



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **13TH DAY OF MAY, 2009** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Leonard, Presiding; Commissioners, Fish, Saltzman, and Fritz, 4.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Ron Willis, Sergeant at Arms.

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

	Disposition:
COMMUNICATIONS	
582 Request of Lisa/Lee Iacuzzi to address Council regarding demanding an investigation (Communication)	PLACED ON FILE
583 Request of P.J. Mulcahy to address Council regarding the Mayor (Communication)	PLACED ON FILE
584 Request of Joey Spina to address Council regarding supplying clean drinking water (Communication)	PLACED ON FILE
585 Request of WW Terry to address Council regarding bicycles and skateboards (Communication)	PLACED ON FILE
TIME CERTAINS	

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<p>586 TIME CERTAIN: 10:00 AM – Update and revise the Private For-Hire Transportation Regulations to better reflect the industry and the regulatory role of the City (Previous Agenda 578; Ordinance introduced by Mayor Adams; replace Code Chapter 16.40)</p> <p>Motion to amend Exhibit A, 16.40.410 A(2) vehicle insurance requirements to change coverage amount to \$500,000: Moved by Commissioner Fish and seconded by Commissioner Leonard. (Y-4)</p> <p>Motion to amend Exhibit A 16.40.460 D (4) “on demand” contracts and fees associated with them to be \$1,000 for the first vehicle and \$250 for each additional vehicle: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-1; N-3, Fritz, Fish and Leonard) Motion Failed.</p> <p>Motion to amend Ordinance directive d. to establish an ad hoc committee to include certain representatives: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-4)</p>	<p align="center">PASSED TO SECOND READING AS AMENDED MAY 20, 2009 AT 9:30 A.M.</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p> <p align="center">Mayor Sam Adams</p>	
<p>587 Appoint David Horstkotte, Kent Moulton, Larry Walter to the Floating Structures Board of Appeal for a 3-year term to expire May 12, 2012 (Report) (Y-4)</p>	<p align="center">CONFIRMED</p>
<p>588 Appoint David Sweet and Julie Greb and re-appoint Susan Pearce, Kerrie Standlee and Vance Yoakum to the Noise Review Board (Report) (Y-4)</p>	<p align="center">CONFIRMED</p>
<p align="center">Bureau of Transportation</p>	
<p>589 Set a hearing date, 9:30 a.m. Wednesday, June 10, 2009, to vacate a portion of SE 133rd Pl north of SE Ramona St (Report; VAC-10061) (Y-4)</p>	<p align="center">ACCEPTED</p>
<p>*590 Grant revocable permit to Ellington Leather to close NW 24th Ave between NW Raleigh St and NW Quimby St from 5:00 p.m. until 9:00 p.m. on May 28, 2009 (Ordinance) (Y-4)</p>	<p align="center">182765</p>
<p>*591 Revise Ordinance to include indemnification to the Port of Portland in Permit and Right of Entry and Deed for Right-of-Way Purposes in connection with the NE 92nd Drive Local Improvement District Project (Ordinance; amend Ordinance No. 182160; C-10020) (Y-4)</p>	<p align="center">182766</p>
<p>592 Authorize an Intergovernmental Agreement with the Oregon Department of Transportation to alter four highway-railroad crossings located at SE 8th, NE 138th, NE 148th and NE 158th Aves (Ordinance)</p>	<p align="center">PASSED TO SECOND READING MAY 20, 2009 AT 9:30 A.M.</p>

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<p>593 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 (Second Reading Agenda 554) (Y-4)</p>	<p align="center">182767</p>
<p align="center">Office of City Attorney</p>	
<p>*594 Amend Legal Services Agreement with Cascadia Law Group for outside counsel (Ordinance; amend Contract No. 34620) (Y-4)</p>	<p align="center">182768</p>
<p align="center">Office of Management and Finance – Business Operations</p>	
<p>*595 Pay claim of John M. Carulli (Ordinance) (Y-4)</p>	<p align="center">182769</p>
<p align="center">Office of Management and Finance – Financial Services</p>	
<p>596 Statement of Cash and Investments March 01, 2009 through March 31, 2009 (Report; Treasurer) (Y-4)</p>	<p align="center">PLACED ON FILE</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>*597 Create a new Nonrepresented premium pay assignment of Assistant Fire Marshal and salary range (Ordinance) (Y-4)</p>	<p align="center">182770</p>
<p align="center">Office of Management and Finance – Purchases</p>	
<p>598 Authorize procurement of Simplot NSF Grade Ammonium Hydroxide to disinfect drinking water per Section 5.33 of City code in the amount of \$1,000,000 (Purchasing Report - Bid No. 110191) (Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p>*599 Amend contract with Bergent Corporation for a five-year extension of software system support and maintenance for \$37,500 for the Bureau of Emergency Communications (Ordinance; amend Contract No. 40962) (Y-4)</p>	<p align="center">182782</p>
<p>*600 Authorize an Intergovernmental Agreement with the Port of Portland for a revocable permit at the Council Crest Communications Facility (Ordinance) (Y-4)</p>	<p align="center">182771</p>
<p>*601 Amend contract with S. Brooks and Associates for temporary recreation services for \$1,700,000 for the period June 1, 2009–June 30, 2010 (Ordinance; amend Contract No. 40828) (Y-4)</p>	<p align="center">182772</p>
<p align="center">Commissioner Nick Fish Position No. 2</p> <p align="center">Bureau of Housing and Community Development</p>	

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<p>*602 Adopt and authorize submission of the Action Plan 2009-10 application to the U.S. Department of Housing and Urban Development for grants under the Community Development Block Grant, HOME Investment Partnership, Emergency Shelter Grant, McKinney Grant, and Housing Opportunities for Persons with AIDS Programs (Ordinance)</p> <p>(Y-4)</p>	<p>182773</p>
Portland Parks & Recreation	
<p>603 Amend contract with KPFF Consulting Engineers for additional design services for completion of Tanner Springs Park/Rainwater Pavilion for \$1,600 (Ordinance; amend Contract No. 37989)</p>	<p>PASSED TO SECOND READING MAY 20, 2009 AT 9:30 A.M.</p>
<p>604 Authorize lease of Firehouse Theater to Portland Actors Conservatory (Second Reading Agenda 558)</p> <p>(Y-4)</p>	<p>182774</p>
Commissioner Dan Saltzman Position No. 3	
Bureau of Fire and Police Disability and Retirement	
<p>*605 Authorize settlement with Kristine Ell regarding disability and employment claims (Ordinance)</p> <p>(Y-4)</p>	<p>182775</p>
Bureau of Police	
<p>*606 Apply for a \$40,000 grant from the Oregon Department of Justice Crime Victims' Services Division for Crisis Response Team personnel expenses (Ordinance)</p> <p>(Y-4)</p>	<p>182776</p>
Commissioner Randy Leonard Position No. 4	
Bureau of Water	
<p>*607 Authorize a contract and provide payment for construction of the Westside Header Relocation Phase 1 Project (Ordinance)</p> <p>(Y-4)</p>	<p>182777</p>
<p>*608 Authorize a contract for construction of Bull Run Dam 1 Outlet Works Improvement Project, Phase 2 (Ordinance)</p> <p>(Y-4)</p>	<p>182778</p>
<p>*609 Amend contract with Stettler Supply Company to increase compensation for Annual Well Maintenance and Rehabilitation (Ordinance; amend Contract No. 41032)</p> <p>(Y-4)</p>	<p>182779</p>

<p>REGULAR AGENDA</p>		
<p>Mayor Sam Adams</p>		
<p>*610 Appoint LaVonne Griffin-Valade interim City Auditor from May 18, 2009 until an Auditor is elected and qualifies (Ordinance) (Y-4)</p>		<p>182780</p>
<p>Office of Management and Finance – Financial Services</p>		
<p>*611 Authorize a borrowing of not more than \$36,655,000 in anticipation of the Fire and Police Disability and Retirement Fund levy for fiscal year 2009-2010 (Ordinance) (Y-4)</p>		<p>182781</p>
<p>Office of Management and Finance – Purchases</p>		
<p>612 Amend a contract and provide payment for the purchase of one fire apparatus for Portland Fire & Rescue (Purchasing Report - Bid No. 105909) (Y-4)</p>		<p>ACCEPTED PREPARE CONTRACT</p>
<p>613 Accept bid of James W. Fowler Company for Construction Services related to the Balch Consolidated Conduit Project for an estimated \$57,314,607 (Purchasing Report - RFP No. 108440) Motion to accept report: Moved by Commissioner Saltzman and seconded by Commissioner Fish (Y-4)</p>		<p>ACCEPTED PREPARE CONTRACT</p>
<p>614 Authorize a contract with Sea Western, Inc. for the purchase of MSA FireHawk Upgrade Kits for Personal Alert Safety Systems for a contractual total of \$582,810 (Purchasing Report – Bid No. 110347) Motion to accept the report: Moved by Commissioner Fritz and seconded by Commissioner Saltzman (Y-3; Fish absent)</p>		<p>ACCEPTED PREPARE CONTRACT</p>
<p>Commissioner Dan Saltzman Position No. 3</p>		
<p>Bureau of Environmental Services</p>		
<p>*615 Authorize the Director of the Bureau of Environmental Services to execute a Agreement with the Union Pacific Railroad Company, including indemnification from the City to Union Pacific Railroad as part of the Portsmouth Force Main Segment 2 Project No. 6902 (Ordinance) (Y-4)</p>		<p>182783</p>
<p>Bureau of Police</p>		
<p>*616 Apply for a \$3,801,887 grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Recovery Act: Edward Byrne Memorial Justice Assistance Program Grant to prevent or reduce crime and violence (Ordinance) (Y-4)</p>		<p>182784</p>

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<p>*617 Authorize an Intergovernmental Agreement with Multnomah County, the cities of Fairview, Gresham and Troutdale for application for and use of funds from the Recovery Act: Edward Byrne Memorial Justice Assistance Formula Program Grant for law enforcement, prosecution, prevention, education and technology programs (Ordinance) (Y-4)</p>	<p>182785</p>
<p>Commissioner Amanda Fritz Position No. 1</p> <p>Office of Neighborhood Involvement</p>	
<p>*618 Authorize grant of \$10,450 to Northeast Coalition of Neighborhoods from the Fund for Accessible Neighborhoods for printing and district-wide mailing of a multilingual postcard and poster advertising neighborhood cleanups (Ordinance) (Y-4)</p>	<p>182786</p>
<p>*619 Authorize grant of \$5,000 to East Portland Neighbors from the Fund for Accessible Neighborhoods for a multi-cultural neighborhood festival--the East Portland Exposition (Ordinance) (Y-4)</p>	<p>182787</p>
<p>City Auditor Gary Blackmer</p>	
<p>620 Assess property for sidewalk repair by the Bureau of Maintenance (Second Reading Agenda 577; Y1069) (Y-4)</p>	<p>182788</p>

At 11:51 a.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By Susan Parsons
Acting Clerk of the Council

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

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WEDNESDAY, 2:00 PM, MAY 13, 2009

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

May 13, 2009
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 13, 2009 9:30 AM

Leonard: Karla, can you read the communications, item 582.

