aye.

Fritz: I should have mentioned earlier that today is national nurses day. Perhaps people would have been kinder to me.

Adams: Happy nurses' day.

Fritz: Aye. **Adams:** Aye.

Fish: Mayor, I just want to clarify the schedule. We have a time certain this afternoon at 2:00. Are all three items off for tomorrow?

Adams: We will not be having a 3:00 p.m. council session. These items have been pulled back to the mayor's office.

Fish: Thank you.

Item 577.

Adams: Is there any possible reason that we should not move this on to a second reading?

*******:** None whatsoever.

Adams: Any council discussion? Anyone who wishes to testify on this matter. Ordinance is moved to next week for a second reading. 577. We are recessed until 2:00 p.m.

At 12:03 p.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.

MAY 6, 2009 2:00 PM

Adams: Portland City council will come to order, back from recess. Today is Wednesday, May 6th. This is the 2:00 p.m. session of the Portland City Council. We have one time certain agenda item. Karla, would you please call the roll.

[Roll call].

Adams: Before we read the title for the time certain, which is council calendar item 578, I'd like to recognize commissioner Fritz.

Fritz: Thank you. I move that we have a council hearing in the evening on may 20th for the purpose of having the vision into action report and also a hearing on the wireless communications in the right of way.

Fish: Second.

Adams: It's been moved and seconded the city council hold the hearing as described by commissioner Fritz. Is there any council discussion on this issue?

Fish: Is that a Wednesday night?

Fritz: Yes, and I believe it's on everybody's calendar.

Adams: Is there anyone that would like to testify to this matter? Hearing no one seeking to testify, no additional council discussion, please call the roll on this motion.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye.

Adams: Aye. [gavel pounded] motion is approved. Can you please read the title for nonemergency ordinance time certain council calendar item 578.

Item 578.

Adams: Thank you, Karla. This is an issue that was started under mayor potter in december of 2008. It is an effort to improve the safety of our residents and guests in the city of Portland, an effort to reorganize and streamline the city's code for clarity. There was contradictory language in the existing code. This project seeks to positively address the growth in the private for hire industry to include limousines and peticabs with limousines I recognize that the limousine representatives would prefer to have their own separate code for these types of services and vehicles, but the project believes it's important to recognize the private for hire industry as a whole and the impact that one vehicle type or business model has on another. In terms of the peticab cabs, which are a great addition to the Portland scene, I appreciate on behalf of staff the willingness of the board and the staff to work on compromises and on both of these issues, they're currently not regulated in the city code's code, and therefore there are not safety regulations in the city's code. I'd like to thank the private for hire board of review for all their efforts and patience in getting here today. Eight meetings and public meetings and countless other meetings have been completed to get to where we are today. There are, as you will hear from the director klobertanz, there are still issues that need to be worked on, polished, and perfected. But it is staff's advice that we move forward in the next couple weeks with the changes and improvements to the code and put the stake in the ground, and then over the next year continue to polish and perfect the code as it relates to private for-hire industry. With that i'll turn it over to director sue klobertanz.

Leonard: So Mayor Adams before-- I do have an amendment that I think might be appropriate to move for the purpose of discussion so it can be part of the discussion.

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Adams: Sorry, I forgot go ahead. Commissioner Leonard.

Leonard: I have worked with you, mayor Adams, with the bureau of licenses, and relied on my own experience as the commissioner in charge of the bureau of revenue when I had that responsibility to oversee the licensing of taxicabs and limousines, and the attendant problems. I attended quite a number of taxicab meetings with the cab companies and drivers, and had spent enough time at it that we actually were taking a very specific enforcement approach to deal with some of the issues of cabs versus limousines, including us having hired people who are doing kind of undercover work, if you will, to try to hold folks accountable. So based on my discussion with the bureau of licenses with you, mayor add amounts, and my own experience, i'm proposing this amendment that I would like to move for purposes of discussion. In essence, would make it clearer that not only are limousines intended to behave as limousines, but that for hotels that are involved in inappropriately allowing limousines to be used when a cab is supposed to be used, the hotel itself, not just the person that's working for the hotel, will be held liable for up to a \$500 per occurrence fine, per instance.

Adams: Just so I understand it, because the legal language is always legal language, that the exception to that would be that if the hotel has a -- an ongoing contract relationship with limousine service, is that what I understand the sub c and d to mean, or d to mean?

Leonard: You mean g?

Adams: 16.40.460 d 1, 2, 3, 4, 5.

Leonard: Well, I'm going to ask sue if she can explain.

Sue Klobertanz: I believe mayor adams what you are, sue klobertanz, director of the revenue bureau. What you're referring to is item g, which is the meat of the amendment, and the very last line says this subsection does not apply at the limousine or executive city and service has complied with the conditions found in subsections c and d. You are correct, that refers back to the ability of an executive sedan town car or limousine to have a contract with a hotel that is approved by -- has certain conditions approved by the city, and if they have that, then the hotel could immediately put a guest into a town car without the 60-minute reservation. So yes, you are correct this language allows for that.

Adams: But there's that accountability between the town car company and the hotel.

Klobertanz: Correct.

Adams: Any other --

Leonard: I'd move this amendment.

Fritz: Second.

Adams: It's been moved and seconded. Is there any additional discussion on the amendment? Anyone wishes -- yes.

Saltzman: We're going to take testimony?

Adams: We are, this is just the amendment. I can take testimony on the amendment, yes.

Fritz: I was seconding for the purpose of discussion which I understood was Commissioner Leonard's intent so. Could we --

Adams: I think we'll take testimony on the entire package as amended.

Fritz: So were just moving to amended it but we can take it off again if enough people don't like that.

Leonard: The amendment is what we're discussing at this point, unless you vote it into the ordinance. But if we want to take testimony on this --

Adams: What do you prefer?

Saltzman: I was thinking this was more like a substitute, so we'd take testimony on it. And then vote.

Leonard: We talked about this being a substitute ordinance. Does this accomplish that?

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Klobertanz: Commissioner Leonard, i'll have to defer to legal, but I think it meets the requirements of an amendment because you're bringing it to the floor now rather than having it circulated earlier.

Saltzman: Fine, I just want public testimony before I vote on the amendment.

Adams: Ok.

Leonard: I guess the question I have, maybe you want to come up, does this in essence become the item we're discussing in total?

Shane Abma: Yes. Commissioner, I notice that the ordinance as filed, there's a little bit more involved in this section d I see that's been added besides just what's highlighted in red. I think it would be maybe cleanest if we withdrew this motion for the amendment, took the testimony on the entire package and then once you've heard everything if you want to decide to make that amendment, that might be cleaner.

Leonard: Sounds good. I'll withdraw that permission of my second.

Fritz: Agreed.

Adams: For the purposes of testimony to council, we'd like you to speak on the proposed amendment and everything else on the table. Director klobertanz.

Klobertanz: All right, I'll see if I can do that. Sue klobertanz, director of the revenue bureau. As the mayor indicated, this council item 578 replaces the old chapter 16.40, which was basically written to be a taxicab regulation. And in talking with people that have been in the industry and around the city for a long time, they indicate to me that the last time there was a major code rewrite for this was in the early '90s. As you might imagine, the industry has changed some since then, so what we're putting before you is a new chapter 16.40 for the private for-hire industry. As the mayor indicated, this new code recognizes the change in the industry that have occurred in the last years, includes regulation of limousines and peticabs under the umbrella regulation recognizing that they are part of the transportation system. It reorganization and streamlines the code to clarify and eliminate contradictory language that had built up over the year through amendments and private for-hire board orders, and most importantly focuses on safety of both our residents and our visitors to the city by increasing the training of drivers, vehicle requirements, and ability of the city to regulate. Staff, as was mentioned earlier, has been meeting with both the private for-hire board, the company standing committees, the drivers' standing committees and stakeholders since december and I believe nine different public meetings in addition to all of the public private for-hire board meetings. The notices of the meetings were sent out to our current contact list is approximately 175 firms, and we've worked very hard to include the people who have an interest in -- including not only the drivers and the companies, but also hotels in multiple meetings. As much as an improvement as this code is, we recognize that is it a work in progress. The ordinance that you would be approving specifically calls out and directs the revenue bureau to work with the private for-hire board to complete the demand study that is currently underway, to complete the rate and fee study which is currently underway, to move forward to implement appropriate insurance requirements, brake requirement and safety inspections for the peticabs to protect public safety, and we would be working again with the peticab companies and drivers to reach agreement on what those appropriate conditions might be. We need to determine appropriate driver safety and customer service training for the entire industry and better define requirements for vehicle operating within the regional context of the city of Portland. So we currently have a number of companies that are based in vancouver, but may drop off or pick up -- and pick up a client here in the city. Do they need to be regulated? Do they need to be permitted? Do we need to duplicate safety inspections? Those are all questions we have not completed. We also want to explore with the Portland bureau of transportation short-term parking options for the limousine industry in the central city core. At this point when you listen to that laundry list of things that we have yet to do, you might ask yourself why we're bringing an incomplete product to you. But in short, the existing

