



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **3RD DAY OF JUNE, 2009** AT 9:30 A.M.

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

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

Agenda Item No. 753 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
744 Request of Dylan Amo to address Council regarding unsafe public traffic conditions along the RiverPlace Esplanade (Communication)	<b>PLACED ON FILE</b>
745 Request of Hector Lara Cervantes to address Council regarding illegal medical experiments (Communication)	<b>PLACED ON FILE</b>
746 Request of Kathryn Nilson to address Council regarding the sit/lie ordinance and SAFE (Communication)	<b>PLACED ON FILE</b>
747 Request of Olivia Johnson to address Council regarding the sit/lie ordinance and decriminalization of the houseless (Communication)	<b>PLACED ON FILE</b>
748 Request of Victoria Taft to address Council regarding Mayor Adams (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>	
749 <b>TIME CERTAIN: 9:30 AM</b> – Accept Report of the Disabled Parking Task Force (Report introduced by Mayor Adams) (Y-4)	<b>PLACED ON FILE</b>
750 <b>TIME CERTAIN: 10:30 AM</b> – Declare Homeownership Month (Proclamation introduced by Mayor Adams)	<b>PLACED ON FILE</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	

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**Mayor Sam Adams**

**Bureau of Transportation**

<p><b>*751</b> Authorize application to the Oregon Safe Routes to School program for a grant in the amount of \$100,000 for Safe Routes to School Non-Infrastructure Education and Encouragement Projects (Ordinance) (Y-4)</p>	<p><b>182857</b></p>
<p><b>*752</b> Authorize application to the Oregon Safe Routes to School program for a grant in the amount of \$500,000 for Safe Routes to School Infrastructure Projects (Ordinance) (Y-4)</p>	<p><b>182858</b></p>
<p><b>*753</b> Authorize contract with David Evans and Associates for professional services for engineering design and construction support for replacement of the N Vancouver Ave bridge (Ordinance) <b>Motion to accept staff amendment to revise wording in paragraph 5:</b> Moved by Commissioner Saltzman and seconded by Commissioner Fish (Y-4) (Y-4)</p>	<p><b>182869</b> AS AMENDED</p>
<p><b>*754</b> Amend contract with Travel Portland to add Downtown Marketing Initiative Services (Ordinance; amend Contract No. 53081) (Y-4)</p>	<p><b>182859</b></p>
<p><b>*755</b> Grant revocable permit to Good Sport Promotion to close N Beech St between N Mississippi Ave and N Albina Ave from 2:00 p.m. to 9:00 p.m. on June 13, 2009 (Ordinance) (Y-4)</p>	<p><b>182860</b></p>
<p><b>*756</b> Grant revocable permit to Restaurant Services Inc. to close SW Stark St between SW 10th Ave and SW 11th Ave from 6:00 a.m. to 11:00 p.m. on June 14, 2009 (Ordinance) (Y-4)</p>	<p><b>182861</b></p>
<p><b>757</b> Grant revocable permit to PREM Group to close NW Couch St between NW 11th Ave and NW 12th Ave from 12:01 p.m. to 10:00 p.m. on July 23, 2009 (Ordinance)</p>	<p><b>PASSED TO SECOND READING JUNE 10, 2009 AT 9:30 AM</b></p>
<p><b>758</b> Grant revocable permit to Pet Cross to close NW Park Ave and NW 8th Ave between NW Davis St and NW Everett St from 7:00 a.m. on July 17, 2009 until 11:00 p.m. on July 19, 2009 (Second Reading Agenda 699) (Y-4)</p>	<p><b>182862</b></p>
<p><b>Office of Emergency Management</b></p>	
<p><b>759</b> Authorize application to the Federal Emergency Management Agency Hazard Mitigation Grant Program for \$35,000 to update the 2005 Multi-Hazard Mitigation Plan (Second Reading Agenda 700) (Y-4)</p>	<p><b>182863</b></p>

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**Commissioner Nick Fish  
Position No. 2**

**Bureau of Housing and Community Development**

**\*760** Accept a grant in the amount of \$120,000 from the Northwest Area Foundation for the Bureau of Housing and Community Development Economic Opportunity Initiative and receive payment (Ordinance)  
(Y-4)

**182864**

**\*761** Authorize Intergovernmental Agreement with the Oregon Bureau of Labor and Industry for \$20,565 for the Civil Rights Enforcement Services Program and provide for payment (Ordinance)  
(Y-4)

**182865**

**Commissioner Dan Saltzman  
Position No. 3**

**Bureau of Police**

**\*762** Authorize an Intergovernmental Agreement with Multnomah County Department of Human Services to fund a portion of the salary expense for the County Domestic Violence Coordinator (Ordinance)  
(Y-4)

**182866**

**Commissioner Amanda Fritz  
Position No. 1**

**Bureau of Emergency Communications**

**763** Authorize an agreement with David M. Corey, Ph.D. to conduct psychological evaluations of Emergency Communications Call Taker and Dispatch candidates (Second Reading Agenda 708)  
(Y-4)