Item 582.

Parsons: Is lee here this morning?

*******:** We haven't seen her.

Leonard: How about item 583?

Item 583.

Leonard: Good morning.

P.J. Mulcahy: My name is p.j. Mulcahy. I'm here this morning, first of all, to thank "the Oregonian" for their editorial calling for sam's resignation. And secondly, I have a background in investigation and law enforcement. I know the procedures. And today, i'm asking you as council members to support an action to call for a grand jury probe of the restroom incident. We have two security guards witness some sexual misconduct, allegedly. We have Adams and breedlove's supporting the same statement in the papers. I'm asking that mike schrunk convene a hearing to probe these allegations. This has been going on far too long. You're kind people and ms. Fritz, thank you for your communications with me. And nick, I appreciate your stands too. That's all i'm here for today, is to ask you to help me in the probe of the incident in the men's room in city hall. I'm going to forward this information to the attorney general and the department of justice who i've been working closely with on these complaints. They're busily working on this and there's some technical things holding up the investigation right now. But as soon as they're resolved, they're going to probably go ahead with some indictments. But mike schrunk has the ability vested in him to begin an investigation today on your approval, so we can get on with our lives and be respected in this community. That's all I have to say and thank you and have a great day.

Leonard: Thank you. Sue, item 584.

Item 584.

Leonard: Good morning. State your name for the record and you have three minutes.

Joey Spina: Thank you very much. My name is joey spina. I want to thank the council for having me here today. I'm with clean water distributors and we would like to present our concepts and ideas that we're working on across the nation. Portland is one of the leading cities in recycling green technologies and what we're offering is a water purification system to try and replace the bottled water systems currently being used throughout the city in various locations. Some aspects we touch on are environment issuing with the trucks that deliver the water and the pollution and blockage of traffic that comes with those trucks. The plastic bottles and plastic lasts a thousand years in the landfills. We're eliminating those items as well as providing a healthier drinking system and i'm sure everyone on the council has had to change a water bottle now and then and you can see the green rings inside. Could be someone has a cold, they've changed the water bucket and now they've delivered their germs into the system. We're offering something to eliminate that and also nobody picking up a 40-pound five-gallon water jug anymore. They're a multistage filtration system. With the time limits I won't go into the technology but I have prepared packets for everyone. We would like to help the city of Portland grow in keeping with the green themes and the cost savings are tremendous. As water usage increases throughout the summer, the costs remain

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the same. It's virtually unlimited use of the tap water instead of bringing bottled water into the work establishments and before employees, I do understand there are private water clubs throughout the city that the city doesn't partake in but I believe presenting this to them would provide them a healthy drinking source but save them money in their clubs. The company is an Oregon-based company out of bend. We have a warehouse here in Portland and we would like to start a partnership up with the city of Portland to start implementing this idea and help the city grow in promoting green technologies. We have a few cities across the country that have already started to implement banning bottled water and hopefully we can move in that direction. I think everyone would agree it's a safer, greener way to use a point of use system for drinking water for the city employees and the visitors. I would like to thank the council for letting us have this time and you all have a good day.

Leonard: Thank you. Sue, item 585.

Item 585.

Leonard: W.w. Terry? Doesn't appear to be here. We'll go to the consent agenda. Do any members of council have any items they want to remove from the consent agenda? Are there any members of the audience that would like to have any items removed from the consent agenda? If not, sue, please call the roll.

[roll call]

Leonard: Move on to the regular agenda. Item 610.

Item 610.

Leonard: Members of council, we have an interesting dynamic occurring with this item. We have the city auditor leaving and what we have essentially what would be an auditor elect the this mesh would allow us to appoint her for the period of time between the actual resignation of auditor blackmer and her being certified by the county. So that we would have an active auditor on deck. Any discussion? Anyone want to hear from the auditor-elect?

Fish: Yes. [laughter]

Leonard: Ms. Griffin-valade, apparently your presence is requested. Good morning.

LaVonne Griffin-Valade: Good morning.

Leonard: Welcome.

Griffin-Valade: Thank you.

Leonard: What do you have to say for yourself?

Griffin-Valade: Well, as far as back as -- oh, I don't know -- three or four months ago, I never in my life would have expected to be here so soon. And i'm pleased and honored to be what appears to be the auditor-elect, I think it's a small pool of folks who are both certified and willing to jump into the frays that city hall, and I had the honor to be county auditor, a very important role in the county and an even more important role here at the city and a look forward to all of the challenges and working with you, and it a smooth transition to my new office. So I -- in you have questions you might have of me.

Fish: If I can make a comment.

Griffin-Valade: No.

Fish: Oh, she's already gotten with the program here.

Leonard: I have been wanting to look at his budget, madame auditor.

*******:** I'm writing that down right now.

Fish: Lavonne, I want to thank you for the time you have took to meet with me. I understand you met with all of the members of council to discuss your philosophy and approach to the job. There were two things you shared that I was particularly impressed w. One was your philosophy of how the auditing process will work and how you'll be engaging commissioners and bureau heads in the auditing process, even down to your style when it comes to the titles of audits and the way they're

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framed and presented to the public. You're clearly your own person and have strong opinions on this and I appreciated that part of our conversation.

Griffin-Valade: Thank you.

Fish: The other thing I really appreciated was your keen recognition that when we appoint people to important commissions and boards that then provide oversight on important functions of government and advise this council, it's important we have a balance of views represented. That we should not be putting just one slice of advocacy, on any board to drive it. That we're looking for a range of voices from our community so that people give us in effect impartial advice and call it straight. So I believe that both of those principles that you articulated are essential to maintaining the respect and high regard that people have both for the auditor's office and the work we did at council. So I appreciated your thoughts on that and I look forward to working with you.

Griffin-Valade: Thank you very much, commissioner Fish. I want to reiterate some of the things you said. I feel it's important to come before council, to work with council, to visit with bureau directors and managers. And to talk about concerns and issues, and to really work through our audits and any other concerns and so I look forward to being a communicator as well as an auditor. And my door is always open and I welcome any of you to come and ask me questions and talk about your concerns as well. And I haven't yet had the opportunity to meet with commissioner Saltzman. I think we're meeting tomorrow. And so I can sort of articulate some of my -- more about my approach and my style.

Saltzman: Since we haven't met yet. I'll ask you a question for the benefit of the viewing audience. Which project are you most proud of.

Griffin-Valade: In the county auditor's office, well, I'm going to name three, I think. And the first one was as a staff auditor, when I worked for Suzanne Flynn, that was looking at the construction processes, I think that was a very profound audit in many ways and prompted lots of changes, very positive changes and allowed us to hold folks' feet to the fire in terms of making sure that they were making good decisions. And that they had as close to good estimates during capital construction projects as they possibly could. And I'm very proud of the audit we conducted while I was county auditor of the county's elections office. It was an amazing undertaking for our office, and also had profound impact. And then finally, I was very proud of our very small audit of the tax abatement program and the county's role in that and I think that has prompted some changes at both the county and city. And I'm very proud of all of those and proud of the work that the team over there did while I was auditor. Great folks and I miss them dearly.

Leonard: Thank you, anything else? Sue, please call the roll.

Fish: Well, the election will formally resolve this issue but welcome as the interim city auditor and we're excited to have you here and look forward to working with you.

Griffin-Valade: Thanks, great.

Saltzman: Pleased to get you started early here on the job that I'm sure the voters will ratify shortly. I hope your flair for poetry will find its way into the auditor's reports.

Griffin-Valade: It probably will. And hear as well.

Saltzman: Pleased to be working with you. Aye.

Leonard: There's a lot of fodder for poetry here. But I really enjoyed our conversation and appreciated your approach and I'm very happy that you're here. And I'm pleased to support you as the interim auditor. Aye.

Griffin-Valade: Thank you.

Fritz: One of things I've learned is how little we pay our auditors compared to what we could pay in a similar company. You're the auditor-elect with no competition but you've done such a wonderful job -- folks are delighted about that and thanks for your willingness to serve and I look forward to it. Aye.

Griffin-Valade: Thank you very much.

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Leonard: You're now the auditor.

Griffin-Valade: Thank you.

Leonard: Item 611, sue.

Item 611.

Eric Johansen, Office of Management and Finance: Good morning, eric johanson, city debt manager. This ordinance authorizes up to \$36,655,000 on behalf of the police disability and retirement fund. It's necessary to address the timing of this between fund expenditures in the early part of the fiscal year and the receipt of property tax in november. The borrowing is a little bit larger than last time. Last time we sold \$29 million and reflects the size of the levy and the additional expenses of the fund. This authorizes up to \$36,655,000 and -- and repay them prior to june 30th of 2010.

Leonard: Thank you, eric. Any questions? If not, sue, please call the roll.

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

Fritz: Aye. [gavel pounded]

Leonard: Item 612.

Item 612.

Leonard: Good morning.

Jeff Baer, Bureau of Purchases: Good morning, commissioner Leonard, members of city council. I'm jeff baer with city purchasing. Before you is a contract to allow for purchasing one additional pumper truck on behalf of the fire bureau. In the amount of -- approximately \$560,000.

Leonard: Questions? Thank you, jeff. Sue, please call the roll.

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

Fritz: Aye. [gavel pounded]

Leonard: Item 613.

Item 613.

Baer: Commissioner Leonard, members of city count city council. I'm jeff baer with the division of purchases. Before you is a contract for the james w. Fowler company for construction of services related to the balch consolidated conduit project for the amount of \$57,314,000. On the basis of using an alternative contracting method, which was to use a competitive approach for and council approved that and we approved a contract with the james w. Fowler company for the preconstruction work and back here today for the actual construction contract itself. They identified out of the \$57 million approximately \$3.4 million in subcontracting for emerging small businesses and we'll be continuing to work with them over the duration of the project. Representatives from the b.e.s. are here too.

Saltzman: Tell us about -- what's the participation in this contract?

Baer: \$3.4 million for potential subcontracting. We're working with them to identify and work with our shelter market program and included in the subcontracting plan the workforce training and hiring program for apprenticeship programs and continue to be engaged with them and once approved, we'll be working with the james fowler company to do the actual bidding and solicitation to award those subcontracts.

Saltzman: On a percentage basis, that's pretty low. Don't we have aspirational goals on -- on the big pipe project itself of 15%? 20%?

*******:** On typical projects, that's correct. On a tunneling project, you've got a circumstances where the contractors are self-performing much of the work. There's a small percentage of subcontracting, comparatively. james fowler has been one of our better contractors, as far as being able to best utilize smwb subcontractors. So this is actually a good result comparatively.

Baer: And they've awarded a contract to the u.s. Contracting and consulting services to assist them as well and they're actually a minority business enterprise as well and so we'll be working directly with them to continue to look for opportunities.

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Leonard: Further questions?

Fritz: I had a question about the fee in the letters to council it said estimated reimbursement about \$44.8 million and then the fee is \$12 million. What does that mean?