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code is so unclear and contradictory, has so many holes, and left so much to interpretation, that the private for-hire board unanimously felt it was important to -- as sam said, put the stake in the ground and move forward from there so that we have something we can understand we anticipate coming back to the council in a few months with some adjustments based on our continuing outreach, and as we also finalize our administrative rules and incorporate the results of the demand in rate and fee studies that I mentioned. We currently have scheduled six more workshops to have stakeholders assist us in writing the administrative rules, so we're looking forward to that and giving also the separate industries, especially the ones that we're now regulating peticabs and limousines, special attention to see how these regulations can best serve those industries. And protect the public. We have a number of board and industry representatives that want to come today to speak to you to talk to you about different parts of the proposal, but before I bring them up, i'd like to acknowledge a number of people who are here to represent this effort and acknowledge staff who have worked very, very hard to get where we are today. Patrick cramer is our regulatory program specialist. Frank dufay, our regulatory program administrator, he's been our man on the street. I can't say enough good about shane abma from the city attorney's office and the countless hours he has spent. And then finally, as a way of introduction to most of you, i'd like to introduce kathleen butler, our new regulatory division manager, just new here from vermont. While she hasn't been involved in this so far, or that much, i'll guarantee you she will be going forward --

Fish: So now we have, I just want to note this was a trade with a player to be named later.

Klobertanz: Yes.

Fish: I just learned that thomas bruner has accepted a position with the national red cross in vermont.

Klobertanz: We have three board members that I would like to call up, and then three industry representatives if they would come up three at a time. First, butch miller, john putnam, and doug round to come up, followed by casey mardell, greg webber and steve entler. And then we can come back and answer questions either before or after public testimony.

Adams: Give us your first and last name. You have about three minutes.

Doug Rauen: Good afternoon ladies and gentlemen of the council, my name is doug rauen. I'm the owner of point-to-point transportation. I represent the executive sedan side of the l.p.t. companies. I serve as chair of the company standing committee and sit on the board of review. I started in the limo industry back in 1983 as a driver and worked my way up. The later to an owner of several luxury limousine companies in the local area. I was also one of the pioneers in the town car business for 14 years ago and have since built one of the most respected executive sedan companies in the Portland metro area. In addition, i'm the founder of a domestic and global limousine search engine as well as a member of the national limousine association and recently a nominee of the national limousine board of directors. I come before the council and I support the proposed code changes to 16.40. It has been a long time coming. First that I can remember anything has ever been done at all in the early stages of sedan service, it was rumored that the sedan companies and taxicab companies argued extensively about territories. Even got a little physical in several occasions. Those days have gone and we've grown up. However, we still argue with them on a friendly term. The great purpose of this code is to update the current regulations, bring them current with the local times and the national averages, making companies and the industry accountable. Accountable for their actions whether they're right or wrong. Create a safe environment for the local patrons and visitors who come visit the area. Assist in enforcing the downtown corridor, getting rid of or with strict enforcement of the noncomplying, nonconforming town cars that troll all the major hotels for cab fares. Safety certified, stretch limousines. That way you won't read in the paper about a chauffeur buying prom kids booze, reading about a d.u.i. in which the chauffeur was picked up driving a 10-passenger stretch hummer with a d.u.i., or the recent k 2 koin article that came out over the weekend. The code does not ask to regulate the limos

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to make -- -to-but to make the companies' drivers and vehicles safety minded. Peticabs are a great green form of transportation and must be a fixture in the downtown core. This is what keeps Portland, Portland. Again, we are not regulating but making safety the number one concern for the general public separating the wheat from the chaff. 16.40 is about accountability. We have to start somewhere to get the final product there. There will be more talks, more meetings, more input from the suppliers, more time for us, but there is a purpose and plan. This 16.40 is the beginning to a means. Thank you.

Fritz: Thank you.

Butch Miller: Mr. Mayor, commissioners I am butch miller, driver representative on the city of Portland's private for-hire transportation board of review. I am a Broadway cabdriver. I am here to support the new code changes and I urge that council strengthen this code by giving the program administrator the ability to remove code violators from the street. Currently violators have been cited, fined, and have exhausted their appeals process and yet continue to operate in violation of city code. And the program administrator has no means in which to stop them. You the council members are the only ones who can give the program administrator the needed enforcement measures, and I urge that you do so. Thank you.

John Putnam: Mayor, council members, my name is John Putnam. And today have you an opportunity to adopt these rules as recommended by the private for-hire board of review. I'd like to mention no matter how good a plan or how good a structure or how it's written, there are always problems with any document. But we do believe this document is ready to move forward, and the reason it's here is because twice before over the last 10 years that attempt has been made and failed. We felt it was timely to get this across the street to you and to give us a chance to move forward with it. Just to tell a little bit about me, I've served for over 20 or 25 years on every energy transportation, housing board in the state of Oregon recently. I just did eight years of t-p.a.c. with metro. And three years ago when asked to take the board appointment to the seat representing people with disabilities and seniors, which hadn't been filled for a few years, I took that and then within 90 days I began to wonder if we'd get anything going. However, after a few people came and went, Sue got quite involved, Frank Dufay came on board, and with Patrick Cramer's help, and Shane has done a tremendous job, we're here to give you the opportunity to let us move forward. I think it's important to possibly tell you a couple things that happened over the last year that might be of interest. That is inside our rules, we already have the flexibility during the gas crunch to raise or to add a surcharge to save taxi fares. And we did that, we did that twice during the gas crunch. We also, as the gas crunch went down, we removed those surcharges. And I think that's an important thing that the public should know and you should know. We operated as a board pretty efficiently during that period of time. Used the things that were at our hand to facilitate the businesses, the taxi drivers to make a living, and also when the rates went back, we removed it so that the citizens got a better deal. In that sense, things have worked fairly well. The pickup and drop-off thing inside and outside the city is a definite issue, and that has to be resolved. And I tried for a number of years to convince metro that it's partly their problem, and they need to get involved, because it's a three-county region, and really the city is the only city that actually regulates. So there's a lot to be done there to get some cross-pollination, I guess. Three weeks ago Ramone reminded me, Corona, who had been on this committee for 10 years of the two times before they tried to move it across the street and had failed. And so I think it was only right we bring it -- this document across to you today, and we hope you will reward us with our hard work and send us back to finish it up and bring it back to you in a completed form. Thank you very much.

Fritz: Thank you very much.

Saltzman: I have a question for Butch. I'm looking at the code section here, it does list a number of instances where suspension or revocation is a consequence, ultimate consequence. I guess I'm -- what are you getting at?

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Miller: Even when you revoke their permits, they're still on the street operating. They're paying off the doormen of the hotel. The programs administrator has no ability to tow the car. To remove this guy from the street. He's still there working.

Saltzman: That's what your talking about.

Miller: Yes. That's what I'm talking about. There is a guy who has his permit revoked, his driver's permit, and he is down at a downtown hotel, and he continues to operate. And we need something in there that says, hey, if you operate like this and we've revoked your permit, we can put a toe tag -- a tow tag on you, we can tow you and let him work from there. And the city operate.