**182867**

**Office of Neighborhood Involvement**

**\*764** Amend grant agreement with Green G Service Company LLC dba Goodbye Graffiti to continue graffiti abatement services in FY 2009-10 (Ordinance; amend Contract No. 37518)  
(Y-4)

**182868**

**REGULAR AGENDA**

**765** Allocate American Recovery and Reinvestment Act resources on goods and services made or performed in the United States (Resolution introduced by Mayor Adams and Commissioners Leonard and Saltzman)  
(Y-4)

**36707**

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<p><b>766</b> Establish employment standards for all programs funded with monies from the American Recovery and Reinvestment Act in the City of Portland (Resolution introduced by Mayor Adams and Commissioner Leonard) (Y-4)</p>	<p><b>36708</b></p>
<p style="text-align: center;"><b>Mayor Sam Adams</b></p> <p style="text-align: center;"><b>Bureau of Transportation</b></p> <p><b>*767</b> Amend regulations for Sidewalk Cafes (Ordinance; amend Code Section 17.24.020 Figure 2 and Code Chapter 17.25) <b>Motion to amend 17.25.020 to add sidewalk demarcation:</b> Moved by Commissioner Fritz and seconded by Commissioner Saltzman (Y-4) (Y-4)</p>	<p><b>182870</b> AS AMENDED</p>
<p><b>768</b> Approve fee and rate charges for Bureau of Transportation services, provide for annual adjustments for inflation and fee modifications, set an effective date and establish an annual report to Council (Ordinance)</p>	<p><b>PASSED TO SECOND READING JUNE 10, 2009 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Office of Management and Finance – Business Operations</b></p> <p><b>769</b> Adopt Idle Reduction Policy for all City vehicles and equipment to promote fuel conservation (Second Reading Agenda 715) (Y-4)</p>	<p><b>182871</b></p>
<p><b>770</b> Authorize an Intergovernmental Agreement with the Portland Development Commission for implementation of critical repairs to Union Station (Second Reading Agenda 716) (Y-4)</p>	<p><b>182872</b></p>
<p style="text-align: center;"><b>Office of Management and Finance – Financial Services</b></p> <p><b>*771</b> Give preliminary and final approval for the issuance of revenue bonds in an aggregate principal amount not to exceed \$15,000,000 for the refinancing of the City of Portland, Multifamily Housing Revenue Bonds, Series 1997–The Village at Lovejoy Fountain Project (Ordinance)</p>	<p><b>CONTINUED TO JUNE 10, 2009 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish</b> <b>Position No. 2</b></p> <p style="text-align: center;"><b>Bureau of Housing and Community Development</b></p> <p><b>*772</b> Accept Section 108 Guaranteed Loan Pool Funds from the Department of Housing and Urban Development and authorize the Commissioner of Public Works to create the Portland Housing Preservation Fund (Ordinance) (Y-4)</p>	<p><b>182873</b></p>

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<b>Commissioner Dan Saltzman</b> <b>Position No. 3</b>		
<b>Bureau of Environmental Services</b>		
<b>*773</b>	Authorize contracts with David J. Collins Engineering, CH2M Hill and DHI Water & Environment, Inc. to provide modeling support services (Ordinance)  (Y-4)	<b>182874</b>
<b>774</b>	Authorize an Intergovernmental Agreement with Oregon Department of Agriculture to prepare an invasive animal assessment to determine the status and threats and to identify and guide management actions (Second Reading Agenda 722)  (Y-4)	<b>182875</b>
<b>775</b>	Authorize contract and provide for payment for the construction of the Bybee Sewer Rehabilitation Project No. E08892 (Second Reading Agenda 723)  (Y-4)	<b>182876</b> AS AMENDED
<b>776</b>	Authorize a contract and provide for payment for the construction of the NE Skidmore/Alameda Sewer Rehabilitation Project No. E08597 (Second Reading Agenda 724)  (Y-4)	<b>182877</b>
<b>777</b>	Authorize contract and provide for payment for the construction of the Lents Sanitary Sewer Extension Project No. E06954 (Second Reading Agenda 725)  (Y-4)	<b>182878</b>
<b>778</b>	Authorize a contract and provide for payment for construction of the Swan Island Combined Sewer Overflow Pump Station Phase 2 Project No. 6901 (Second Reading Agenda 726)  (Y-4)	<b>182879</b>
<b>Commissioner Randy Leonard</b> <b>Position No. 4</b>		
<b>Bureau of Water</b>		
<b>779</b>	Authorize the Mayor and the Commissioner-in-Charge to sign a water sales agreement with the City of Sandy (Second Reading Agenda 729)  (Y-4)	<b>182880</b>

At 12:44 p.m., Council adjourned.

**LAVONNE GRIFFIN-VALADE**  
Auditor of the City of Portland

By Karla Moore-Love  
Clerk of the Council

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

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**WEDNESDAY, 2:00 PM, JUNE 3, 2009**

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

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**June 3, 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.

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**Leonard:** Communications. Karla, please read item 744.

**Item 744.**

**Leonard:** Is not here. Karla, please item 745.

**Item 745.**

**Leonard:** Mr. Cervantes is not here. Karla, 746.

**Item 746.**

**Leonard:** Kathryn is here. Good morning, kathryn. You need only state your name for the record and you have three minutes.