*****: In this type of contracting arrangement, we are joining with the contractor as a partner. So part of the original hiring of the contractor includes a calculation of what the fee that they would earn based on the reimbursable cost of the work they do. So they're -- cost of the work they do. They're providing all of the documentation of cost for the actual performing of the work. The purchasing of vehicles and equipment, that kind of thing and then on top, earning a fee which includes all of their overhead and profit. And that's negotiated before the contract is actually let.

Fritz: Do we have a goal or standard for how much profit we expect on a contract like this? A goal or standard? Seems like a lot of profit.

*****: It's not an extraordinary amount of profit. I can't tell you exactly what the profit is in the fee. But it's not an extraordinary amount of profit. What we gain is -- I would estimate -- scott, I believe it's been \$18 million that they have taken out of the project through innovative design recommendations. We have the project to a certain level of design, when we hire the contractor in a preliminary phase. The contractor comes on board and works with us to -- to improve the design and get the design in the manner that they can most economically construct the project and still meet our goals for quality and meeting our service goals.

Leonard: Further -- i'm sorry.

Fritz: What's the estimated preconstruction cost? \$40 million?

*****: That's correct.

Fritz: Why is it so much more?

*****: As we got into the details of the design, this is in an area of town we call northwest neighborhoods, and we've got a major predesign in northwest part of town where we have a lot of sewer, sanitary sewer maintenance and reliability issues we plan to take care of in the next several years. And we also have stormwater issues with the highly instrumental nature of the northwest neighborhood. We have stormwater be issues we need to take care of. As we got into the design, we recognized we would be in neighborhoods now causes significant disruption and then would probably be back there again in just five years or less causing disruption again. So we rolled some of the northwest neighborhoods' predesign efforts into that and that's the primary cause of the change in the project.

Fritz: I'm glad to see this isn't an emergency ordinance. It's a week before we vote and I may have more questions before then.

Leonard: We'll be voting today.

Fritz: Oh, we will?

Leonard: Further questions?

Leonard: Sue, please call the roll. We need a motion.

Fish: Second.

Leonard: Sue, please call the roll.

Fish: Aye.

Saltzman: This is a major project. One of the final projects are for the combined sewage overflow system that will eliminate sewage overflows into the willamette river by 2011. Pleased to vote aye.

Fritz: One moment.

Leonard: Aye.

Fritz: I've been looking into the purchasing and contract reports for a little over four months and I have more questions than when I started as far as how and when the council weighs in as to the appropriateness of cost as benefits and that kind of stuff. It's something in my office will continue

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to learn more about and perhaps ask the council to consider different ways of doing contracts. I appreciate the due diligence on this. Aye.

Leonard: Item 615.

Parsons: 614?

Leonard: I'm sorry, 614.

Item 614.

Baer: And this is a report to council recommending the award of the msa equipment on behalf of the fire bureau to sea western incorporated out of kirkland, Washington in the amount of \$582,810. And the driving force is to be compatible with the existing equipment. This is recommending an award to provide and purchase these equipments.

Leonard: Thank you. Questions? Is there a motion to accept?

Fritz: So moved.

Saltzman: Second.

Leonard: Moved and seconded, please call the roll.

Fish: [inaudible]

Fritz: I was interested in this one. It's to do with personal safety systems. So this upgrade has an alert if there's a problem. So obviously, it's very important for the safety of our public safety officers. Aye.

Saltzman: Aye.

Leonard: Aye. [gavel pounded] go to our 10:00 a.m. Time certain. It is now 10:00 a.m. Sue, please read item 586.

Item 586.

Leonard: Thank you. Commissioner Saltzman, you have an amendment.

Saltzman: A couple of amendments, yes.

Leonard: Do you want to distribute them?

Saltzman: Yes.

Leonard: And is there some for distribution?

Saltzman: Yes.

Leonard: Got a couple of extra here. For the purpose of discussion, but not betraying how i'll vote. I will move your amendment.

Saltzman: Ok.

Leonard: So it's on the floor.

Saltzman: Let me describe --

Leonard: Yeah, ok. Describe the amendment.

Fish: A point of order before we get into the -- I want to make sure I know what's we're doing today. Are we having a discussion and then there'll be a subsequent vote on this?

Leonard: I believe so.

Fish: So today is follow-up on our question?

Leonard: Yes.

Fish: And vote to follow on another date?

Leonard: We can vote on these amendments today. But the final reading would be next week.

Saltzman: I found the discussion -- I think this council always finds the discussion on these issues related to private for-hire transportation to be insightful, fascinating and contentious. What I wanted to offer are two amendments that occurred to me during last week's discussion. One relates to the -- the fee that private for-hire town cars would be charged when they have an on-demand -- or contract, with, I guess, primarily hotels. We set up in the proposed code a mechanism whereby a town car company could have an arrangement with a hotel if they provide to us a written contract notarized, all of that stuff. What I took exception with was the idea of charging an on-demand license fee of \$2,500 for the first vehicle and then a thousand for the second vehicle each year. To

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me that seemed excessive. It seems excessive. And the discussion we had -- excessive. We really don't want town cars to pursue this route so that's why we're creating these high fees and I think that's disingenuous. If we're going to create a process where they can create contracts with a hotel, we should honor that process and so my amendment basically reduces the fee to an one-time or an annual thousand-dollar fee for the vehicles -- a thousand dollars for the vehicle used to service the contract on an annual fee. I'm open to discussion and sue and others, we can talk about the fee but I felt the \$2,500 per year and then a thousand a year was excessive. That's the first amendment. The second amendment deal was the issues we discussed about pedicabs last week. I do feel that pedicabs, to a certain extent, are like trying to put a square peg in a round hole and trying to make it fit with all of our other private transportation. Pedicabs are as much a business as they are a philosophy, i've come to realize, about how one gets around, using non-fossil fuel means. And I think many of the aspects of the code as was pointed out to us in testimony last week don't fit for pedicabs and so what i'm proposing, my second amendment, we direct the revenue bureau to set up an ad hoc committee and that ad hoc committee would include a representative from the revenue bureau, a representative of city's attorney's office, a representative from the transportation bureau, a representative from the police bureau, a representative from the bicycle transportation alliance, three representatives from the pedicab companies, and three representatives from the pedicab drivers. To continue to look at improvements and additions to the city code and administrative rules, I think to really truly respond to some of their unique spark aspects of their business. The ad hoc group -- there's no timeline proposed, but in the next 60, 90 days, this ad hoc group could convene and end its work by then. Then it could be reviewed and perhaps it's a new code chapter, that would go to the for-hire board for revenue and comes back to us, the city council, to make decisions. I think it's an unique enough and growing industry that it deserves this type of look at their concerns and that's my second amendment.

Fish: Mr. President, could we invite sue to come forward.

Leonard: I was intending to did that.

Fritz: A point of clarification. Your first amendment, a thousand per company or per vehicle? If a company has six vehicles, is it each vehicle gets a permit or would the thousand dollars or --

Saltzman: It's per vehicle, yes.

Fritz: Ok. Thank you.

Leonard: I don't know if you want -- if frank -- frank buffet is the on the ground guy. If you want to come up as well. I have my own -- I second this for the purpose of discussion, but as I shared last week, I had responsibility for this area for a few years and I came to really appreciate the balance that the bureau of licenses attempts to strike. And it's essentially an effort and so I would like you all to respond or react if I think I have this wrong, to protect this delicate balance that maintains a healthy system of caps in our system. And people that -- system of cabs in our system. People that drive cabs have to pay fees and a lot of money to the company to drive the cab. They receive very little money for the work they do and often work 12-hour days and oftentimes seven days a week. And the effort that, as I understand it, you were trying to make clear, is we need as a city to do a better job to make sure that our cab infrastructure is protected. Because without that, we lose the 24 hour, seven day a week availability to our citizenry of a phone call to get a cab. If we allow town cars or limos to behave as cabs, that diminishes the resources available for cabs and makes it a less stable industry and could threaten the very viability of the industry. Is that the premise upon which you brought the amendment last week.

*******:** Commissioner Leonard, I --

Saltzman: My first amendment as written is wrong. What I intended to offer, it's supposed to be a thousand dollars per contract and then I wanted to have the discussion about should there be an add-on vehicle, per-vehicle charge. I apologize. But that's the intent.

Leonard: So where you say vehicle, it should say --

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Saltzman: A thousand dollars for the contract. Strike vehicle. For the contract. And then wanted to have a discussion about adding a per vehicle charge. But it's not in the amendment. Right now it should read a license fee of thousand for the contract.

Leonard: Per contract?

Saltzman: Per contract per year.

Leonard: And then strike use to service the contract?

Saltzman: Yes.

Sue Klobertanz, Director, Revenue Bureau: Commissioner Saltzman, can I just clarify what you just clarified? If I have a town car company with multiple vehicles I need to pay one \$1,000 contract fee and all of my vehicles can access the hotel on demand with that one fee?

Saltzman: Right, and then i'm open to an additional per vehicle, but I thought the \$1,000 per vehicle seemed a little excessive.

Klobertanz: Commissioner Leonard, I could not have articulated better what you just said about the balance necessary. We do put a lot of demands on our taxicab companies. You mentioned 24/7 citywide. It just -- I heard a number this morning, that it costs a taxicab driver for some companies up to \$35,000 a year in fees to drive that cab. So there are a lot -- the cabs cannot reduce rides. So the not profitable two-block trip for grandma to go from safeway to home or home to a doctor's appointment, they cannot turn that down and they must take those trips. The companies must have ways to dispatch. They must have on the ground, hard sites that they operate out of. So the city puts a lot of regulations on those taxicabs. And you are correct that we had drafted the current proposed code to be somewhat of a hurdle for the town cars to pass through so as to do two things. One, make it more difficult for them to take the taxi rides, the lucrative rides from the hotels to the airport. But, two, to pay for enforcement. I've had multiple discussions with many people from throughout the industry this last week and everyone agrees that enforcement is the key to any kind of program like the private for-hire program. And if you don't have staff on the street enforcing the rules, the program is worthless. In the last year, we've added one f.t.e. For a grand total of two f.t.e. They can barely keep up with the paperwork, much less hit the ground to do on-street enforcement. So there are a number of reasons. The balance between taxicabs and the receives they provide with the entire city. The barrier or the bar, the level of the bar at which you require town cars to operate is lower than that for cabs. So in retrospect, our purpose was to have a barrier there so that they could not act like taxis easily. And finally, just the ability to fund enforcement on the street. With regard to your specific proposal, commissioner Saltzman, let me play a scenario out for you. I pay \$1,000 to have a contract -- on-demand with the hilton. I have six cars. One pulls up, takes a ride. The second pulls up, takes a ride. Third, fourth, fifth. All of my cars are busy now and I call shane and sublease his cars and because they're working for me, his cars now act as taxis at the hotel. So that's why it was originally written with per company and then each additional vehicle. So that the town car companies could not just cycle various cars through for the on-demand service for a particular hotel. We do not currently have any contracts between hotels and town cars. There was one submitted. The first one ever submitted about three weeks ago. It turns out that there are some legal issues with that contract, so it has not been approved. So the ability to have a contract between a hotel and a town car has always been there and no one has taken advantage of it. So, you know, this is where we are today. We think it had a necessary -- it's a necessary addition.