Leonard: The purpose of my amendment is along those lines. The experience I had is that the hotels themselves became part of a culture wherein some of these doormen actually were given gratuities from the limousine drivers to steer customers to limousines versus cabs inappropriately. And the purpose of my amendment is to hold the hotel accountable for that. On the theory that it won't last for long if it's the hotel that's being fined.

Miller: Well, it's still going on. Commissioner Leonard, you were the last commissioner that ever attended one of our drivers' meetings.

Leonard: I enjoyed them. They were a lot of fun.

Putnam: If I would just make a clarification. When you say limousines -- sometimes limousines can mean --

Leonard: I should have said town cars.

Putnam: That's what I wanted to say. Because the majority of the infractions are the executive sedan drivers.

Leonard: The executive sedan -- the amendment reads -- allows a guest to obtain limousine or executive sedan transportation services. I apologize. Thank you all for what you do. I appreciate it. Karla, can you call -- more panel, ok.

Klobertanz: Gregg webber and steve entler and I've just been informed that casey martell from the pedicab company was just in an accident on his way here. He's all right but he won't be in the audience today.

Leonard: Welcome. Thanks for coming.

Gregg Webber: Thank you. I'm greg webber with all American limousine. I think i'm here to say that we are all in agreement that we need to enforce safety issues, and get some regulations in place for that. I think there's a lot more to all of this than just picking up and dropping off at the hotels, because the limousines really, I can't speak for all of them, but I know my company is not doing that, and a lot of companies I know personally aren't doing that. So I think there should be separation there as far as that goes. We are also wanting to weed out some of the illegitimate companies that are practicing illegal practices and causing problems with the others. So we're in agreement with that, but I do feel there's more work that needs to be done and some fine tuning on some of the regulations and the laws. Thank you.

Leonard: Thanks.

Steve Entler: Good afternoon. My name is steve entler, i'm the general manager at radio cab. The city of Portland's taxi code contained within chapter 16.40 has served as the taxi industry's operating rules and general business guidelines for many years. The past 15 or 20 of those years these rules and regulations have been gradually expanded to incorporate other types of private for-hire transportation groups. In so doing however, the code has become fragment and somewhat cumbersome to interpret. The revenue bureau, which is charged with interpreting and enforcing the various parts of this code, has been handicapped by some of the very language contained within it. When the private for-hire superintendent has utilized the existing code to take enforcement action, he's later found it difficult to defend his actions and it was -- when it was subsequently appealed to the code hearings officer. There have been several attempts over the years to rewrite the existing code. These attempts have all failed. They have failed because they became mired in controversy

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by the various interests that they intended to serve. Every taxi company, every executive car company, every shuttle company, every s.a.t. company has had conflicting business interests. There have always been arguments over the boundaries of the separate -- that separate the various types of service. And it is likely there will always be at least some controversy. Some of the attempted rewrites were abandoned simply because everyone lost interest. Approximately seven months ago, though, the private for-hire transportation board of review set about rewriting the code once again. This time, however, there was a difference. This time the effort was spearheaded by sue klobertanz, shane abma, frank dufay, and patrick cramer. This time the effort was given a definite completion date and this time every effort was made to make sure that that completion date was met. During the rewrite process, mr abma reviewed the existing code and formatted it in a way that was more easily interpreted and hopefully later enforced. Not only did he redo some of the existing regulations for taxi cab s.a.t.'s, shuttles and executive cars, he also brought in new regulations for limousine and peticabs. The process has not been easy. There were a lot of arguments about the proposed regulations by all segments of the industry. And a lot of roadblocks were put in the way by various interested parties. I was undoubtedly one of the largest of those roadblocks. Mr. abma and I argued back numerous times during the course of this endeavor. I of course realized the importance of getting it right the first time as the lively hoods of more than 500 people at radio cab could be jeopardized by a code that contained too many loopholes. These kinds of things that happened in the past, and I was determined to make sure that it didn't happen again. Mr. Abma and I eventually worked through our differences and I believe in the end I was fairly accommodated. Although the proposed code as it was written will probably not satisfy everybody 100%, including myself, it is undeniably pretty darn close. Sue, shane, frank, patrick should all be applauded for their tenacity displayed in bringing forward this completed project, or partially completed project, and I urge council to give it a favorable vote.

Leonard: Thank you, steve. Appreciate it. Any more panel? Do we have a sign-up sheet?

Moore: 25 people signed up.

Leonard: We're going to ask if you could confine your remarks to two minutes. And as Mayor adams likes to say if you can say it in three, we have found you can probably say it just as well in two.

Fish: Randy if I could also just note that if multiple people have a similar theme, it's sometimes people opt for sort of -- associate themselves with others rather than repeating. We're very attentive, and if there's some themes that come up over and over again, you're free to perhaps even pull some time.

Leonard: Although I've heard that suggested a number of times, I never actually seen anybody take advantage of that.

Fish: Hope springs eternal.

Leonard: Thank you all for coming you have three minutes just state your fist names. First and last names I'm sorry. And you have two minutes.

Rachel Rainbow Darby: Hi I'm rachel rainbow Creton. I'm a writer and manager with cascadia peticab. I just want to take a minute to thank you guys for hearing us out and letting us have the opportunity to speak to you today on a matter of great importance to many of our local entrepreneurs. I first began riding a pedi cab back in march, and since then i've been looking forward to seeing peticabs included in the transportation codes and regulations for the city. I feel its important to set industry standards for safety. And I doubt that you'll find any charioteers here that disagree with me on that. Our main concern is to keep our drivers and passengers safe while riding on the city streets. And to this end I feel it's important to continue the conversation that we feel only really just begun. I understand that the revenue board has been working on this revision for some time, and I understand that they're most anxious to move forward on it. I also understand their attempt to simplify the last-minute edition of peticabs to this code. By placing all of non taxis

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under one umbrella. I understand the attempt but it doesn't seem to work to simplify anything. Instead by lumping pedal powered tricycles with all other gas-powered transportation for hire, the board seems to have ended up creating a document riddled with contradictions and open to future interpretations, which does concern me. I hope the council sees fit to either send this code revision back to the board for completion or to pass it without the peticab sections. I hope to have a chance to continue talks with revenue, b.t.a. and other local peticab companies to develop peticab specific code and approved training courses. Thank you again for the opportunity.

Benjamin Edwards: My name is benjamin edwards. I ride a peticab with cascadia, and I thank you for this chance to voice my opinion. I will be directly and adversely affected by this particular -- the passing of this legislation. As rainbow said, I'm not against regulations in -- by any means, safety is my primary concern. But I feel that we need to be regulated pertinently, more specifically to peticabs. I understand this particular bill has been in the works for some two years. With the very recent addition of peticabs, and it seems a bit rush. In section 030, definition s, petty cabs have been designated as lpt vehicles. In the company of limousine and shuttles. We are no doubt three-legged black sheep in a field dominated by horsepower. A testament to this, our inclusion in the clearly auto centric bill can be found in the glaring contradictions on section 080, which is on pages 8 and 9. In which petty cabbies are required to obtain petty cab specific permits, and then in 090, in which all of lpt, peticabs included, are required to have d.m.v. issued motor vehicle licenses to operate our nonmotorized emission-free tricycles. In addition to two years of driving experience, section 380 requires us to carry fire extinguishers on board. 090 1 A requires out of states to furnish 10 years worth of driving records to evaluate my abilities as a tricycle operator. At this time it is necessary to reiterate that we peticabbies do not operate motor vehicles. We ride tricycles. And my experience Portland is one of the most progressively bike friendly cities in the country. All that I ask is that you continue with the cyclist conscious legislation for which Portland is known and set a precedent for all other major u.s. Cities. Thank you.

Fritz: I have a question. Given that we don't license bicyclists, how else would we make sure people know what they're doing as far as the rules of the road?

Darby: If council doesn't mind if I answer that. We actually had a meeting yesterday with frank Dufay and b.t.a. and we are working on getting a city approved training course. We already have a training course that we run, we've been inviting them to come and audit our training class. We'd like to work with them on creating actual training that's approved by the city where we could license our drivers independently.

Edwards: Peticab specific licenses.

Leonard: Thank you.