**Kathryn Nilson:** All right. My name is kathryn nilson. I go by stoop. Good to see you this morning. I'm here because i'm interested in seeing the sit-lie repealed. I was disappointed to see it was continued. It was supposed to be sunseting next week but it's not going to be. I just wanted to come here and share a little bit of information about stuff i've been reading in the safe committee documents. It's been important to me before we go any further. First off, I believe we need to rename the safe committee or redefine safe. Safe, street access for everyone. This is the opposite of what the safe committee has created and safety, this is a word that means safety, comfort, supported, secure. Not under surveillance, targeted or harassed or violated. This is what people who live outside are experiences as a result of the sit-lie law. Commissioner Fish, former civil rights attorney, you've been excitedly talking about your resource action center. It's resounding to me. You said much with your silence. If you can change the subject, putting services in place and talking about the new housing bill, the new day access center, the stamp of approval is on this law and the abuses that go along with it. Other things that stick out to me. The unheard voice of the Portland business alliance, but their power to sway -- 27 people stood before you here and testified in the public forum about why this law should not continue. One person said this law was great. This law was continued. To me, this is a sick and private partnership that has not been transparent. Deals made behind closed doors means there's something to hide. How can the greatest and loudest voice of the people go ignored and unheard? Why should we want to participate in a process when we know with absolute certainty it's been rigged? Why should anyone want to be part of a process when the last time we came to speak, you had already made up your mind. We have said enough. You've washed your hands of this. What more information do you need? We don't need more information. It's clear what has been shared already, what is known has been ignored. Commissioner Fritz, as you make plans for community forums, remember this can never be an equal conversation. One group whose human rights are being violated versus another's uncomfotability and loss of profit, as we have analyzed the safe report, one thing has rung loud and clear. It's failed at its charge. Safe's continued purpose is clear. Merely holding up the bones of the constitution. Dancing on invisible strings and hoping it is believable enough to convince people that it's still live because of its movement back and forth on a stage. We know that the skeleton has no flesh. I'm interested in hearing -- i'm not interested in hearing anyone up here defend themselves. It's not why I came here. I am interested in seeing with my eyes how you will defend your community. Thank you.

**Leonard:** Thank you, kathryn. Item 747.

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**Item 747.**

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

**Olivia Johnson:** My name is olivia johnson. I initially intended to speak to you with the hope of congratulating you on allowing the sit-lie ordinance to sunset. Instead, I must take a moment to reiterate my disgust in extending the ordinance for four months. I would like to remind us of commissioner Fritz's words. To give me an opportunity to engage all sides in evaluating whether the safety program and sidewalk ordinance have approved public safety, help for people experiencing homelessness and support for downtown businesses. First of all, the continual denial of the fact that the sidewalk obstructions ordinance was created to move homeless out of downtown and the lloyd district is obscene. Please, it's there in your own workings. It was construed within a package deal of homeless services as you knew full well that this does target a specific population. Those without a traditional home. And i'm not saying the services that have come out of this are not valuable, but services are not and never should be exchanged for human civil right the. I would like to take a moment to reflect on the safe report made in november 2008 and just to note. Yes, amanda, we are writing a response and we hope to meet and share it with you as you've requested. Yet in the same moment, there's no real need to discuss this. This document created by your oversight committee has told you everything you need to know. There's nothing to suggest that initiative has succeeded. 24-hour restaurants and benches, I think we all know the extent of failure in this department. And regarding the ordinance, it is more than clear that folks without homes are being targeted, harassed and denied basic human rights as well as constitutional rights. We need no additional community name or education. I demand that the sit-lie ordinance be repealed. Yet as your power is greater than mine, i'm forced to play by your rules. In the last month, since the terrible news arrived. Many of us have been setting up soapbox events. We're listening and talking to each other. Listening to folks most directly affected and going to places where people without homes need to make it in their day to survive. We hear stories and rambles, guitars, audience members shouting out. Ideas for solutions, angerness and tiredness and beauty and love and on and on. And from today, there's been nothing from you commissioners. Where are these forums. I know there's a planning meet on thursday conveniently with a private invitation list. I believe you hoped it would get push add side in these four months and that you needed everything you needed to know from your own oversight committee from last november. I still want to work with you. I will be at the community forums but right now I feel bitter and fooled and pissed off. To continue to criminalize people and expect them to participate in your forums is distasteful at the least. You better be willing to work extremely hard to talk to homeless folks. Those people being oppressed by this ordinance. Their voice is most important in all of this. Yes, everyone's voice is important, and safety. But we must also continue the level the impact. As to hide the problems of our world and for others, this is a daily battle of oppression. These are not the same stakes. Repeal the sit and anticamping ordinance.