Fish: Can I ask a clarifying question?

Klobertanz: Yeah.

Fish: I want to make sure I understand the history of this. I'm looking at 16.40.460, the section we're talking about amending.

Klobertanz: Correct.

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Fish: My understanding last week was that commissioner Leonard's amendment that he drafted dealt with sub-g, which has to do with the civil penalty scheme.

Klobertanz: Correct.

Fish: Is it my recollection that -- that the amendments to d, 1, 2, 3, 4, 5, were prepared by your office?

Klobertanz: Correct, we had some last-minute clerical issues and this is wording that was supposed to be there that didn't get there so we did take advantage of commissioner Leonard's amendment and add those words.

Fish: Turnabout is fair play. He's been taking advantage of many of his colleagues. [laughter] on that point, you, in crafting this, have tried to create a balance, then, in the fee schedule which sort of encourages, discourages certain kinds of behavior, so we have a level playing field, is that fair?

Klobertanz: Correct.

Fish: Thank you.

Saltzman: I appreciate your comments. I guess two things. One, couldn't we just prohibit subleasing.

Leonard: That's a question I had.

Saltzman: And secondly --

Klobertanz: Didn't we do that?

Saltzman: If we don't want people to go this route, why have code allowing them? Why not keep things the way they are. You have to have a 60-minute reservation.

Klobertanz: That's the tricky part of balancing. The code used to require a four-hour on-demand limit. We went to one hour because the town car industry indicated that they couldn't do business like that.

Shane Abma, Sr. Deputy City Attorney: The balance is that downtown hotels are there are there are high-end clients who want a town car if they're going to dinner or aye the airport, and they don't want to be told they have to make an one-hour reservation. That's the balance. We do want it available at some instances and still protect -- these are the bread and butter routes.

Klobertanz: D5 was intended to prohibit the subleasing.

Saltzman: So the scenario described couldn't happen with the code if this passed? Through amendment.

Klobertanz: Your amendment replaces only 4 and not 5.

Saltzman: It doesn't? Ok. My amendment is only aimed at the fee. It doesn't take issue with anything else.

Klobertanz: At least one through six of the scenario. I misspoke with the subleasing, the second group of vehicles. If I had six vehicles and will to pay a thousand for the contract in total, then I could engage all six of my vehicles for on-demand service.

Fish: Sue, on the --

Saltzman: That's why i'm open to reasonable per vehicle charge too.

Abma: There's a moratorium in the number of sedans, the industry can't grow right now. A company with six or seven or 10 vehicles would be at a disadvantage. They would pay a thousand dollar and have six cars at the disposal of the hotel versus a company with one car. We can agree with you that maybe \$2,500 was too high but I think a per vehicle requirement is necessary.

Fish: Are these two separate amendments.

Saltzman: Yes.

Fish: I have some questions about the second amendment but i'll wait --

Leonard: Actually, we moved it as one.

Saltzman: They're meant to be free standing amendments.

Leonard: We can deal with that.

Fish: Let's move --

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Leonard: Let's have discussions and then --

Fish: En on the second amendment, somehow that invokes all kinds of things I don't want to.
[laughter]

Leonard: Do you want to repeal the second amendment? Democrat: [laughter]

Fish: So this pedicab thing, first of all, I assume the notion of having an ad hoc committee to look at this is a good idea. Do you have any concern with that?

Klobertanz: The only comment I would make on this, and we can live with this language, is that this is exactly what was intended without some of the detail in the ordinance under the now, therefore, item d where the council by passing the ordinance would direct the revenue bureau and the board to work with appropriate stakeholders to do a number of things there. And so the intention of that item d in the current ordinance as it was proposed basically would do the same exact thing. So --

Leonard: What's the difference between commissioner Saltzman's d and yours?

Saltzman: I think it spells out sort of more -- who should be on the group.

Klobertanz: I have a little concern if the intention is to limit the committee to only those that are listed. Writing pedicab code in a room with no taxi representation is no different than writing taxi code in a room with no town car representation. They interact and deserve to have a voice. And so it was our -- they deserve to have a voice. It was our intention to have open workshops where everyone can come. And get people's attention from the various bureaus. The bicycle transportation alliance, michelle was going to be here today. She's indicated they leaving for an european vacation for six weeks. So that may --

Fish: That's outrageous: So many destinations in this country where people should be spending their discretionary dollars. [laughter]

Klobertanz: We've been working and talking with michelle and others, and again, if this is meant to be a limiting list, I do have concerns. If it's meant to open the doors for all-inclusion, then I certainly would support it?

Leonard: If we didn't have this amendment, it would be that you would reflect the spirit of what commissioner Saltzman --

Klobertanz: Absolutely.

Leonard: But include other parties as well.

Fish: And that's on the record.

Klobertanz: Right.

Leonard: Would that satisfy you, commissioner Saltzman?

Saltzman: I guess I would prefer this composition and if you want to add somebody who represents the taxicabs.

Leonard: Can we say at least these members.

Fish: Can I come back to pedicab for a minute? In the memo we received addressing questions that came up -- and I want to thank you and your team for this. It was very clear. And for me, who frankly didn't understand some of the legal distinctions, it was very helpful. Town cars and limousines and those kind of things. One thing I learned in this process, that i'm surprised about, the pedicabs, the operator doesn't need to have a license and there's no insurance requirement. And i'm not sure that that's something that the customer is aware of. Particularly on the insurance side. Because in he can -- and I don't know what the experience is in other cities. For example, I don't know whether if you do a horse and buggy ride in central park how regulated that is and other insurance requirements, but and i've ridden in pedicabs and I think it's a great addition to our transportation choices, but we've gone on the street and i've been with someone else in a fairly vulnerable position, and I was a little surprised to learn that some of the basic rules that apply to other operators on the road don't apply. One concern I would have is do we have any liability as a city in essentially saying we permit this activity as a right on a public right-of-way that is a

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commercial transaction, and -- but don't require some of the things we do for other similar kinds of activities, and I think, you know, the first time there's a regrettable accident, no fault of the operator, we'd have legal issues here that could it seems bring the city in. Do you have any thoughts on this?

Klobertanz: I am looking to my attorney.

Abma: I think it opens the door, commissioner Fish, and that's a concern and that's part of the reason we want to get these regulations in place. If the city were aware of accidents occurring and didn't take action, I think we're open then. As far as I know, no accidents have occurred. When we regulate, sometimes you put your stamp the approval on and regulation is more of a liability because you're certifying this has been done and these are good guys and if you don't do it right, you could open yourself up to liability. But -- as far as insurance, they may have insurance currently, I don't know. It's not required by the city and not required by the state, but whether they have their own insurance, they may have it, I don't know.

Fish: I have no interest in supporting barriers to this -- to the -- both the continuation and expansion of this choice. I think that there's a lot going for it. But as someone who has been an occasion customer, I was a little surprised there was no insurance and i'm not worried about the pedicab operator. I'm worried about the uninsured motorists who collides with me and creates a problem. And in terms of what kind of licensing is required, i'm a proud member of the b.t.a. And the rules of the road apply to psych lists. We don't -- cyclists. We have to signal a turn and other things. Not all cyclists understand that. Just like not all car drivers understand what they learned in driver education. We don't treat them as totally -- give them a complete pass on rules that are designed not just for their safety but the safety for those who ride as paying customers.

Abma: Commissioner Fish, I would echo that and add that some of our bigger concerns are there's no safety inspection mandated by the city or state and no background check on any of the drivers for any reason. Those are our concerns just as much as the insurance. I'm not saying that the companies don't do this themselves. I don't know what they do, but it's not required by the state or city.

Fish: In response to the conversation we had last week I understand you've done a scan of other jurisdictions and decided the half million of insurance is -- not the million?

Abma: I think so, yes.

Fish: I want to compliment you on that, we did have testimony, it was a question posed by all of us. And in looking at comparable cities, you've determined san francisco, seattle, milwaukie, minneapolis, we're above what other city look to as a floor. There's no need to bump it up and impose additional costs.

Abma: I think that's correct.

Klobertanz: And commissioner Leonard, we would need that as an amendment as well brought forward by the council today.

Leonard: What would --

Klobertanz: The insurance, changes it from a million to \$500,000.

Fish: I would move that as an amendment. It's reflected in point number four in the memo you gave us.

Leonard: Second. Want to talk about the amendment -- about the --

Abma: If I can --

Leonard: Can you make a note of your amendment. Unless everyone is comfortable. We can vote on it real quick and make it part of what we're voting on and then you can talk about it. Everybody ok with that?

Fish: Keep the \$500,000 and there's no need --

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Abma: I want to be clear. It's the \$500,000 on the vehicle. And the commercial is raised to a million. And we -- so commercial liability we still want to keep it a million. It's the vehicle insurance we're ok with \$500,000.

Leonard: Is that ok? Shane, are you keeping track of this.

Ben Walters, Sr. Deputy City Attorney: I do not have the motion in front of me.

Leonard: Shane, you're following.

Abma: Between sue and i, yeah, we'll get it.

Klobertanz: We have it covered.

Leonard: Ok. Sue, follow up. This is on the amendment regarding insurance.

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

Fritz: Evidently, folks showing up last week were well listened to and we agree. Aye.

Leonard: That amendment is now incorporated into the larger package. Commissioner Fritz.

Fritz: Going back to commissioner Saltzman's first amendment to reduce the on-demand license fee to a thousand dollars rather than \$2,500 and possibly not have a per vehicle fee. The if you did two a day -- 8% of the revenue. It doesn't seem like that much. It sounds like a lot. \$2,500 is a lot. If a company has several cars, it evens out -- it doesn't cost a lot and I think we want to keep the intent, as commissioner Leonard said, of making sure it's a premium service that the companies pay for. I would be comfortable with leaving it proposed with the \$2,500 and the \$1,000 or reducing the initial ones to a thousand and then keeping the thousand per vehicle.

Fish: Mr. President, if we vote down the Saltzman amendment, it reverts to the current language. The proposal of the bureau of licensing. I have enough information to vote on this. And while I respect very much what commissioner Saltzman's trying to do, on this one, my inclination is to defer to the bureau of licenses. If this needs tweaked at some point in the future, because it appears there's an inequity or problem, it can come back to us. And I appreciate what dan is trying to do, but i'm comfortable with deferring to the bureau of licensing on this point.

Saltzman: I'd like the opportunity for testimony on these two before we vote on them.

Leonard: Ok.

Saltzman: I had some language to --

Leonard: I had some language to perfect the second part of your amendment. It's actually the first, but --

Fritz: On this one?

Leonard: This one.

Saltzman: Ok.

Leonard: What I proposed is where you have underline language, an ad hoc committee, strike the rest of that line and insert that is representative of the private for hire transportation community at large but include the following representatives and then what you had. Do you want to accept that? [inaudible]

Leonard: So we're going to have -- yes.

Fritz: I had a couple more things I wanted to comment on.

Leonard: Go ahead.

Fritz: There was a suggestion to change -- say in the code that a reservation could be changed to immediate pickup as long as it's been at least a hour from the original reservation. Is that something that you would -- if a customer has made a reservation for a town car at 4:00 and made it at 9:00 in the morning, but their conference gets finished at 2:00, could they then ask that town car to come earlier without penalty?