Dylan Bergerson: My name is Dylan bergerson I am also a petty driver with Cascadia. I would like to reiterate that I thank you for opportunity to have this discussion and there needs to be more communication between peticabdrivers, owners, and the city before any legislation targeting us is enacted. All of us here believe that it is important to develop responsible and logical regulation for peticabs. Unfortunately, the ordinance that you are voting on would hinder this common goal because it uses language that leaves many important directives to the interpretation of entities that have zero accountability to us, zero knowledge of our business, and most importantly, zero accountability to the city as the proposed code does not require them to obtain your approval for any decisions made later, which I will specify in a minute. This would put the revenue bureau and p.f.h. transportation review boards and effective legislative roles for which they were not designed, four of the six peticab specific directives are problematic for this reason, this is on the ordinance that should be in front of you. D1 calls for the implementation of appropriate insurance requirements but does not specify what those requirements would be. D2 calls to determine the future driver safety and customer service training to be approved later. D3 calls to determine brake requirement if any again with no specific knowledge of how brakes work on a peticab. That's

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reflective of a fact that we haven't been consulted at any point very clearly. D4 calls to determine and approve safety inspection process but doesn't propose what a process should look like. This ordinance as it is written is not just blank check legislation, it is a blank checklist to be filled in later by organizations that have previously not engaged us in any manner of transparent communication. Our companies have the expertise to help you correct the ambiguities of this proposal and we look forward to working hand in hand with you to create -- help create legislation that works that will ensure maximum public safety while also supporting the ability of our business to thrive. So please vote no on this ordinance as it is written next week so we can continue this process together. Thank you. [applause]

Leonard: We're not going to do that. We don't have outbursts in council chambers. Unless it's one of us. [laughter] next three, please.

Leonard: You each have two minutes.

Sara Gally: Ladies and gentlemen, my name is sara gally, I am a driver with cascadia cabs. I want to thank you for your time today. I'd like to take this moment to talk about some ideas that we have about implementing new pedicab regulations. We're obviously concerned about all the auto centric language contained in the ordinance. Because we are human powered vehicles, our safety concerns differ greatly than those of automobiles. For example, we cannot break the speed limit. We do not have combustion fed motors, and we do not generate carbon monoxide emissions. As cyclists providing a service to the public, our company training is tailored to bike specific safety. We have to be equipped with bike specific clothing and gear, and we need mechanics who have bike specific skills. We also need a bike specific ordinance to regulate peticabs ensuring safe practices and good business. I would like to ask the council on behalf of the peticabs drivers to take us out of the current private for-hire regulation and create a task force of people who are willing to learn what it takes to be a safe and efficient peticabs driver, who will teach them only the most experienced and well versed and peticab operations in safety, us the peticabdrivers. Not only are we willing to work closely with said task force to create clear and concise safety regulations, we would also find it greatly beneficial to have representation within the board of revenue with peticab drivers standing committee, which we have already composed and a peticab driver representing us on the private for-hire transportation review board. We're very grateful for our position as peticab drivers and the opportunity to participate in the formation of a bike friendly transportation ordinance. It will support the vitality our livelihoods and the health of our community and I look forward to continuing this conversation with you.

Leonard: Thank you very much.

Ryan Hashagen: My name is ryan hashagen. I own and operate Portland cascadia peticabs. We operate currently 35 insured peticabs in the city of Portland. Our shop is at 345 northwest everett street in the heart of Chinatown. Thank you for the opportunity to make public comment on this revised code that will affect my livelihood and the livelihood of many other peticab drivers. I personally want safety standards, and accountability between the city, the peticab companies, and peticab drivers. I personally know the serious responsibility a peticab driver must possess while operating in vehicular traffic. Unfortunately, this ordinance and revised code are unfinished, incomplete documents. Peticabs have been included at the last minute -- as last-minute legislation. The key peticab stakeholders were invited to speak with revenue at the 11th hour. This crucial first and only direct meeting that we have had with revenue as peticab stakeholders only occurred yesterday after this code has been put before council. As a result, this code is truly uninformed and contradictory in its regards to peticabs. You heard about the contradictions between the l.p.t. definition and the definition of peticabs. This code treats peticabs as automobiles and lumps us in the same categories as town cars, limousines, shuttles and s.a.t.'s. This definition and others within this code compose this confusing contradictory code that sits in front of you. I would like to propose that this issue can be easily dealt with. We establish a task force of peticab stakeholders

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and develop a peticab-specific code. We have different needs than automobiles. We need transcend auto centric transportation policy. In closing I'd like to say that we are extremely open to building a relationship with the city. We have a great relationship with the police bureau and transportation bureau. Also, we think of this as an opportunity to craft code that will be precedent. We have headquartered our business in Portland because of the pedestrian infrastructure that the city of Portland has created. Our business thrives because of the infrastructure and policies in place. Thank you. We look forward to working with the city of Portland.

Leonard: Thank you.

Raye Miles: Good afternoon, i'm raye miles with broadway cab and sassy cab companies. I do want to compliment city staff. This has been a challenging process. We have sort of started it and aborted it many times over the last years. And as always the case, it seems like we'll meet for months and months and then at the 11th hour other interested parties and stakeholders come into the process. And I think this has been a particularly true this time, because they are regulating two new industries in the peticabs in the limousines. But I believe the city was responsive to concerns, and has done everything they can to be inclusive. So I think the end product is good, I don't think it's perfect, certainly. I went through and have disagreed with segments of it and did not get my way. I think specifically with the town car companies is an ongoing concern. They continue to poach taxi fares out of downtown. The fact of the matter is, if you walk out of the airport and they have signage there that educates travelers on town cars and taxi and what their fares are. At the airport people travelers choose taxis over town cars 35-1. If you stand outside a hotel, you'll see almost the exact opposite is true there. So I support anything that would allow for more penalties to those companies that routinely and habitually violate, including impounding the vehicle or booting the vehicle or something. I also support the idea that the employees involved in this should be penalized. These employees are violating city regulations for personal gain. And it wouldn't be tolerated in any other format I don't think. So it is a little ironic that we always end up talking about business travelers and these hotels, airport fares, and stuff when really at the heart of this regulation is public safety. And it is protecting not those trips, but grocery trips and medical trips and these other things that never quite even make it on to this table for discussion. Thank you.

Leonard: Thank you very much.

Saltzman: I have a question for is it ryan?

Hashagen: Yes.

Saltzman: Your concerns, i'm asking you to speak on behalf of the peticabs, your concerns aren't about the money, the cost for a permit, these concerns transcend that simple fact.

Hashagen: For sure. Our concerns mostly definitions, the language of the document, and the lack of consultation that occurred in crafting this document.

Saltzman: Thanks.

Hashagen: Thank you mr. Saltzman.

Gordon Ross: Hi I'm gordon ross, I represent english classic limousine. A limousine service here in portland. I've been in the industry 16 years here in Portland and owner of the company for 10. I oppose the regulation as it's written now. I think it's flawed. Certain industries have not been included in the process until the last 60 days is when some companies were notified. There are still companies out there that have not been notified. This is definitely a state or regional issue versus a city issue. Everybody needs to be on the same page within the state of Oregon for the safety in our vehicles. Not just the city of Portland vehicles. We don't have any representation on this board. We have been allowed to come to some work sessions in the last 60 days, but we don't have any representation on the board as far as limousines are concerned. The board has made it clear they've separated out town cars, taxi, and limousines, but we don't have representation yet. There's a demand study that is supposed to be coming across. From the fact we've heard so far, limousine companies aren't even being discussed in that. No one has contacted the individual limousine

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companies to discuss this demand study, which this ordinance is based around. So I don't think it's accurate. It's based on assumptions, not facts. That's pretty much all I have to say.

Leonard: Thank you.