**Fritz:** Did you let me know about the soapbox conversations you've been having? Did I miss an email?

**Johnson:** No.

**Fritz:** So if you would invite me, we would be happy to have people there.

**Johnson:** Thank you.

**Leonard:** Item 748.

**Item 748.**

**Leonard:** Good morning, victoria. You need only state your name for the record and you have three minutes.

**Victoria Taft:** Good morning. My name is victoria taft and I live and work and vote in Portland, Oregon. I want to thank you for hearing me this morning and today I don't have any flowery speeches or deep thoughts but I do have a question and the question is what happened to you



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people? You know, what the most amazing thing to me is with this whole sam Adams situation, is that you're willing to sell out Portlanders and principle for political expediency. We're not perfect and no one expects perfection, but the sam Adams situation isn't even a jump ball. It's not even a close call and you can't stand up for what's right. You're so afraid sam is going to take out political retribution against your bureaus and yourselves that you cannot stand with the rest of Portland and tell the guy to resign. Sam knew what he did was wrong. He knew it was so wrong that he had to lie about it. He lied about it, conspired, manipulated so that we, the voters, would not find out before an election. He knows it, why don't you? And you still can't man up and say out loud to the public so they can hear you: Sam, you've got to resign. You don't have the trust of the people. You say sam is too smart to fail, dan Saltzman. If he is, why did he have sex with a teenager and lie about it? And you, randy, say that sam is doing a good job and who are we to judge? On the issue of judgment, I believe I speak for polite society when I say that people expect their elected officials to show better judgment than to appear in an s and m video for candidates gone wild. But in another parable, jesus, who was talking to a hooker, said go and sin no more. That means go away and don't do it again. You can at least tell sam to do that. Amanda, you say everyone makes mistakes. But it's what you do before and after a mistake that tells us about a person. Lying to voters. You're a psychiatric nurse, for crying out loud. Look it up. But you have to go to your abnormal psychology book to figure it out. Nick, would you be ok with a 42-year-old man groping your son? You vote a pay raise the same day you raise our water rates. For that alone, you should be recalled. You're part of a coverup. There's no other way to say it. You are part of a coverup. This is another neal goldschmidt situation. What else aren't you telling us? Mexico trips with a boy toy. What else have you be covering up for sam Adams?

**Leonard:** Thank you. Time certain --

**Saltzman:** Randy?

**Leonard:** Sorry. Commissioner Saltzman.

**Saltzman:** Thank you. Per city council resolution we passed in april, i'm going to read the following statement. Monday, june 1st, for the first time, the flag of the city of Portland was lowered to half staff to honor four-year-old eldon j. Smith, who died from a drowning in may. If you know of an abuse, call 1-800-509-5439, the hotline. If you witness abuse, call 9-1-1.

**Leonard:** Thank you, commissioner Saltzman. Karla, please read item 749.

**Moore-Love:** Did you want to do the consent agenda?

**Leonard:** Sure. Is there any items on the consent agenda, any items that the council would like withdrawn?

**Moore-Love:** Mayor Adams requested 753 be pulled for an amendment.

**Leonard:** Any member on the audience would -- like any items withdrawn?

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

**Leonard:** Aye. [gavel pounded]

**Leonard:** Should we dispense with 753?

**Moore-Love:** Just a second. We have an amendment that's requested? Yes.

**Item 753.**

**Leonard:** Can we get that --

**Moore-Love:** Is paul --

**Leonard:** Good morning.

**David Olongagh, Bureau of Transportation:** Good morning, my name is dave. I'm the supervising bridge engineer with the city of Portland.

**Paul Gornick, Bureau of Transportation:** And paul, the department of transportation.

**Leonard:** You have an amendment.

**\*\*\*\*\*:** The first section of the ordinance.

**Leonard:** Where is it at again? You said the third?

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\*\*\*\*\*: Item 35 in section 1. To change the wording request for qualifications to qualifications-based selections.

**Leonard:** So insert what again?

\*\*\*\*\*: Qualifications-based selection.

**Leonard:** Do I hear a motion?

**Saltzman:** So moved.

**Fish:** Second.

**Leonard:** Vote for the amendment, Karla.

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

**Leonard:** Aye. Vote on the item.

**Moore-Love:** Did you want to take testimony if there were any?

**Leonard:** Sure. Anyone like to testify? If not, Karla, please call the roll.

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

**Fritz:** I wasn't going to comment, but since it's pulled, it's for repairing the vancouver bridge in north Portland. It's a vital connection and I want to commend mayor Adams for getting it done. Aye.

**Leonard:** Aye. [gavel pounded] passed. Thank you, gentlemen. We'll go to the time certain. Karla, please read item 749.

**Item 749.**

**Leonard:** Thank you. Do we have people from pbob? Come forward, please. Good morning.

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

**Leonard:** Are there two of you?

\*\*\*\*\*: This is ann and she'll be reading the majority recommendation, and after, i'll finish.

**Leonard:** Maybe before that, you can describe the process so everyone gets the context from which your recommendations come.