Klobertanz: Correct, they could. If that needs to be clarified, we can do that in administrative rule.

Fritz: Ok. And then the other suggestion I heard my staff met with various interest groups that there's a concern about 16.40.200 that says that the committee can do a moratorium and the -- the

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concern is should the council be the ones that has the authority to establish a moratorium rather than the unelected board.

Abma: That's a purely policy decision from a legal standpoint, the city attorney's office would have no position. It's at the pleasure of the council. The private for hire board of review can install a cap and they have done so with sedans. With taxis, the council establishes the moratorium and there's no new taxis either. If you would prefer to have this moved that that the council is the only one that can install a moratorium, that's your prerogative, but from a legal standpoint, it makes no difference to the city attorney.

Klobertanz: There are probably people in the room who can speak to us better than i. It's my understanding from the history, and you've got a slight taste of it last week, that this is a complicated industry where no two people agree, and for that reason, I think that council was wise in giving the private for-hire board of review the responsibility for limiting, if necessary, any of the other vehicle types. And so right now, there is a limit on the number of permits for town cars. There's no limit for limousines, obviously, since they haven't been regulated and there's been absolutely no discussion whatsoever to go ahead and do that. Because it's a -- a not-needed type of service. It's an extra, if you will.

Saltzman: Pedicabs?

Klobertanz: Pedicabs, we have not had that discussion either.

Fritz: Commissioner Leonard, i'd like your advice on whether it should be a council decision or board decision.

Leonard: I agree with sue's assessment. It's a fascinating area and the other side is that it's a complicated area that I learned quickly to very much defer to the folks that worked at staff on this, to take their advice and one does not do that at their peril. Because it is a very volatile area and if you strike the wrong balance it's unpleasant. And so I -- i've found the board to be very fair. Very - - you know, and the staff guides them as they need to be guided and they have the option of coming to council. And if something happens that's wrong. But I think they do a really good job under really challenging circumstances.

Fritz: Thank you. And unless we hear to the contrary, i'm happy with that. My last question is about companies from out of town bringing and dropping off at the blazer game and picking up afterwards. Is there an exemption for companies out of town that they don't have to have the permit.

Klobertanz: This is one of those items, item d, that we know we don't currently have an answer for. We tried and then realized we were rushing too fast and resulting in unintended consequences. So item d -- let me look here. 5, propose additional code change to better define requirements for vehicles operating within the regional context but not solely within the city limits. That was an intention -- to give time and energy to that issue.

Fritz: Ok. That's good. And my understanding is that you're going working on enforcement mechanisms. In the meantime, we don't have the --

Klobertanz: Always.

Fritz: Yeah. So that will be figured out as part of that. Thank you very much. Very good staff work.

Saltzman: Thank you.

Leonard: We'll have public comment now on commissioner Saltzman's amendment.

Fish: How many people?

Parsons: We have about 17 people.

Fish: All on commissioner Saltzman's amendment? Because we already took testimony on the amendments last week.

Fritz: I think we're going to have another public hearing is what the mayor said last week.

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Leonard: One could argue any one of a number of subjects that are not directly commissioner Saltzman's amendment or related to it, so I would as soon give a little bit of latitude.

Klobertanz: We have a few people not able to make it last week who were on our list of people to testify. Casey and michelle, particularly, and then I know there are some other people here today that as a result of the amendments that have been made probably want to make testimony.

Leonard: So given the length of the list, you all could limit your comments to two minute, we would appreciate it. Sue, please call the first three. You had your hand raised.

*****: I would like to make the first comment. As the president of the town car association --

Leonard: You get to make a comment in line with everybody else. Nobody is more equal than anybody else here. Where you are on the list is where you come up.

Leonard: Welcome. Please state your names for the record. You have two minutes.

John Case: Good morning, commissioner Leonard. City council. My name is john case. I'm the founder and president of classic chauffeur company. During the past 35 years, classic chauffeur has been enhancing the visits of presidents and prime ministers of foreign governments in their visits to our city. We've been a service contributor to the rose festival for a quarter century and have always provided for the fire and police memorials, the sunshine division, the homeless and battered women's fundraising and charities when requested to do so. Should council decide that limousine companies in Portland are a needed service for the well-being of the city, then operating authority should be mandated. Regulated limousine companies will need to have a minimum level of market protection to survive financially. The new code limits the number of taxi companies so that each can make a marginal profit. The same treatment for limousine companies is necessary also. Should you elect to not grant operating authority to regulated limousine companies, it could follow that limousine companies do not, in fact, provide a needed function in our city. I will continue to work with the revenue bureau, and will be a strong supporter of the new code when it is perfected in such a way that classic chauffeur can continue to serve the desired needs of the city of Portland. Thank you.

Leonard: Aren't you located in northwest Portland?

Case: Yes.

Leonard: I visited you. And I have to tell you -- completely off topic. I told many people about your approach you have to the challenges you have in and around your business and for that reason, that's why that toilet ended up a block from your --

Case: Thank you very much. It's been a great help.

Leonard: Excellent businessman.

*****: Thank you, commissioner.

Craig Bladow: I'm craig out of ridgefield, Washington, and i'm concerned about this going forward for limos. We have no representation and I think we should have representation from Oregon and Washington. And i'm concerned about the inspections, because we're already doing inspections out of Washington and when do I a limo inspection in Washington, it's for operating, you know, going across the border. So I really don't feel we should have to do it again. It's time consuming and costing money. And -- I guess that's my biggest concern. We just need more representation. From both Oregon and Washington.

Leonard: Thank you.

*****: Thank you.

Butch Miller: My name is butch miller. I'm the driver representative on the private for hire board of review and a broadway taxi driver. I've provided an article that appeared in the "the seattle times." one killed, five injured in pedicab collision. This article in itself should give you cause in the interests of public safety to regulate the pedicab industry in the city of Portland. As driver representative, I field -- field numerous calls from fellow drivers. Many involve competition for low-end fares taken from downtown, old town area. They would have you believe they do not

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compete with taxis, yet they park their pedicabs in front of the taxis at the train station and they linger outside the clubs and bars downtown with the taxicabs. If this isn't competition, what is it? They are clearly part of the integrated private for-hire system and as such, should be included within the private for-hire board of review. Face window taking the cream of the top with the p.d.x. Trips from the downtown hotels and competing with pedicabs for low-income fares -- low-end fares in the downtown area.

Leonard: Sue, next three.

Matt Gregory: My name is matt gregory. The owner-operator of sunshine company. We hope to continue to grow in the future. What I want to talk about is section of code. It because this board is influenced by some of the biggest taxicab companies in town, the question I hope you will ask is who is being protected by giving authority [inaudible] to large members of that industry. Is it the city's mission to protect big business over annul and old business over new or to protect the public who rides in our vehicles and the rights of all companies, big or small to provide a service in the city. When it comes to safety and insurance and driver background, I agree these are good steps forward for our businesses. All I ask of you is to protect my right to grow a business, hire new e employees and create a life for myself in the city. There's a solution. Reviewing 16.40.200 from the code. If there's an issue in the future to issue these moratoriums council would retain that authority. Because there are no current plans before the board to issue moratoriums, we've been told not to worry. I've seen the way this board works and i'm worried. I'm told that limousine and pedicabs will never be capped. If this will never happen, why do we need the power written into the code. As a threat to their monopoly, it takes a leap of faith to assume they will never use that power. I hope you fix this problem before it becomes law and protect us from the process. Otherwise we'll can guaranteeing a difficult rewrite in the future.

Leonard: Thank you. Aye i'm going to ask sue to address this. But the current wording of rule states that the director may ask the -- excuse me, the director may ask the board to adopt. There is no -- if i'm reading this correctly -- authority for the board independently to do this unless the director makes a recommendation based on a bureau determination of some factor. So if i'm reading that correctly and i'll ask sue, I do believe that gives you a different level of protection than the board independently having the right to come to that judgment.

Gregory: I think that's true. The problem is the director is heavily influenced by people on the board. If you get four company representatives from four industries that say we need to cap limousine or pedicab permits, even the email in the -- the director is going to bring it up.

Leonard: Thank you.

Bonni Fortune: Good morning, i'm bonnie from lucky limousine and town car here in Portland, Oregon. I sent a lettered that detailed information about my concern currents to you yesterday. I would like to state that adding limousines and s.u.v.s and pedicabs to the private for-hire with the ability of the board to put caps on the number of vehicles a company can have in the fleet restricts free trade. Privately owned company need to mike the adjustments to the services they provide, not regulate out competition. Competition is healthy. Prearranged services are being requested now more than ever. Obviously, this has reduced the amount of on-demand. Prearranged services are vital to the health of the city as are on-demand services. The only thing that should be changed in the current amendment to add representatives from the limousine and pedicab industry before any regulations be applied to them.

Leonard: Thank you.

Jeff Hampton: Good morning, jeff hampton, president of the Oregon lodging association. And i'm here on behalf of the tricounty lodging association and our members providing lodging here in the city of Portland. I'm here to address the private for-hire city code 16.40.460. The lodging industry in Portland and around the state relies on transportation systems that are efficient, clean, safe and readily available for guests, often on very short notice. We believe visitors to Portland and hotel

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guests should have the opportunity to choose their preferred transportation, including taxicabs, pedicab, limousines, town cars or executive sedans. And for the city to establish reasonable standards, driver qualifications and rates in the interest of the traveling public. We support the city of Portland and council in establishing and regulating reasonable and fair standards. It is not private industry that should be required to do so. We do not believe it's necessary for the city to place restrictions on companies who wish to be considered on-demand and available when a guest contacts any company for service or directs hotel staff to do so on their behalf. We do not support any on-demand license fee or penalty for responding to a guest request and within sub-g, added last week, as I understand it, there is provision that makes a hotel liable with a civil penalty of \$500 for each occurrence in which a hotel allows a hotel guest to obtain a limousine or executive sedan transportation services without the required one-hour reservation. This subsection permits them to provide their service to a guest with no civil penalty if the written contract exists and that does include the \$2,500 fee. The hotel industry should not be asked to regulate the use of transportation or face penalties for allowing guests. We would ask subsection g, which places the penalty on the lodging industry, be removed in the code.

Leonard: Let me speak to that. We're not asking you to regulate the industry. We're asking you to comply with the law. And there are plenty of examples the staff can share where the members you represent regularly improperly and against the law allow clients to improperly use town car services in place of cabs. And you need to communicate to your members that has to stop.

Hampton: I absolutely agree with you, mr. President Leonard and commissioners. We're not supporting any members violating the law. I'd be on the record to say that immediately. If a guest contacts a company or directs a hotel to do so, by requiring the hotel to ensure there's a written contract in place with the city, it puts the hotel in the position of having to somehow know which companies do have valid contracts and which don't.

Fish: Can I just address that?

Leonard: I just want to be clear, we're focused on what the problem is here and if your members make it clear to your employees we will not tolerate you taking any gratuity from a town car -- gratuity -- in place of a cab.