Carl Johnson: Carl Johnson, the owner of Interstate Limousine. A Washington-based company. We do business in Vancouver, Hillsboro, anywhere probably within a 50-mile radius outside the city of Portland. We haven't -- there's not a Washington company that has an airport permit or a proxy card, so I'm just kind of confused on why the city of Portland all of a sudden would want to include us in their limousine proposal and regulate us. We have our own health and welfare inspections as you have it, and I think the safety is a big issue like Gordon brought up, but it's not just about having safe limousines in the city of Portland. There's Gresham, Beaverton, Hillsboro, and if this were done at a state level, I've talked to Mr. Dufay a few times, he's from New York City and we can't really pattern Portland after New York City. Somewhere in between New York City and Bozeman, Montana. Some of the cities they've done their studies from, Memphis, Tennessee, Charlotte, North Carolina, and Denver, those would be cities to look at that we're geographically similar to Portland. As far as representation, we had a speaker talk about how he was part of the limousine association. He had no affiliation with limousines. Limousines don't even really affiliate with hotels because the size of a trunk on a limousine is the same size of that of a town car. So you wouldn't really pick up eight people from a hotel with 16 pieces of luggage in a limousine. There would be no room for the luggage. Most of our business in the Portland is taking people to and from dinner and to sporting events. It's just a misconception of what limousines really are. There's parking permits for emergency vehicles, taxicabs, there's no places for buses, and the whole thing is let's just pass and it we'll figure it out later. And what we would like to have done is have all the I's dotted and t's crossed and come back with a finished product. This isn't about rewarding anybody for their labor, this is about doing it right.

Leonard: Thank you.

Eric Newland: My name is Eric. I run a wedding video company called Hybrid Moon, and in the process I have purchased a 1947 Rolls Royce silver Wraith to take photos with the couple. Provide destination from maybe St. Mary's Cathedral to the Hilton. It's an awkward situation I'm in to be wrapped up with this group of the private-for-hire. Primarily I find that because I have no representation on the board. If you look at the number of classic cars in Portland that provide this service, you could probably put them on your hand. There's probably five cars that provide classic Bentleys, classic Rolls Royce. There's some issues within the writing of the code that need to -- I would say need to separate it or, when you go to the state of Oregon with your classic vehicle, there are some exemptions. I would like to see some exemptions within the code right now, because right now it would be a burden for a small company like me with one vehicle to -- with the taxes if they're asking for me to pull. I just wish if you're going to vote on this, that you look at it complete code write and I think it may be very premature right now to move forward with that. One other last thing, my classic car has very low miles. My typical round trip is like five to six miles within the Portland metro area. So it's not really used that often. And if you could do something where it's like based upon mileage or something like that, but it's not like these stretch limousines that are out for proms and this and that. My vehicle is primarily a photo opportunity for a couple for their wedding day.

Fritz: Your concern is mostly with the fees?

Newland: Fees, number one, and number two, just a definition, what is a classic vehicle. Why am I being with this old classic car being roped in with a limousine? I mean it's a totally different service.

Fritz: You would have an appointment for the couple to take them to the Hilton and pick them up, that part wouldn't affect you.

Newland: I get booked six months to a year in advance.

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Fritz: Ok, I understand. Thank you.

Leonard: Ok. Karla.

Erik Benson: My names erik benson, I'm the owner of in style limousine. This proposed document that's been brought to you is riddled with -- from peticabs, town cars, limousines, would not -- with not very much clarification. I've talked with Dufay. I've talked with many people. A limousine really needs to be categorized separately from a town car to get some clarity in this. A limousine also needs to be clarified because I talked to a few of the board members afterwards, about this driver safety, 90% of my vehicles are above 14 passengers, and they say, you're exempt from that. My vehicles -- I have a vehicle, a limousine -- what the public would see as a limousine, because it's a stretch hummer, it holds up to 25 people, i'm required by the state fair Oregon to have a commercial driver's license to drive that. And I said, your driver safety, that's just free money because what you're saying is d.m.v. didn't do their job. He said, we're not worried about the cars that are c.d.l. regulated, but city of Portland, as i'm driving downtown, to the general layman, they appear as a limousine. This whole thing really is riddled with confusion, on what is what. Limousine and town cars have been lumped together and every other sentence in the thing, and there is a huge difference. We are not a point-to-point service. We're an hourly rate. We rent a limousine, sometimes we don't even go into downtown and they're saying if we drop off we can't pick up. The clarification is totally different. I'd like to see it written with a lot more clarity so there's a lot more understanding on what you're voting on. You're voting on an incomplete document, and I want to make sure it's clear. We aren't being hassled for vehicles that are out of the description, but to the general person it is in the description. I want tests done -- I would like to see not test done, town car versus limousine. It is kind of lumped together and they aren't on the same page. So we're voting on something we're really uneducated on as a general board. And I would like to see that -- some clarification. So we all know what we're here for.

Leonard: Thank you.

Benson: Thank you.

Fish: One question if I could mr. president. On the stretch vehicles that you have which I don't know whether it's your company or others, with high school students seem to be popular for prom events and other things. The ones that have a sunroof, so the people can stand, are there currently rules either state -- .

Benson: The police enforce it. I know my company we enforce is all limousines have a control board, and we -- especially proms, but we have ours locked down or the breaker pulled where you can't open the sunroof. We have another one in the extra long ones that are c.d.l., they're built to bus safety standards. There's what appears to be sawn roof but it's an emergency safety exit, in case something happens. But yes, the police say it's illegal, my company, we take away the power to open it.

Leonard: Great. Thank you.

Patrick Martin: Patrick martin, chariot limousine. I've owned and operated my limousine company for 11 years now. First of all i'd like to commend the board for a job that they've done. I am not against regulation. I would just -- I just feel that before council considers it, it should be a completed again to voice someone -- reiterate someone else's opinion. I's should be dotted and the t's should be crossed. And I think there's a lot of open end issues that need to be addressed. There are some renegade companies in the industry, but those are slim, just like any industry, you're going to have your bad apples, so to speak. I believe most of us operate with the highest of integrity being a limousine company that's what the customer expects. And we should not be lumped together with the taxicabs the peticabs and the town car service. I also wish to see that we would have some representation on the board that's going to be developing code for the industry if we are going to be regulated. At this point and time to my knowledge, we have no representation from the limousine operator. That's basically what I have to say.

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Leonard: Thank you.

Fritz: Could you just tell me, give me an example of the I's that need dotting and the t's that's need crossing?

Martin: We've heard somebody from Washington say that they're from Washington, why should they have to be governed by the city of Portland. I'm from Oregon city-canby area. I don't do a lot -- some of my businesses isn't in portland, why should I -- that's just one instance. How are they going to implement this? Again, I'd like to have some say, at least have someone in our industry on the board represent our industry.

Fritz: Thanks. There is a designated person from the limousine industry.

Martin: I realize that, but I don't believe he owns limousines. So that's a concern of mine.

Fritz: That's clearer. Thank you.

Ron McClintock: Ron mcclintock, northwest limousine. I actually see both sides of this as far as, I do town car service as well as limousine service, so i'm partially involved in the code already. One of the things i'm concerned about is that, and I agree with safety and the way we do it, what are we going to do to make that happen? All that stuff. I think there's an underlying issue here that doesn't -- it started to come to the surface a little bit. I think it's like most things in america, it's driven by money. We talk about cab companies, and sedan companies, ray miles came up here and spoke and said that the cab gets 35 jobs to one at the airport. I look at that and think ok, that's a fair number. That's probably right. And then the gripe is that somebody in a town car is actually doing a job in Portland, and a hotel, and they're upset that somebody is there doing that. I realize there should be regulations. My concern is that we've got limousines, cabs, town cars, peticabs. Four different operations. I can tell you that there's two sides to my business. And the one should be regulated and I don't believe the other ones should. Except safety, I believe that's the right way to go. There's so much underlying stuff going on here, I really think that it needs to be separated. And if you have to write four drafts, you have to write four drafts. I guess that's the -- what i'm driving at.

Leonard: Thank you.

Fritz: Which side of your business don't you think should be regulated?

McClintock: I think right now it's really unclear on the limousines what -- were they -- where they actually fit into that.

Fritz: So you don't think that limousines should be regulated?

McClintock: There's really no place for to us park downtown. Quite honestly, our limousines, if they drop off downtown they go somewhere else to park. Because there's no place to put them. That understandable, that's part of our business. We understand that part of it. But, we're being regulated by the same thing. I wouldn't want to classify myself, my limousine with my town cars and with a peticab. They do something totally that is not even in my market. Nothing to do with my market, at all.