**Nolan Mackrill, Bureau of Transportation:** Good morning, my name is nolan, transportation division manager in parking enforcement. This morning, I report from the disabled parking taskforce will be presented. The creation of a taskforce began when the 2007 Oregon legislature passed a senate bill 716. This bill enacted three provisions for parking with a disabled placard. It created a wheelchair user parking placard. A new matrix in parking lots to include wheelchair only user spaces and that it manipulated the regular disabled placard parking privileges on the street. Prior to senate bill 716, disabled parkers were granted the privilege of parking on the street in the metered or non-metered spaces without time limit or fee. The council created the taskforce in january 2008 to address disabled parking and the senate bill. The taskforce members were from both the disabled, businesses and related interest groups and created a charter and was run with a facilitator. They reached consensus and some companion strategies. To increase fines for unlawful use of a disabled parking placard and provide incentives such as discount rates at city-owned smart park garages, increase education and administrative changes. As a result of the legislative request from the taskforce, this session of the Oregon legislature, senate bill 937 was passed. The signature and license number of the medical provider and this will through attrition eliminate placards -- the taskforce did not come to a consensus on the final outcome for parking on the street while utilizing a placard. You'll hear a report from ann, program director with the national multiple sclerosis society. And there was a letter for council with the board position of the lloyd t.m.a. That will be distributed within the week to all council members. The majority recommendation include maintaining parking privileges to the pre-senate bill implementation and hiring additional parking enforcement officers and continue to explore smart park garage options. The minority recommendation includes implementation of a four-hour free parking per day per block with a valid disabled placard and continue to explore smart park goodbye garage options and enhance enforcement of invalid placards. The majority believes that parking staying consistent with pre-

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senate bill 716 placards provides -- the majority believes that implementing the four-hour parking regulation could reduce the 20% of vehicles displaying a parking placard and help with the city's meter revenue losses and provide the turnover that the business community requires for sustainable business. The city staff recognizes both sides of this emotional topic and seeks to find a balance. Staff also found it cannot fund the additional staff for the placard abuse, but will continue with the high level of enforcement currently provided. The staff also recommends that council temporarily pre-senate bill 716 conditions to june 30, 2011. Initiate an education and outreach campaign and continue to work with d.m.v. regarding legislative changes and continue to explore incentives to promote smart park garages for disabled placard users and continue to monitor and rigorous enforcement against placard abuse and continue to meet to monitor the outcome of the legislative change in the issuance of the disabled parking placard through the two-year extension. City staff recognizes the value of both disabled and business communities and respectfully stating their ideas and recommendations. I want to thank the commitment of this taskforce, the time involved and the strategies that be continued beyond these meetings. And I would like to change abuse wayne, who is pbot parking operations employee who pulled together all of the meetings and compiled the notes and kept the webpage updated with the progress of the taskforce. I would like to introduce ann, a program director with the national multiple sclerosis society to give a report on the majority recommendation.

**Leonard:** Thank you, ann.

**Anne Belzo:** Thank you. My name is ann belzo, for the record. And i'd like to outline the recommendations from the majority -- the majority recommendations in this respect, and then I would like to step back and just as a member of the taskforce make just a few comments about the process. About the way the taskforce was handled. Very well. And also about some language that's kind of required because of code. So let me launch into this and then get to that part. As a summary of the majority recommendation, the majority recommends reinstating pre-senate bill 716, disabled parking permit privileges, in conjunction with an one-year enhanced enforcement pilot program with benchmarks for outcome measurements. The majority believes that permit abuse is the source of the problem and that a enhanced enforcement program will reduce current abuse and misuse and address the issue without any detrimental reduction in the disabled parking privilege. This was described and is described in the written report that you have, as a two-part approach. First, return to pre-senate bill -- and i'm on page 11 of 14, if you're following the packet. Return to pre-senate bill 716 status honoring both placards as they now appear from d.m.v. those that allow wheelchair and scooter parking and everyone else. Two different placards. So we stay let's go back it the original, any placard will provide you the privileges currently allowed for parking. And then the second part is enhanced enforcement on invalid permits. And we settled on an one-year pilot program and had suggestions for how the enhanced enforcement would be -- the solution would come about. So there would be surveys. Quarterly schedule of strategic events. Attempts to involve the media. To 0 inform the public. And we also would have work to -- the city would work to prepare for strategic enforcement, such as increasing fines for misuse. Educating medical providers and the public in general. We also ask for involvement of the taskforce on a continued basis because that would then provide input on midpoint measurements and point measurements and final reports on surveys and what next categories. We also talked about asking for additional funding. But times were very different then and we and the recommendation staff provide have not included that in our recommendations. We believe that -- I personally believe that the staff recommendations closely mirror the solutions that we provided as a majority. And that we can support those and do those staff recommendations. We also encourage participation in the business community and hope that they continue to be involved in the taskforce and we certainly do understand their frustration when their spots in front of their store -- their place of business are consistently taken up with people who are illegally using parking placards. And i'd like to say a few

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personal words about language that is required because of code and legal wording and it stands the i'm here today not to talk about a piece of cardboard hanging on a rearview mirror. Symbol though it is. I'm here to talk about the people who use those placards. Our sisters, brothers, parents, friends, neighbors and coworkers who come to downtown for exactly the same reasons everybody else does. To shop, eat, and play. All of us share the privilege of using the streets and sidewalks of our hometown, of Portland. But we must be clear: Privilege may be a term used in parking laws and codes referring to general usage. But parking placard usage by a person with a disability is an accommodation, not a privilege. And as a personal statement, I wanted to make sure to make that very clear. And like any accommodation under the americans with disabilities act, it makes it possible for individual who's experience a disability to participate fully. So I ask you -- I ask you to support as staff has stated, the two-year pilot project with input from disability and business communities alike. Thank you.