Fish: A hotel employee would have to have knowledge of the request. So the extent to which a -- someone who is staying in the hotel independently circumvents this process, I don't think that this current provision would impose liability on the hotel without knowledge. The hotel employee would have to allow this to happen and allowing means they must have some knowledge. If someone circumvents that, I don't think your industry is being asked to regulate that.

Hampton: President Leonard and commissioner Fish, you're correct that hotels according to sub-g allow -- whether they allow is it part of the provision here. But I guess I would go back to if a hotel guest asks a hotel staff member to remember town car service, I don't know how the hotel staff would necessarily know whether or not that town car company had a valid license, had paid the fee. Whatever amount of fee that might be. Other than to go to the driver and ask to see some sort of certificate. In that regard --

Fish: That's another point and frankly, I think that's an important clarification point. There's nothing that would prevent the bureau of licensing from furnishing online a list of all companies that have paid the fee. That would be available on a regular basis.

Hampton: That then adds another level of the hotel having to verify that a company has that. Whether it's online or a phone call, whatever it might be, but that's asking the hotel property to verify the license on file.

Leonard: Thank you. Sue.

Leonard: Good morning. Please state your first, last name, and you have two minutes.

Mostfa Mabkhouti: I'm the owner-operator of [inaudible] global limousine and president of the new formed town car association. Gentlemen, I'm not going to bore you with my stories. All I'm

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going to ask this council to look into the board that's doing the laws. The same board that never regulated a limo to carry our kids to proms. I have a city attorney, on the report, admit the rules were biased towards the cabs. I'm asking this council to please take that power away from the board and have your staffs, as I spoke to each one of your staff, except commissioner Leonard, because we know where he stands, ok, to take a look at this properly. Ok? They're putting rules on the cabs that no other city is not doing. Every city's got the same rules on their cabs. Why should the town car and limousine business be punished for whatever -- limousine business be punished? The point where the word delivery, which includes limousines, and s.u.v.s and town cars, they don't believe in it. They only believe in regulating town cars because they constitute a competition to the cabs. I want you to look at these new rules with other cities with the rules nationwide. I'm begging you to look at that. The way the rules are written now is to put us out of business. For whatever interest. And i'm begging you to please have your staff look at this deeply and look into the board that's making these rules and unless you want us out of business. Too many town cars will go out the business the way the rules are written now. The contract thing, because I looked at the rules and I have 25 years experience in new york and atlantic city. To beat these rules so to get the contracts with the hotels, they turn around and amend the last amendment without mentioning it in the workshops we did or the rewrite of the laws. That's being sneaky.

Leonard: Thank you.

Gary Coe: Good morning, gary cole, pacific cascade town car. We operate 14 town cars and we are one of the companies that has the on-demand contract -- excuse me, with the port of Portland to serve the airport. Commissioner Saltzman, I commend you for taking a common sense approach towards the last-minute, I guess I would call it, hold up of the town car companies for on-demand contracts. Last year, you passed the small business bill of rights, and one of the items in the bill of rights is establish and maintain fair system of taxation and fees that encourage small businesses to start, survive, grow and remain in Portland. I felt like the \$2,500 for the first vehicle and a thousand for each additional vehicle was truly outrageous. And so that's the only clause that I speak to. I can be supportive of the thousand dollar fee per contract, I don't know that we'll establish contracts with hotels but at least it gives us that option at a fair rate. Thank you for bringing that up. I'd also like to say in the few minutes remaining, I commend the bureau for their open meetings and taking all facets into consideration. We had a lot of good input from all parties and I think it was a very fair system and i'm a little outraged at this last-minute change that showed up last week. I didn't come here last week because I was in agreement with everything in the proposal, and then I found out about this, and i'm upset.

Leonard: Thank you.

Casey Martell: Good morning, thank you very much for allowing me to come and speak about pedicabs. My name is casey, I own Portland rose petals pedicab. And I enjoy running my business over the last seven years and expanding to include more pedicabs and being able to rent my cabs out to other drivers and share the awesome experience it is to be a pedicab driver here in this beautiful city and I would like to say i'm fully behind the -- commissioner Saltzman's second amendments in creating an ad hoc committee that includes representation from all the pedicab companies and people that work with the city, the police departments and the b.t.a. And the private for-hire transportation board. I think that we're all -- we're included in the private for-hire transportation, and we -- I think we can all work together in creating new regulations here for pedicabs. Something that I think is needed. Insurance requirements, I believe, are important too. I believe we all have liability insurance as much as we can get. When I first started, there were no -- no companies offered me insurance and I just got on liability insurance that's included in my homeowners insurance. So I look forward to working with everybody to create these new regulations and making this business more legitimate and hopefully making it more -- allowing more people in the city to use this as another option of transportation around town. And I look

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forward to working with the taxicab companies too. Over the years, i've had a great experience with them. And I look forward to working with them continually and I believe we take the short trips that some would rather not take and some do like to take the short trips too. So we don't want to compete with everybody. And we would hope to maybe include our own spot at the train station so we're not stepping on each other's toes there.

Leonard: Thank you.

Fritz: Just to clarify with commissioner Saltzman's amendment, you're comfortable with the regulations as proposed?

Martell: Well, the regulations as proposed now don't quite fit with pedicabs, so it's something that we need to work on, and with the creation of an ad hoc committee, I believe we can all come to regulations that work for everybody.

Fritz: Thank you.

Leonard: Thank you. Sue, next three. Welcome, gentlemen. Please state your first and last names for the record and you each have two minutes.

Erik Benson: My name is eric benson, owner-operator [inaudible] limousine. I had a chance to talk -- I tried to get ahold of the mayor this past week. Had a chance to talk with his public advocate and had a nice conversation, enjoyable and a few things we should discuss and she said I should bring back up and clarify. Under these new amendments -- i'm sure they worked hard. I don't doubt that, but they're uneducated in the field of limousines. I sat in the meetings over there on Columbia when they were pushing this through. They did the vote, they said yeah we're going to vote on it though it's ridiculed with loopholes we've got to iron out to have something in front of council is not even close to being ironed out is absurd. They're asking you guys to bring in all this knowledge and vote on it when it's been worked on for 8 months. I don't expect people to understand it. For example, I have two cars that will classify -- will be categorized under these new amendments, the rest of mine aren't. And as I talked with public advocate, and my concern is that to a layman a limousine is a limousine and when you're over the 14 passengers. And they said they're not going to govern that. My concern is people are paying a lot of money to be in a limousine. When i'm detained because somebody who isn't informed on the size of a limousine -- just because the stretch is how long it is, that doesn't mean how many people it carries. To be detained and my customers to be detained, they're going to be looking at me and thinking i'm not permitted properly, and then they're going to want money back. If i'm cited, then I have to prove in court that i'm right. I'm going to be down on city hall steps looking for a paycheck to pay for this when i'm stopped for something i'm really not doing wrong.

Leonard: Sir?

Sarr Amadou: I've been a taxi cab driver in the city maybe for two to three years. [inaudible] for me being a taxi cab driver, I don't see some rivalrys of fight -- rivalries of fight. Should be more for small companies that I see growing day by day. Maybe it's me, being an ex-cab driver and just growing and pushing to make more business on my side. I think it should be left at \$1000. Regardless -- it's up to you. But regardless of experience and just opening. Meanwhile, centers like the greyhound or transportation, as a cab, we're hanging around those quarters. We don't let the publish and committees to have the choice such as at the rose quarter. We don't have a stand. That's what i'm trying to say. We just plan to lift the choice.

Carl Johnson: My name is carl johnson, the owner of interstate limousine. I am a Washington-based company with Washington insurance and a Washington driver's license, Washington u.v.i. Number inspected by the Washington state patrol. The insurance in Washington is significantly higher than it is in Washington. Low-end vehicle is 1.5 million. The high end is 5 million. It might be more than that for certain vehicles. And the inspection of the vehicles is actually more stringent with the Washington state patrol than the packet proposed. The law is a two-way agreement requiring both states to recognize each other's permit. Generally the states will agree to -

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- agree to reciprocity if the states are geographically close to each other and have similar tiffs. So me being from Washington and Washington-based company, I bring people from outside gresham, mainly Washington, and they come in here to spend money. The taxi cab companies and the towns will benefit from that, because we bring them into a city and drop them off at a club. They don't want to spend the money half the time because they're driven by economy, and they're driven around by taxi cabs then. Nobody wants to ask the restaurants or nightclubs if they like our work. A perfect example of the reciprocal law is, Washington and Oregon, if you go to Washington with your Oregon driver's license, you don't pay sales tax. That's just an example of cooperation between two states.

Leonard: Great. Thank you. Good morning. We'll get everything up here. Welcome. You each have two minutes. Please state your first name and last.

Raye Miles: My name is rae miles with broadway cab and southeast cab companies. I want to thank you for your thoughtful deliberations on this topic. Sometimes it does feel like i'm the only one that cares about this stuff, so this will go a long way for me. Second, regarding commissioner Leonard's amendment last week, I did have a chance to look it over, and I have to commend your office. It's the first amendment of this topic that hasn't completely eaten up my heart. So I do kind of reluctantly support it. I hope this is perceived as a privilege for the hotels and the town car companies and that, if there is continued noncompliance, we would look at revoking that privilege. And not giving them sort of an out clause for taxi service. On the topic of moratoriums, I do want to say, the way the tax industry was set, every time something like this comes up or modifications of the models, we always look at it as how could this be used to cheat the system, not provide some new luxurious service, and so I do support moratoriums. My hope is that they're all at the council or board levels. The way it's been in the past is taxis are essentially at the council level. We haven't had any permits in 11 years. Broadway and raid yo haven't had permits in 20 years. Whereas the other types have been at a board level and been allowed to grow, in many cases, too large over the last couple of decades -- decades. Thank you.

Tracy Marks: Thank you for the opportunity to be here this morning. My name is tracy mark's. I manage the Portland hill ton. I interface with many of you on many different issues, because I have a lot of pots on the stove. In addition to retch senting the hotel industry-- and I think jeff hampton spoke very well for the hotel, tri-county association regarding the amendment. I also belong to the restaurant association, and on the board of Portland jazz. I do a lot of things to help our city. One thing that has not been said here this morning is how important the town car industry is to the hospitality industry here in the city. If you look at the hotels, restaurants, entertainment, a whole host of businesses that depend on town cars and town cars' ability to take all of our customers, many of our customers visitors of the city. They present the city, by and large, very, very well. They are ambassadors for the city. I can't say that of many of the taxi come to my hotel. They are generally clean and well kept, able to speak english and recommendations on places to visit. They know where they're going, unlike again many of the taxis that we encounter at my own hotel, and all of their cars are in top class shape. I put my customers, my v.i.p.s spending a lot of money here in the city, in the town cars as the rest of the hotel and restaurant industry does, because we know they'll have a great experience and fond memories of their visit to Portland and come back and spend another \$300 a day. We all need the income and should be thinking about protecting the town car industry and not driving them out of Portland. Thank you.