Leonard: Thank you. Next three.

Jeanne Reitz: Good afternoon, my name is Jeanne reitz -- i'm with green cab and shuttle. For the last seven months, myself and another member tesavy alamay have been part of this process. It has been a long and arduous process, but we think it has gone very well. And I would basically like to say that we echo radio and broadway's sentiments and believe this should go forward. Thank you.

Leonard: Thank you.

Michael James: Michael james, i'm with custom limousines in Washington. Can anybody on the council tell me how many charter parking spaces there are in Portland? Nobody can tell me?

Leonard: You give testimony, we listen.

James: I've been trying to find out, i've been working with tri-met on it. There are places in Portland for charter buses to park. I have a charter bus. I don't fall under the category of the limousines. Because I don't have limousines, I have charter buses. I don't fall under the category of

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sedans or the other -- anything else on this list, so I have a concern that if you pass this, everyone looks at my vehicle as a limousine, because it's an h2 hummer, and everyone thinks, it's a limo. But it's not. I have a federal motor carrier safety association sticker on mine, it's monitored by the feds, they do a safety report on it, they do a safety inspection go through all my paperwork every year. And I won't be able to come into Portland and say, ok, I need a place to park and I have to park with the limousines. I'm not going to get a tag for limousine because i'm not one. I can't get a tag as it is because i'm in Washington. I do have a way for them to search -- do some searching on the safety part so that they can maybe work with us on -- from Washington to come into the city of Portland, but I still haven't got an answer on how we're going to be able to come into the city of Portland and do business without being able to get a permit, because we don't qualify. How am I supposed to be able to pick anybody up or drop anybody off if I can't get a tag from the city of Portland?

Leonard: Thank you.

Jonathan Magnus: My name is johnathan magnus, I own p.d.x. Peticab we operate in downtown portland. We've been around for about three years now. We're the longest running fleet of peticabs operating in Portland. We've been operating the whole time without any rules or anything to govern our action. Casey martell operates rose petal peticabs which has been operating longer than us with an individual cab for a good five years longer. I think sue and her team have done a great job in putting together legislation that is long due. I think we need safety restrictions on peticabs in Portland. Granted, there's a lot of work to be done on what's there. They've been very willing to work with us. I look forward to having it go through. That's all I have to say.

Leonard: Thank you.

Fish: Would you like to introduce the two v.i.p.s you brought with you?

Magnus: This is my counsel. My attorneys. [laughter]

Fish: The youngest knitter i've ever seen, actually.

Fritz: Very well behaved, congratulations.

Fish: Thank you. Welcome to city hall.

Leonard: The next three karla please. Welcome you each have two minutes. Please you're your first and last names.

Thomas Bernal: My name is Thomas bernal. I just have a brief statement. The this you're supposed to vote on today. It says the purpose of the legislation is to better reflect the industry. However, and i'm not sure it's been made totally clear, we as peticabers have not been represented on either the transportation board of review, or standing committees either as owners or drivers, nor have we been invited to any work sessions. So we have been totally excluded from all process points in this law. That's all I have to say.

Leonard: Thank you.

Fish: Just to clarify we're not actually voting today. We're keeping -- taking testimony and then it kicks over to another hearing.

Bernal: Ok.

Alexa Soles: I'm here for support -- i'm alexa soles. I am peticaber for cascadia cabs. I've been doing it for about a year, and I know what safety is, and I definitely agree that safety regulation is a must. And basically just want to support that and definitely want to reiterate that we want a part in it, and that we want to know what's going on, basically, before any rules are set.

Leonard: Thank you.

Vyacheslav Karkhy: Vyacheslav Karkhy. Portland taxicab company owner. I just want to say thank you for giving me a chance. The rules are the rules. The code is the must. It's not perfect, it is the best we've got so far. In the world the taxi industry is the core of the city the world -- let's not change Portland to another industry. Taxi industry is the taxi industry anywhere in the world.

Thank you.

Leonard: Thank you.

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*****: I'd like to ask, i'm representing --

Leonard: Can I have you hold on? Mr. palmer gets seated. Its good to see you mr. palmer.

*****: Thank you.

Leonard: So welcome. When you get your turn, first and last name, have you two minutes.

*****: I'm representing four different companies. I'd like to ask for three minutes, please. If I could.

Leonard: You have two.

Chris Casteel: Chris casteel. Thank you. I represent the four largest companies that have a combined 112 years of experience and constitute 85% of the market. The owners of these companies are competitors, however they do combine their efforts when necessary, now is such a time. Many limousine service operators believe that since limousine service is a luxury, and unnecessary, use of it should be buyer beware. We do not agree. The revenue bureau and the city attorney are correct in their desire to create a safety certification for public transport requirements. It is our combined opinion that professional limousine services enhance the ability to sell Portland to convention planners and other out of town -- out of market entities. The city as a whole needs to be confident that only safety certified limousine companies operate in Portland. Throughout the current ordinance rewrite process, these four companies have given their insight using their unique perspective on this industry in this market. While all four company presidents are grateful for the diligence of revenue director sue klobertanz and most of our recommendations given have been included in the new code, a few of the most important recommendations have not. These include cap restrictions, enforcement, and market saturation factors. The new code contains the possibility of a cap on the number and type of vehicles our industry thinks it may need. Since our industry supplies desired but not needed transportation, we must be able to add any type of vehicle we see fit and in whatever numbers we feel we need. Should we be wrong in our additions, we are the only ones to stand to suffer financial. Our success or failure is at the whim of the public. Since any regulation depends on the enforcement for its success, this new code fails to even address this issue. While we support mandatory safety requirements for all of our vehicles and chauffeurs, we are concerned that an enforcement arm has not been established. Limousines operate primarily between the hours of 6:00 p.m. and 2:00 a.m. on friday and saturday nights. While most obvious enforcement arm would be the Portland police department, discussions over the years have shown no interest by that agency.

Leonard: You need to wrap up.

Casteel: The only other alternative for the revenue is to hire enforcement personnel which has not been addressed by this code, nor has it addressed the cost for adequate enforcement.

Leonard: Thank you.

Fritz: We'll be happy, if you send your testimony, we can read it before next week.

Casteel: We did turn it in to each one of the members. Mr. Saltzman has a comment.

Leonard: Mr. Palmer, it's good to see you. Welcome. You have two minutes.

Arthur J. Palmer: Thank you, sir. It's going to be hard to say what I need in two minutes, but I will try. Your honor and commissioner and mayor, I found rose city cab company 35 years ago. I've been their manager for 35 years. This new -- for five people to measure a city the size of Portland, you have a big job, a big responsibility. Even with your work and all the committees you set up to take care of work like this to rewrite this new code. It's hard, you can't see all the I's that's being dotted and the t's is not being crossed. And then you come and pick the people that do. This here is a copy, but you see what's on the top of this? City of Portland. I wonder sometimes, I don't wonder I know this, there's more than one way of skinning a cat. I wonder is this back to the old way of skinning a cat? That is, when the city put this out, they gave us a -- 30 days. That being done, that put us almost out of business. It did put us out of business other than the fact that there's nowhere else to go and have a job. I've asked the city council several times to increase the number

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of cabs we have so we could stay in business. I have only 19 cabs after 35 years. And that shows -- if this law here now -- get more permits -- the old way of skinning just might be skinned. So you got here that you raise this company to be the smallest in the town -- you raise the insurance -- we fought this to thicken a nail down at the board level. Do not raise this insurance to a million, leave it at 500,000. But they did anyway. So I told executive secretary Pat who never missed but one meeting all the time that board been all these years to keep on top of these things so that I wouldn't have to come here with these things. But we have to come because you're the -- it's your responsibility you've got a big one. Running a city this size is a big responsibility. So what I'm saying, when you raise insurance from 500,000 to a million -- my insurance is \$38,000 a year but I only have 19 cabs. Cause I couldn't get my numbers increased over the years. The last mayor that sat here company started not need at least 9 cabs to operate. I still only got half that many. So with that being done, I oppose raising this amount here from 500,000 to a million. Without giving us more permission -- even that won't hardly do it. The next thing on here that you got in here in this code, a cab shouldn't come within 35 miles of the airport. Like I said these are being forced -- not by you everyday you can't do all these things whoever get these jobs and then the companies are really harassed. And with those two points I wish you to ask you to reconsider raising this from to 1 million dollars from 500,000 and then I'll come back again to ask for some more permits so maybe we can survive. The city has grown, expanded but we can't compete. Yet we need a job so what do we do my drivers and you've worked for these companies all these years they get the butt end of it. So those two things I ask you consider in this secretary she go from there. My time is up.