**Leonard:** Thank you, ann. Any questions? Yes.

**Fritz:** Thank you very much for all the work on your report. I was particularly struck with the note that over 20% of the cars parked on streets in downtown Portland display a disabled permit.

**Belzo:** I want as well.

**Fritz:** And although it could be we're bringing lots of people from the suburbs to do business downtown. How do citizens who might suspect there's an abuse of a parking permit, how do you report that to enforcement?

**Belzo:** Well, there's a process to report now, if you suspect someone is misusing and there's a known number you can call. City.

**Fritz:** The general number?

**Belzo:** Yes. But also I believe that this will be addressed in the enforcement strategies that staff has set forth. That they're very clear that many of the people who are using those spaces are not using them -- are not people with a disability using the placard correctly. Or legally.

**Fritz:** And then with regard to incentives for using the parking garage, I further understand only 25% to 50% of the disabled spaces in the smart parks are used and you note that you would like to have incentives the since parking on the street is free with a placard, would discussing whether we could make parking in the smart parks free with a placard, would that be helpful?

**Belzo:** Yes, free or significantly reduced.

**Leonard:** Further questions? Commissioner Fish.

**Fish:** I want to thank the taskforce for the work and I want to thank the team, nolan and your team, that briefed me on this. First, I wanted to identify on the enforcement side, I think this is sensible. If you have a program, you have to make sure that people are actually deserving and take advantage of it. And to go to amanda's point, one of the challenges, it's virtually impossible for a person to know whether someone has a validly issued permit or not. There's nothing about the car, the person, the behavior that's going to give us any clues. It really goes to the question of whether it was issued properly and they have under the new law, a doctor's certification. That's ultimately our protection. I applaud that portion of the work. And when the word "accommodation" is used, that word has significant legal history. It's an area of the law I used to practice a lot. It's a bedrock, I understand that. There's one area i've been struggling to understand. And that's the difference between providing parking on street without limit. Which I can understand if it can be part of an accommodation. And the companion piece, which is the parking without fee. And the fee portion I don't understand as well in terms of the context of an accommodation, and I wonder if you can address that.

**Belzo:** I believe the accommodation here is -- has to do with the struggles that folks with disabilities have to make ends meet with the reduced income they receive because of social security income and social security disability insurance. Even with part-time work, many people also come into the city not because of part-time work, but for other reasons. Even with part-time work, it's

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very difficult to be able to afford the parking charges that would be incurred. And so for that reason, alone, we believe this is an accommodation for folks with disabilities and I do know when people -- that people who have disabilities who have resources, they report that they do pay the parking.

**Fish:** So the -- you know, one of the things we struggle with is we're cutting the pbot budget and taking a lot of money out of the budget and cutting positions, we don't have the resources to maintain our infrastructure that we would like. And the council has consistently argued for more cost recovery. To make sure users -- as parks commissioner, i'm charged with getting a higher level of cost recovery. And I wanted to make a suggestion. My understanding is you'll can doing further study on this over the next two years. Would it be appropriate to pose a couple of questions that I have that could be folded into your query.

**Mackrill:** I think those would be welcome and we would bring up at the next taskforce meeting.

**Fish:** There's a couple of things i'd be interested in. One is, a little more detailed information about the experience of other practicable cities -- comparable cities. And second, is there a way to maintain affordability but also recovering some reasonable portion of the cost. Not -- not tampering with the no-time limit piece, but is there a way, for example, for someone who has a valid permit to get a card which would make them eligible for both unlimited use and a reduced fee that could just go into the new machines. Obviously wouldn't work in the old fashioned ones. Is that a concept? And also given the data you've shared on the use of dedicated spaces and smart park, is there a program you would suggest that involves reduced rate? I would -- on the piece of this that I would like to know more about and get more comfortable is the fee side. And one of the reasons is that under the current proposal, someone with a valid parking permit, placard, a placard holder, could technically park at a meter place 24/7. There's nothing that prevents that. It could become permanent packing and there's a point -- i'm wondering whether that gets beyond the notion of accommodation and I want to be very focused on the accommodation side and make sure that barriers do not exist but also have a rationale for why we have a fee reduction for one group at not another. That's an area I would like to know more about.

**Mackrill:** We'll put those on our agenda items when we reconvene the taskforce for part of our discussion for future evaluation for the two-year period and be able to see if we can implement any of these in between the two-year period along with commissioner Fritz idea of smart park garages and see if there's more immediate implementation items.

**Fish:** Thank you for your good work.

**Saltzman:** Under senate bill 716 to get a placard you need a -- what?

**Mackrill:** When you initially -- well, senate bill 716 is the one that -- that we're discussing regarding the regular disabled placard parks without limit or fee. And the bill that was just passed -- which requires on the rule of your application, a that you have --

**Saltzman:** Is there a timeline for which a placard expires?

**Mackrill:** With your driver's license or i.d. card. So the length of time is up to eight years renewal on your license or i.d. card.