Sinclair Rhasa: My name is sinclair oda. I'm with Portland transportation. I'm an operator. And I want to oppose against the new amendment about the \$2500. That is just way too much. And also trying to find a hotel is just not right, because a vendor to the hotels, and the hotels get to choose their vendors, the same like any other vendor they have who provides the better service. That is their right, and it's our right to provide a better service to people who want it and people who need it. And this new amendment is not right. Thank you.

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Parsons: The last two.

Leonard: Welcome, gentlemen. You each have two minutes.

Ryan Hashagen: Thank you, commission, from hearing from us. My name is ryon hashkin. We own the majority of petty cabs in downtown Portland and all of our cabs are insured and always have been insured. This amendment will provide us with informed legislation. Normally pedi cars are looking at Portland right now to see what bike city u.s.a. Comes up with for petty cab enforced regulation. The current code does not address our safety concerns but the taxi cab safety. Portland area attractions test schoop completed immediately for the issuance of a driver's permit but does not require driver safety or customer service training to be completed bin six months. So that doesn't address our safety concerns, and I think this amendment will really allow for that task force or ad hoc committee to provide revenue bureau with informed concerns. I'd like to address the competitions' concern. We are not in competition with the taxis. We provide the two-block downtown reasonable ride in a more profitable route. Under this code, the private for hire board composed of these taxi cab companies, we just would like to have a conversation based on the needs of the city and environmental petty cab companies. This very important amendment will allow for petty cab appropriate legislation to be crafted by stakeholders at the table. Thank you for your time.

Fish: Do you do background checks for your employees?

Hashagen: You bet. We don't do official ones but reference checks on each driver. I call previous employers, their parents, relevant references.

Fish: Do you require that your employees have a valid driver's license.

Hashagen: We require a valid photo i.d. And have a safety training curriculum. About 60% of our drivers do not have drivers' licenses. Different generation.

Fish: What are the current limits you have?

Hashagen: We have million dollars insurance liability on each vehicle. I've had that ever since this company started.

Fish: Appreciate it.

Tomas Bernal: My name is tomas burnell, a driver for rose petal petty cabs. I only have a couple things to say. I want to clarify, mr. Fish, it seemed like you might have been uncertain as to whether or not we understand, as drivers, and follow the rules of the road. I can certainly speak for my company. We all do. I'm not sure about -- I can't speak for every other person, but we all understand very well and respect the rules of the road that apply in bicyclees and, in this case, tricycles. The other thing i'd like to say is, regarding our own safety, now first of all i'd like to say that I really appreciate, mr. Saltzman, the amendment to try to produce some appropriate legislation regarding petty cabs, but we also need some guarantees for our own safety when it comes to how we interact with the other transportation -- private for-hire transportation modes -- on the street. Mr. Butch miller suggested that -- you know -- he gets a lot of phone calls from his drivers regarding us being a nuisance to them essentially for, quote-unquote, competes with them. But what he didn't mention to you is that we constantly get harassment from various drivers, and I could give you specific drivers. I'm not going to right now. But we constantly get harassment. One driver from my own company was twice, in one evening, attacked by a driver from a taxi cab company with his taxi cab and said that he was going to get him. Now, there's been no reason for that, no excuse, and i'm not sure that anything's been done, because i've seen that same taxi cab out on the roads still. We're talking about an attempt on someone's life essentially with the taxi cab because of a feeling of being better. I'm not sure what it is. But I feel like a lot of times i'm not safe on the roads because we have no protection. There's no enforcement of the taxi cabs to ensure that I and my passengers' lives of safe.

Fish: I didn't mean to apply that any particular petty cab driver didn't understand the rules of the road, simply alludes to of the fact that we have a licensing system that guarantees that people

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understand the road, my 15-year-old daughter, who understands that. That's one of the ways that the city has insurance that people are actually understanding of the current rules of the road. My observation, for what it's worth, is that both cyclists and automobile drivers in the city increasingly don't fully understand the rules of the road. I say that as a pedestrian and as a cyclist and driver. A lot of people simply don't follow the rules. I'm not pointing a finger at any particular party here. I just think that we're getting a little lax. The thing that concerns me most is that, particularly when car drivers don't follow the rules, the people most at risk are the people on bicycles, petty cabs, of.

Leonard: Sue, I am have a couple -- we're done? Ok. I will have a couple questions. Go ahead.

*******:** Do you have questions?

Leonard: I was going to try to dispense of our -- we have a motion on the floor that I believe there's some consensus to change.

*******:** The petty cab one or --

Leonard: We have one motion that has the fee and the petty cab, on my recommendation, we'd withdraw that motion and then move to the language that I referendum back to you relevant to the petty cars.

Saltzman: I still want to deal with the first amendment, but i'm fine of dispensing with the second with your modifications.

Leonard: How would you like to do that? You want to separate them?

Saltzman: They were intended to be separate.

Leonard: Let's just withdraw your motion then.

Saltzman: My first motion, again having listened to the testimony about on-demand contracts and the fees associated with them -- you know -- as I said originally, I think the \$2500 for vehicle plus 1000 additional is just too much. We heard testimony that supports that. I would propose that we establish \$1000 for the first vehicle and \$250 for each additional vehicle. And sue clarified there's no subleasing allowed, so I think this is a fair and reasonable fee. I think gary coe honors that.

Fish: I would second that for the first amendment.

Saltzman: That's my first one -- that's my first one.

Leonard: I think we need to be clear here that the origin of these various kinds of transportation for hired entities evolves over time and what the city has done with the taxi industry is recognize that it's a vital part of our internal transportation system that happens to be in the private sector. To that end, the city regulates the number of cabs allowed on the streets, for example, and the purpose is to make sure you don't have so much cabs that you have so many people out there driving that there's no way for them to make a living and the industry collapses on itself. This isn't unique to Portland.

Many states make sure we protect that industry. It's interesting to hear some of the comments by the limousine service that the cab companies are competition. They are not supposed to compete with the cab industry. Those services are supposed to be for transportation services that are different from cab services, and some folks, like Tracy Marks, identified what some of those are, and I agree with that. But in terms of going to the airport, in terms of being at a hotel downtown, a restaurant, they are not supposed to compete with those bread-and-butter cab issues. Having said that, I can't support your amendment, although I appreciate the motive behind it. I do think again Tracy Marks made an observation that reminded me that, when the bureau of licenses was transferred under Mayor Potter, we were in the middle of working on -- with the bureau of licenses' regulations for qualifications for cab drivers, because some of what Tracy criticized here I was not just him criticizing. It is a common criticism one hears. I was going to begin working than the minimum standards for drivers, which includes the capacity to speak English, to pass a geography test so that, when somebody gets in a cab, they know where they're going, customer service, those kinds of things. That has to happen -- has to happen. We have to have that, because Tracy's observations are clear. But having said that, I think it would be very damaging to the industry for your amendment to pass for the taxis.

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Saltzman: Again, these regulations, as put forward to us by the revenue bureau and the private for hire committee, are establishing a new on-demand contractual arrangement for limos and town cars, and i'm just saying, if we're going to allow it, we shouldn't set it up the way that it's designed to be unaffordable. If you look at the fees that we charge cabs and other things, a \$2500 fee is waive out of line with what we're charging everybody else for these permits. That's why I propose 1000 for the first vehicle and \$250 for every other vehicle. From it from it i'm comfort table with the recommendation of the staff. I could go with 1000, but \$250 for the next cars, you could make that back easily, the \$250 to the airport. We have to recognize that our taxi cabs provide service no matter what, no matter where, 24/7, 365, and that's part of the reason that they deserve their fair share of rides to the airport. I can't support your amendment at those levels, 'cause it doesn't seem to match the intent of what this entire program is trying to do.

Fish: Shall we vote? I very much appreciate the discussion, the fact that people came in a second time to share their views. I'm comfort with the framework of on demand recommended by sue and her team in the future, I have no doubt she'll come back to us if there are problems. If this arrangement does create significant barriers and result in businesses either going out of business or a significant market impact, I know that you'll report back to us on that as well so that we can monitor. Seems to me to be an appropriate balancing act, and I strongly support commissioner Leonard's original amendment and then this as a sort of companion piece. Aye.

Walters: This is a vote on the motion, not on the final?

Leonard: Correct. Just on the segregated motion just dealing with the thoughts.

Fish: Thank you. I made a joke the other day that I turned 50 recently and my son turned five. I got my aarp card. With regard to the amendment by commissioner Saltzman, I vote no.

Saltzman: Aye.

Leonard: No.

Fritz: I think it's been a very healthy discussion. I'm comfortable with the staff recommendations. No.

Leonard: Motion fails. Do you have the language?

Saltzman: Why don't you go ahead.

Leonard: You don't need to write this down. I've written it down.

Saltzman: Again this is for the petty cab industry.

Leonard: Strike the words that are underlined, compromised, and insert the words, an ad hoc committee, which is current language, the new language shall include the following representatives. Excuse me. I'll try that again. An ad hoc committee is representative of the private for-hire transportation community at large. But shall include the following representatives, and it's commissioner Saltzman's wish and my wish.

Fritz: Do you mean at least the following representatives?

Leonard: An ad hoc committee that is representing the private for hire community at large but shall include, which would mean there could be more, the following representatives.

Fritz: Ok. We need to second your motion.

Saltzman: Ok. Seconded. [laughter]

Fish: He and I are both removed a little from the action today.

Leonard: About the discussion?

Fish: Apparently there needs to be some careful thought about how we regulate. It would not be my intention to regulate to put that industry out of business. I think it's become an important part of our signature of being a sustain city. My main concern, as you go forward with this process, is for the safety of people that access this unique form of transportation -- transportation. Aye.

Saltzman: I do believe that approach will give the pedi cab industry and those interested an opportunity to look at the aspects of this growing industry and how it does differ from motorized transportation, and I think there are some very interesting issues. I think some of the things in the

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code just plain out shouldn't be applying to pedty cabs. It didn't make sense. The issues will be looked at, recommendations made. When I introduced this amendment, those recommendations could lead to modification. I think this will be a good process, and my office will certainly want to be kept a priced of this. Aye. From it from it --

Fritz: Aye.

Leonard: The amendment passes. We'll be considering that in the report next week. I don't know if council has any other questions or observations. I have a couple. Go ahead.

Fritz: I have a question following up on ms. Miles' request for the rules for moratorium being the same for all types of transportation, and it seems to me that, under 4200, that transportation number of vehicles allowed, it authorizes a future moratorium by an administrative rule, and i'm ok with that that, if that were to happen, there would be a concurrence addition of an appeal like the one for taxi cabs that was sent to city council or if there's something in here that would establish a cap.

Abma: There's not an appeal process for the council about limos, taxi cabs. The only time council gets involved would be for the taxi cabs. That's current code language as well. We kept that as is.

Fritz: I think my point is a good one, though, that whatever the rules, they should be the same for all. It puts a cap on, but at the same time it should bring back an issue for the council if that's all right with you.

Saltzman: I agree with that, too.

Leonard: Anything further? John case of classic chauffeur actually recommended there be a number of limos allowed above which they wouldn't be allowed, much like taxes. It's intriguing. I don't expect you to react to that today.

Klobertanz: Thank you.