Leonard: You can tell there's a new boss that's arrived.

Adams: I wanted you to have ample time.

Palmer: Your honor and mayor.

Patricia Montgomery: My name is Patricia Montgomery. I've been involved in the transportation business in the city for 23 years working with Mr. Palmer, glad to have the opportunity to have done so and hope to continue to do so. One of my big concerns I've been fighting with on this code rewrite, which is really a necessity to rewrite itself, because the transportation business with the town cars bribing the hotels and stuff is out of hand. So something has to be done to clear it up. But displacing a smaller company's with some of these rewrites in this ordinance is not a good thing. The insurance being raised from 500 to a million dollars would put us 35% higher in insurance coverage. If you received a letter from the American Business Insurance Service, if you haven't received it, in their section they stated most municipalities require a hundred thousand per person, 300 per accident and a 50,000 in property damage coverage across the United States. Including Miami, Los Angeles, and New York City. 1 million in coverage is the highest in the nation. I know the code states that it doesn't want to displace competition, but by increasing these costs and fees and insurance costs, is surely to put the smaller companies out of business. I think the intent is to keep the competition, to keep the larger companies, and to try to compete with the smaller companies, not to put us out of business. Another issue is the airport part of the code where they want to restrict that you can't have over 65% of your fleet at the airport. It isn't the issue about 65%, the issue is about making demands to where you start telling cabs where they can operate. As he said in 1973, there was a thing put out to how many days you could spend on the stand. We don't want to set guidelines to where they start putting percents and telling us where we can and cannot operate.

Adams: Thank you for your testimony. Good afternoon. Welcome to the city council. Glad you're here. Who would like to go first?

Tim Kelsey: My name is Tim Kelsey, I'm associated with Rose City Cab Company. I want to reiterate that the 65% standard, if it was set as a guideline, as it's written, it would make it unfair and disproportionate for the smaller companies, cab companies, to compete unless the permits was proportionate, everyone had the same equal amount of permits then you would be able to compete

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fairly. For instance, at a standard of 45%, on 20, if you -- if you per se had 20 permits, that would be 13 cabs that you were able to delegate to serve the airport. And at that rate would you make basically \$1400 or more a month. I mean a day. However, the larger cab companies with 100 permits wouldn't be able to have 65 cabs at any given time, which they would be able to make in excess of 22,000 -- \$22,750 per day, which would significantly increase the gap as it pertains to competing. I don't think that type regulation should be set. It would not allow fair and equitable competition amongst the cabdrivers themselves. If that's what they need in order to help survive. So again, I reiterate safety regulations and public safety is of the utmost standards, all of us agree on that. But to put percentages and -- in regards to who and how you can serve and where you can serve would put your smaller companies, medium size companies at a significant disadvantage.

Adams: Thank you for your testimony, sir.

Tuan J. Junkeer: Thank you. My name is tuan junkeer I've been shuttle owner and operator for Portland city of Portland and port of Portland for last 16 years. As a matter of fact, one of the second oldest shuttle company in Portland. I am very concerned about the safety, and I support the city group who organized this safety concern and all the code writing, I really support it. But I have only one question. Right now we have about 35 shuttle companies, and with vehicle of 50, 60 vehicles, and in this program nobody representing any shuttle industry, which is obviously pretty sad. About 10 years ago we sit down here, mr. Randy Leonard was here and vera katz was there, we -- I was sitting down here and I was talking to the same way, and -- but -- so I support this code writing, the code writing is my feeling is -- my way of understanding is incompleated. Which is for example, and you can take paragraph number five, page number 5, it says shuttle transportation, mean transportation provided in the vehicle or will fix route and time schedule, that's not -- only exists to one company. So what we like to do, if that's so they could explain, I think we have -- we would like to work with you in more years to come.

Adams: Thank you for your testimony, both of you. Part reason this issue hasn't had any major update is that it's very complex, and there are lots of different stakeholders who feel very passionately. And moving forward with any change, either as perceived as or as in reality, goes one ox and sustains another. I think we'll move through this over the next two additional council sessions. So if staff could come forward and collect questions from council or concerns, or ideas, and then we will return next week.

Leonard: So if we could as part of that amend this in so that was the document people were reacting to.

Adams: I think so it's been moved. Would you like to move it again.

Leonard: I move it.

Adams: And is there a second?

Fish: I'm going to second it just -- I'm going to have a conversation with my colleague and friend. So you'd like us to adopt this so we have a complete matter before us but we'd be doing so without respect whether it be subsequently amended based on other information we've received?

Adams: There might be additional amendments beyond this yes.

Fish: Ok. Second.

Saltzman: I guess --

Adams: It's been moved and seconded discussion on council about this proposed amendment? Commissioner Saltzman?

Saltzman: I guess I have a concern or maybe I want to know what the rationale is for you know I get fining a hotel \$500 I guess what I don't get is if town cars are going to demonstrate to the administrator that they have a contract with the hotel their charging the minimum fee why do we need to charge them an on demand license fee every year of \$2,500 for the first vehicle and 1,000 for each additional vehicle.

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Leonard: I think that's something that was added by the bureau of licenses. My amendment is actually g.

Adams: So the rationale for the 2,500 --

Saltzman: Oh, it's g?

Leonard: Yeah. I think it was a convenient vehicle for which -- [laughter]

Adams: Your thoughts on adding those exceptions.

Saltzman: A notarized contract with the hotel a minimum fare of \$50. All of that's got to be recorded with us. Why -- it sounds like a lot of money?

Klobertanz: It's administration.

Saltzman: They're giving you all the paperwork. Their showing you a notarized contract that seems to make administration easier, not harder.

Klobertanz: Well follow-up though is -- the theory is that they're picking people up on demand. We get complaints, we have to follow up and so there's extra staff work involved there. Plus reviewing the contract and negotiating it between the hotels and the town car company. So it's just the cost of doing business. Plus --

Saltzman: It seems a little higher -- you know --

Klobertanz: It is higher. In an effort if you remember, we started with taxi regulations and we require taxis to provide service 24/7 throughout the entire city. In return for that, the council in the past has decided that town cars had to have a 60-minute reservation. You're basically giving up that reservation. So in part, these amounts are intended to be barriers to the contract-type situation.

Fish: Can I make a --

Saltzman: We don't want the contracts?

Klobertanz: It has a negative impact on the taxi's ability to obtain the more lucrative rides, if you will, to the airport.

Leonard: If I can address that. That's the first time I heard that. It makes sense to me after overseeing this program. This is an extremely -- would appear on its face to be a complicated area. Unless you're actually working with the folks on the street, and the issue that sue is trying to get at and is doing an outstanding job doing, is to make it clear the taxis behave as taxis and town cars as town cars as they're designed to do. And the effort has been by the town car operators, some of them, not all of them, in collusion with the hotels, because they can provide a cheaper service is to have like this money under the table scheme wherein some of the town car drivers will pay some of the hotel folks to call them instead of a cab driver. So the problem is you have cab companies and drivers who are exceedingly regulated and have a lot of limitations on them that are having their business taken from basically an unregulated industry.

Saltzman: I get all that.

Leonard: But that's what she's getting at with all these fees.

Saltzman: It seems like we're creating a new avenue but yeah were really saying we really don't want anybody --

Klobertanz: Currently there is in the existing --

Adams: I think you're trying to strike a balance, right?

Klobertanz: Yes.

Adams: So we can revisit the amount in the future related to the amendment, but is there additional discussion?