**Saltzman:** There was discussion, somebody expects abuse of a placard, what can parking enforcement do about that?

**Mackrill:** When they report it to the 823-4000 line and ask for parking enforcement, we'll take that information and try and get the information from the person reporting that to give us an approximate time that the person is at their vehicle, entering or leaving their vehicle so our officer could ask the person to show their i.d. To prove that the placard is theirs and we do that with looking at your license and then running the placard number. And verifying that the names are matching. And if they are, then we -- there's no other action that we can take. But if it's not the same name, we can ask for the permit and also issue an unlawful use citation for using it without being the proper holder.

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**Saltzman:** Thanks.

**Leonard:** Further questions. I have one. When we met, I related to you a concern that had come my way from the disabled community that in the five recommendations you had did not include the taskforce continuing to meet. You had a positive response and I thought -- I appreciated ann, you pointing that out in your testimony. Do you want for the record express what you told me.

**Mackrill:** Yes, our staff recommendation, I read we -- in the last point we want to reconvene the taskforce, reconvene and then renew the charter, the bylaws and talk about our points today and then discuss how often we want to meet in the future. But we're anxious to reconvene the taskforce and continue throughout this two-year period to evaluate how all aspects of parking are being used.

**Leonard:** Great. Thank you.

**Fritz:** Would you also tell everybody what you're doing with the Multnomah county circuit court regarding fines?

**Mackrill:** Yes, last week, we requested the circuit court to increase the disabled -- if you park in a disabled space without a permit, we recommended to raise that from \$190 to \$450 as part of the taskforce recommendation and if you're using the permit unlawfully, the current is \$450. The taskforce wanted to raise it to \$1,000, but Oregon revised statutes has a limit of \$720 so we recommended for the maximum and then we'll see what the presiding judge returns back with her recommendations are for the bail amounts for those two violations.

**Fritz:** Thank you.

**Saltzman:** That applies to using disabled parking spaces on private property.

**Mackrill:** On street and off street, for that rate.

**Leonard:** Great. Thank you. Karla, do you have a sign-up sheet.

**Moore-Love:** 10 people signed up.

**Leonard:** Why don't he go ahead and just move those chairs. Somebody needs them, they can pull them back in place. Thank you. Good morning. You just need to state your name for the record and you'll have three minutes.

**Robert Shnayer:** My name is robert shnayer. And I would just like to give my support to the majority of the recommendation. Sorry. You know, regarding the recommendations regarding to extend the parking while utilizing a disabled placard. And also to encourage businesses to deal with the same pretty much. I'm going to come from left field, maybe on this one. I don't just use a wheelchair, I use a walker, a cane. Not every time I go to some place from point a to point b, do I use the bus. Often I have people drive me. And they don't have wheelchair accessible vans so I do what I can do to get by. It's harder to get around with a walker and cane in my condition than a wheelchair. My concern is having businesses that are more sensitive to people when using walkers and canes because obviously, we are in pain. When getting about. And at the same time, going to device a playard, whatever -- a placard, or whatever, I really can't see the difference from one or the other, as far as utilization but it's my concern not to get -- others get added on to the list of the disabled. What I mean by that is how often have you been in an economy car trying to get around, looking beyond a van, and -- boom: Someone smashes right up against you. And I don't know how many people actually got hurt in that situation. Give it time, i'm sure it will happen. And so that is -- how -- how vans are utilized in parking situations, especially on corners is one of my major concerns. So again, sensitivity is the issue. And that's -- that's two. And then also, I don't know why -- I haven't really delved into the politics of it all. But I go to elder space, at providence hospital in north Portland and I can't believe it. People going to the coffee shop are parking in front of our entrance when we have buses that need to use the situation right in front of the door. And, you know, then it makes it harder for the bus drivers to get us in and out promptly in a time-honored fashion. So you know, i'm going to work on that situation. I neon, that's ridiculous, like I said, I

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don't know what's been going on with the politics of it all. I just joined up with them recently. But I would appreciate you looking into that.

**Leonard:** Thank you, robert. Ma'am?

**\*\*\*\*\*:** And now it's time for me to go to my [inaudible].

**Channah Pastorius:** Good morning, commissioners. My name is channah. I suffer with multiple sclerosis. And many of us with m.s. are suffering from a progressive incurable disease of the central nervous system and there may be a point where they don't need to use a wheelchair or a scooter. But they still have to use a cane or a walker. Maybe they're completely ambulatory. They don't look disabled but they are disabled. They may have balance problems and fall easily.

so they are very much in need of having a handicapped placard so they don't have to keep running back and forth to keep feeding the meter. It could cause severe damages. So many people are quick to tell us that we look great. Well, great, i've never met an ugly person with m.s. So this is good. [laughter] but still, inside of our attractive exteriors, there's a lot of nasty business inside. We pay taxes and provide revenue to shops and restaurants and there shouldn't be a huge issue that they're parking and also enhancing the diversity that Portland claims to be proud of. To have not only able-bodied people but a variety of disabled people. And that we are able to come in and spend our money in Portland. That while we may not be plugging the meters, we're spending money in the restaurants and movie theaters and so on. What we need to do is crack down on the users of stolen handicapped tags. Parking enforcement could periodically run the permit numbers to see if it's been reported as stolen. And finding out who has stolen handicapped hanging tags and we also need to frown down on spouses, children and friends of the handicapped placards who need to borrow it. That's an abuse of its uses. Many times I go to the mall and all of the spaces are filled and yet I see happy teenagers jumping out and driving away. Who is the handicapped person there.