Leonard: I would like more discussion on this, though. The same kind of reasoning would apply to that industry as well as the cab industry.

Abma: Do you want me to respond now? Well, I personally don't think -- this is a personal thing. I don't think that would ever be a need for a moratorium on limousines.

Leonard: I'm talking about licensing with limits.

Abma: To me that sounds like a moratorium. I think it's unfair to the future companies that may want to grow. I think that's protection too much for the current ones. As mr. Case says -- and I agree with him -- limousine service I was not like taxi cub service. Therefore, I don't think there should be caps.

Leonard: That's helpful to hear that.

Klobertanz: The other just reaction, because we've had this discussion with mr. Case, is in my mind this talks about vehicle permitting, so I may have a service company that has two pedi cabs, four taxis, sedans, and limo. I may call myself suzy's limousines, but those vehicles are not limousines, and I think one of the ongoing discussions we're having is, just because you're a limousine company and that's how you market yourself, does not mean that some of your sedans might need to be permitted as town cars. And so that's --

Leonard: It looks like a duck and quacks like a duck.

Klobertanz: Yeah. So we're having discussions, and people think about it very differently, so that's an ongoing work.

Leonard: The other thing I mentioned was the observation which tracy marks made, which I appreciate him saying out loud. When I was responsible for this, this was an area where we were just gearing up to tackle. I'd be interested in the first half, any reaction if you've been working on some kinds of minimum standards. If not, what you think of having that as part of a work plan?

Abma: Commissioner Leonard, that's one of the key components of this code is that we write the standards. Customer service, driver safety training, of relevant attractions, map reading skills. That was a big component to the code that's not there currently, so I agree with you.

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Leonard: We would require some objective standard by which they satisfied some minimal level of competency in those areas before we'd allow them to drive?

Abma: To get a driver's permit. That's correct. One gentleman mentioned the fact that there's a six-month window to get your driver safety training and your customer service training. The reason we did a six-month window was to help them, because those are independent classes. If someone comes forward and needs a driver's license now, we didn't want to prohibit them from getting a driver permit at that time. This is a benefit to the drivers so they can schedule the classes, because the city will probably not be administering the safety and customer service.

Fish: Uniformly, in my experience, I've encountered drivers who are knowledgeable about the city. I will contrast that to a trip my daughter and I took to Los Angeles recently where we got in a cab with a driver who did not speak English and didn't know the city. He handed my daughter a GPS device and had her program in where we were going, which guided him in his native language, which I thought was interesting.

Leonard: I hope the industry embraces this notion, because I think -- again, I appreciate Tracy's candor, but not all hoteliers would be that vocal about it. Hotels should be allowed to use other vehicles for transportation. It was a common complaint that I heard about the competence of the training. Any other comments, observations? This passes to a second reading next Wednesday.

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

Leonard: Back to the regular agenda. Could you read item 615?

Saltzman: This is a noncontroversial agreement with union specific so that work can begin on the Portsmouths main project, another vital piece of the big pipe project. I'd urge immediate approval.

Leonard: Thank you. Anybody signed up to testify?

Parsons: I did not have a sheet out.

Leonard: Sue, please call the roll.

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

Leonard: Passes. Item 616.

Item 616.

Leonard: Good morning. Would you identify yourself for the record?

Mark Krueger, Portland Police Bureau: My name is Mark Krueger, captain of the police bureau.

Veronica Nordeen, Portland Police Bureau: Veronica Nordeen.

Krueger: This grant is again a stimulus recovery grant through the Burn Memorial grant for a total of \$3.8 million. The provisions of the grant require, in this case, certification of funds in that the county provides more than 50% of the prosecution and incarceration services in this county. And so the money must be split. The total \$3.8 million must be split between the city and the county. Of the total funds in this grant, 1.7 will come to the city, 1.5 million to Multnomah county, \$441,000 to Gresham, \$13,000 to the city of Fairview, and \$21,000 to the city of Troutdale. All those funds will pass through the city of Portland to those subgrantees.

Leonard: Any questions.

Saltzman: You might want to touch on what we plan to use the grant money for.

Krueger: The first portion will fund six gang outreach workers for a period of 36 months. The second portion of the funds will fund two B.T.S. Management Analysts that will work on the B.T.S. Upgrade system. The third portion will be used to fund the prostitution enforcement mission for a period of two years.

Leonard: Excellent. Very knives. Thank you. Further questions on this? Anybody signed up to testify?

Parsons: I did not have a sheet out.

Leonard: Anybody want to testify? If not, please call the roll.

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

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Fritz: Great work. Thank you, aye.

Leonard: Item 617.

Item 617.

Krueger: Again, my name is captain mark kruger, Portland police bureau. The purpose of this agreement is simply to identify the administration of the grant funds and reporting requirements of the subgrantees to the city of Portland so we may conduct our reporting to the federal government on the application on the grant.

Leonard: Thank you. Any questions, comments? Anybody signed up to testify?

Parsons: No.

Leonard: Anybody want to testify? If not, sue, please call the roll.

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

Leonard: Thank you. Sue, could you read items 618 and 619 together?

Items 618 and 619.

Fritz: I had these on the regular agenda to publicize some of the good work that's been done with relatively small amounts of money within the neighborhood system. Community members, he is especially low-income and disabled prevented from -- prevented from participating. The funds for accessible neighborhoods have helped neighborhood associations to address some of these barriers and open up more opportunities to disenfranchise. According to our office of neighborhood involvement public involvement staff, community members have benefited from these funds. Southwest neighborhoods, accessible porta-potties for neighborhood night out to make them more accessible for seniors. We've translated into russian and vietnamese. Interpretation has been provided for fractious neighborhood discussions. Northeast coalition of neighbors translated its brochure into somali and spanish and is working with the child care associations to provide certified child care providers. And it's working. Over the last five years, a 29% increase in monthly participation in neighborhood association meetings, we're average can nearly 35,000 people -- averages nearly 35,000 people per year. There's been a 64% increase in news letters distributed to community members. We've had a 30% increase in the leveraged value of volunteer hours from participation. The number right now is over a million dollars, and I know that commissioner Fish's number for parks is over \$3 million, so the numbers are even better because i'm sure that we have even more than the net number suggests. We've increased the number of partnerships. Last year we had 4654 partnerships with other community organizations between that and the 95 neighborhood associations, and we distributed 41% of our small grants with a total number of dollars leveraged from about less than 200,000 to nearly a million dollars. And finally we are still working on neighborhood cosh -- working on neighborhood association cleanup, people who volunteer to schlep garbage and all materials from folks in the community who can't get to the cleanup. There's a tremendous amount of volunteer activity going on. Tomorrow we have the graffiti summit that we'll be looking at further ways to improve and involve a lot more people. For now, i'd like to invite you to the neighborhood office and association to tell us a couple things about what the money has done.

Paul Leistner, Office of Neighborhood Involvement: Well, thank you very much for considering these ordinances. I'm paul lysrom. Mark white is the person heading up the east Portland exposition. I'm going to be very brief and then let mark talk about his project. As commissioner Fritz said, this money has given a wonderful opportunity throughout the neighborhoods to explore how you start to break through the barriers and get more people involved. And I think some of the - almost 40% of the money has been spent on translation services, getting flyers translated, getting interpreters, listening systems. There's one russian family in madison south who actually got one of the flyers for the event they have out there. For them, this was a real honor that somebody had taken the time to recognize they were in the community, translated that into russian, and they came to that event and really felt like they were welcomed to the community. Many don't feel like they're

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invited to participate. The funds you've all provided really send messages to these groups that we do want you to part of this society. So it's been a very successful program from that standpoint.

Fish: Paul, i'm so used to seeing you as a community activist and yelling at us. When did you start your new post?

Leistner: I snuck in october.

Fish: Very good. Congratulations.

Leistner: I'd be happy to answer any questions. Otherwise we'll let mark talk about the east Portland exposition.

Mark White: Great to be here again. As far as the event is concerned, the monies are going to most likely be used for wheelchair accessible porta pot tiffs, for translation, and for allowing culturally-based performers to participate who normally wouldn't. I'm sure there's a number of other activities that would probably take up most of it. I want to take the opportunity to kind of capitalize on what commissioner Fritz was saving about the value of the program. I could sum that up with one number. That number is 63. That's the number of languages spoken by students in the david douglas school district. My neighborhood is almost win the wholly within that district. Much of east Portland is in that district as well. I think that speaks very clearly of the need to reach out to these groups. The demographics in our neighborhoods out on the east side have really changed dramatically. Main two properties from my house is a senior facility that has 30 residents. 15 are english speaking. 15 are russian speaking. So they have put together a petition for a streetcar on 122nd. The 15 english speaking have signed that, and we are currently using the money to translate into russian so they will have an opportunity to voice their opinion if they chew to do that. So there's tremendous value in this money. I really hope that, when the time comes in budgeting in the future, that you will recognize that and reinstate that money. I hope to see all of you there because each of you, within your different bureaus, have a presence that's going to be there.

Saltzman: Why don't you put in a plug again.

White: July 24, 25, 26th it's east on powell boulevard. One of the things that's really nice is both commissioner Fish and Saltzman are going to be at the grand opening for the skate plaza on the 30eth, and we're hoping to have some skateboard demonstrations there.

Leonard: Are they going to be demonstrating skateboard skills?

White: I'm hoping to work with the same groups to do some not exhibitions but doing some mentoring to some younger children.

Leonard: Specifically I want to know if commissioner Saltzman and Fish will be participating.

White: I don't know.

Fish: Tom miller has already been excluded from this, though. [laughter]

Leonard: You had to get it out there.

Fish: But I don't know the specifics.

Leonard: Thank you very much. Thanks for all you do for east Portland. Any other comments of council, observations? Anybody signed up.

Parsons: None.

Leonard: Anybody want to testify? If not, please call the roll on item 618.

Fish: Thank you, amanda, for your leadership on this and all the neighborhood issues under your jurisdiction and also for giving us an opportunity from time to time to get these reports. We sometimes bury the good news in a consent agenda. It's important particularly when citizens are taking a lot of time out of their busy lives to help us do our job and do it well.

Saltzman: I'm particularly pleased with the continued emphasis on reaching Multilanguage populations in our city -- populations in our city.

Fritz: I haven't had a chance to thank my colleagues specifically for your support. I thank mayor Adams for putting that in. It demonstrates the commitment of the entire council and the

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understanding that community involvement is what we do in Portland, part of who we are in Portland, and it's getting results. So the numbers that I read to you with the results of investment by the council over the last 10 years and also the investment of citizens and the o.n.i. Staff to recognize that we needed to grow and have grown, and we are delighted to be in the position we are in now. These particular funds are not in the budget, so we'll be looking at other ways to continue to maintain the progress. But the council has given us and is giving you have the necessary building lots to continue to do that. Thank you. Aye.

Leonard: Please call the roll on 619.

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

Leonard: Passes. Item 620.

Item 620.

Parsons: Second reading.

Leonard: Please call the roll.

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

Leonard: Passes. Council is in recess until wednesday, may 20th, at 9:30 a.m.

At 11:52 a.m., Council adjourned.