Fish: I'm prepared to vote for this amendment so we have an integrated document that we're going to be debating over the next

Adams: I am too.

Fritz: I have a question.

Adams: About the amendment?

Fritz: Yes.

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Adams: Ok. And then I'd like to go to a vote.

Fritz: We didn't hear any testimony on the \$2,500 and the \$1,000, was that -- is that new, has everybody seen that?

Klobertanz: That's new with the amendment. As is the g part down below. So no, the board had received this amendment. Beyond that it had not been distributed prior to today.

Fritz: So I'm a little concerned we didn't call that out at the same time that we had the \$500 discussion so people didn't know they had the opportunity to testify on that.

Adams: That's part of the reason we're going to have two more hearings on this. We'll have another hearing and take testimony next week before we move to a second reading. So were going to have two first hearings. Because this is so complex and we're trying to learn like you are.

Leonard: So we'll reprint the proposal with this amendment so people have it.

Adams: All right. Karla would you please call the roll on the amendment.

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

Fritz: I don't know whether i'm going to support it in the end, but yes, I agree this is what we have on the table. Aye.

Adams: Good amendment. Aye. Amendment is approved. Now lets try to get out starting to my left questions, comments, concerns, ideas? We'll work our way down the dais.

Fish: Sue, I have a bunch of questions.

Klobertanz: Ok.

Fish: And my understanding is we're going to put the questions on the record and get responses later. I would prefer that if possible.

Klobertanz: All right.

Fish: And since i'm not an expert in this area, the questions may not be artfully framed but we can always follow up with you. Could I get a copy of what you described as attachment a, that's in our book. Could I get it in red line format so I can see what's changed from the original?

Klobertanz: From the current code?

Fish: Correct.

Klobertanz: That does not exist because it would just be totally red lined. Everything in the current code would be red lined and we started over.

Fish: So is there a little cheat sheet you've put together that has the highlights of the significant changes?

Adams: We'll get it to you.

*****: [inaudible]

Fish: One of the reasons i'm asking, for example, on page 6 of attachment a, it lists the composition of the board and we've had some testimony from people saying they're not either a member of the board or haven't been and yet this seems to be an exhaustive list of everyone who's testified. So I'd like to know who not currently on the board who we've heard from and who is being added. I would say just the highlights. There's probably lots of technical changes we're less concerned about but really the substantive things and procedural things, if we could. I'm particularly interested on the pedicab side, of your thoughts on some of the -- what has been described to us as inconsistencies or definitional pieces that don't quite fit and I think one of the people testified talked about 16.40.080 and 090 where it doesn't quite jive with a people-powered vehicle and what the consequences of that is. If you can just inform us on that. I think her name is alexa, I have to just say I actually was once in your pedicab with a friend of mine.

*****: Yeah.

Fish: You weren't so happy at the time because we had to go up a steep hill. In fact we went up most of burnside. I just was marveling at how you navigated and how fit you are. So the tip might have reflected that. Anyway, the limo versus town car issue, could I just get a little primer on what some of the key distinctions are? Just at probably a fairly basic level. There was some talk of

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charter buses and how they do or do not fit in. I would appreciate clarification on that. And also whether it matters that people have a place to park downtown to provide the service. That came up in two different contexts and i'm curious how that fits into this regulatory system. Mr. Palmer raised the question of the insurance. I'd be interested in understanding more why we're proposing to go to a million and where that puts us with whatever comparators you have, other jurisdictions. And I want to come to frank dufay's defense. I don't always agree with his postings online. But I certainly will not hold against him that he, like I, am a transplant from new york. I got your back on that one, frank. So there may be more, and my colleagues probably picked up on some of the more subtle things from the testimony, but I appreciate the testimony very much. I think we've learned a lot and I am glad we're going to do this in a three-phase process so we'll have a chance to get some feedback from you and then consider other amendments. But I would be remiss if I didn't compliment you and your team for a really excellent presentation.

Adams: Commissioner Saltzman.

Saltzman: Well I guess there was a lot of testimony about having representation on the private for hire board and I see -- commissioner Fish brought it up, I looked at it so there is proposed representation for limousines and pedicabs?

Klobertanz: Correct.

Saltzman: Ok, good. I was interested in the issues raised about possibly removing code violators and again I'm not, I'd just like to know more about that option. Also, the classic car exemption, maybe, perhaps based on mileage or something. It seems like if it's a single classic car type, for weddings or bar mitzvahs, whatever, that's not really what were intending to bring into regulation, unless i'm wrong. I was also interested in the insurance issue of 500,000 to a million, if we're really a lot higher than other cities on that. And I thought I heard mr. Palmer say there's a current proposal, no cabs within a mile of the airport?

Klobertanz: That's not exactly the proposal, but there's a proposed limit on the percentage of your cab company that could be at the airport.

Saltzman: I'd like to get more information on the percentage. I think that's what I really after. I think that's -- that pretty much covers it.

Klobertanz: Ok.

Adams: Commissioner Fritz. Your mic is on.

Fritz: I note we did have people testifying from the limousine industry saying they had been involved in this process and I recognize it's difficult. You don't really represent an industry, you don't have a mechanism to let everybody know, neither the city nor the folks on the committee, so I just want to recognize that. I'm impressed with the testimony today that everybody respects the process. Seven months is really a fast process for city government and this much consensus after seven months is truly a testament to your team and the good input everybody's given and i'm glad we're doing this ongoing process. There was a question about not requiring a motorist license for pedicabs and saw in the code that there's an opportunity for a government-issued photo i.d. wondering whether there's other options, maybe connected with the training that could apply to pedicabs. The question was raised about out-of-town owners and how folks coming in from vancouver or canby should or shouldn't be affected. And I think my colleagues got most of them. The issues that chris casteel raised about the cab restriction and enforcement and i'm interested in the enforcement of the 65% of the fleet at airport and how it would be counted. I think -- a good point was made that it's not fair to the smaller companies where 65% might be one or two cars. And then the insurance question also i'm interested in. Thank you.

Adams: Commissioner Leonard.

Leonard: The only thing I would observe is on the issue of whether a pedicab operator should have a license or not, there's a distinction in my mind between whether you've never had a license and having had a license and had it removed and I would not want to have citizens or

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visitors in a pedicab with someone who had their license removed. So i'm not as persuaded with the argument they shouldn't have licenses. Just to balance that. Having said that, I -- I will go out on a limb and say nobody here more than I appreciates the complexity of this subject area. I was trying to think of how to describe it in terms such as the wild west came to mind, entrepreneurs and if you look up in the dictionary for entrepreneurs, if there isn't a picture of a cab driver or a limousine driver there should be. It was a fascinating assignment when I had it. I had everything from the experience from going to a funeral for a cab driver who was murdered in a robbery, to really some of the meetings with the cab drivers that were just fascinating for me. I enjoyed it very much. So I actually became quite very taken with the industry. And felt very much like the cab drivers work a lot for very little, against sometimes impossible circumstances which you're in the middle of trying to straighten out and I get that and I appreciate it. Other than my comment about the driver's license, i'm going to defer to your good judgment and knowing what you're trying to balance and appreciate very much your work.

Adams: All right. So, sue and shane and the team will be available after this hearing. If there are other questions that some of you have that we didn't mention up here that you think would be worth researching, they'll be able to take -- collect your questions after this hearing. Do you need more than a week? Or is a week enough time?

Klobertanz: I think a week is enough time. We have the material. If I can just clarify will this issue be on the afternoon agenda or just bring it back on the regular agenda?

Moore: You're gone next week, mayor.

Adams: Right.

Leonard: Can we have the discussion so we can vote on it?

Adams: Yes. Do you have a time certain?

Moore: A 10:00 a.m. available.

Adams: A week from today, same council chambers, same building.

Saltzman: You're going to get this amendment out?

Klobertanz: We'll -- we will -- we'll incorporate that amendment into the new ordinance, the proposed ordinance. We'll also distribute that amendment to our 175 people we have on our contact list.

Adams: Great. All right. Council is adjourned for the week. [gavel pounded]

At 3:46 p.m., Council adjourned.