And I missing something? When the person dies, it should be relinquished by their heirs. I once dated a man who had a handicapped placard. He was not handicapped. She died and he was the first one to grab it. While there's been a 35% increase in the number of disabled parking permits in recent years, not all of them are going to converge upon Portland at one time. And don't want we want Portland to be known as a disability-friendly city? Thank you.

**Leonard:** Thank you.

**Michael Egan:** Good morning, mayor Adams, I notice, is absent and i'll forgive him for that. Members of council. And I want to recognize the president of the council, randy Leonard. For the record my name is michael eagan, advocacy coordinator for elders in action, the commission. While senate bill 716 was well intentioned, it was ill-conceived and inadequately vetted. To my knowledge, other than the group that brought it, they -- the paralyzed veterans of america, Oregon chapter, no other handicapped group was consulted. I must have made it clear that in my opinion, s.b. 716 is illegal. Because it violates federal law 28 cfr 35.130 (8) which prohibits from providing different levels of service to the disabled. I say that -- say that as -- also I would refer you to the article on page 2 of the [inaudible] this morning. It's nice to know for once that when i'm quoted, i'm quoted accurately. But basically, on its face, it's illegal. But on to the reason i'm here today, and this -- my written testimony says it much more succinctly than I am. The council is to be commended for establishing the taskforce to study s.b. 716 and its ramifications prior to allowing its implementation. I'm here today to support the findings of the majority report. And the report deals most effectively with the major issue: Misuse of handicapped parking. Its dual focus on enforcement and education will do this. I'm convinced that should the council implement the details of the taskforce majority report, given the recent passage of s.b. 937, which requires the signature and license number of the medical certifier on the application for a placard renewal, in time, the problems around parking for the disabled will be involved to the satisfaction of -- resolved to the satisfaction of all parties. To finish up, as has been discussed before, many times, myself, in a power chair is much able -- more able to go distances than the person who might have emphysema

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and find it's difficult to walk 10 feet. So I really believe if the recommendations of the majority report are followed in time, that will solve the problem, which is one of misuse.

**Leonard:** Thank you, michael. Karla, please call the next three names.

**Leonard:** Good morning. If you'll each, starting with jan, just give us your name and you have three minutes.

**Jan Campbell:** My name is jan campbell and I want to thank the president and commissioners for letting us speak today and I also want to thank mayor sam Adams because he's the one who brought the taskforce on and included people with disabilities. And that is a big -- kind of reinforcement to us in the community because it shows you're interested in having people with disabilities involved, not at the end, but in the beginning and through the whole process. I want to thank you all for including -- I say us, because I am a person with a disability. A couple of things I want to talk about, senate bill 716 and then address your issue on the money. Because I know that we've had a lot of discussion on that. And senate bill 716 really -- it -- it really is not a fair bill. Because, again, it's pitting people with disabilities against other people with disabilities. For myself, it doesn't matter whether 716 is implemented or not. Because i'm covered. I use a mobility device. But 716 doesn't allow other types of disabilities. But a lot of those are hidden. Not being able to park in a parking space for 30 minutes or more. You see me all the time rolling down the street. I can probably park my vehicle a lodge ways, but other people cannot do that and they're the ones being punished. So it's just not a fair bill. It leaves people with certain disabilities out. And the other thing that it does is it does not punish the abuser. It's really punishing people with disabilities. And I think with the report, the staff report and I want to commend nolan and ruth working with this group because there were a lot of emotions to bring the staff report forward, that we really wanted to make it -- to good first to educate and enforce and see if that will work and then if we can, get it the abusers, and if we see there are other issues, we'll focus on that. The last thing I wanted to talk about and why we say it's a privilege, it is not a privilege. Because what this does -- laws us pre716, it allows us to have the opportunity to have access to program services, employment, and we do not have a lot of options, depending on the disability. We want ride bikes or jump in people's cars. So sometimes the only way we can do it is own a vehicle. Sometimes the vehicles are very expensive. So it costs a lot more than a so-called normal person. And we also have hidden costs. So we may be working and may make good money but we may have in-home care. There's so many different things when you have a disability that you need to think about. That's one of the things that we say in the sense, it's an accommodation, because it allows us where we may not be able to have the opportunity to be able to come downtown, to do our shopping. Your parking garages are not totally accessible to people with disabilities. The only place they're going to be able to park is on the street. There's a lot of different things we need to look at and I hope the taskforce, because it will -- and thank you, randy, for bringing that up -- that it will be kept ongoing and we'll go through the two-year project and then analyze and bring forth other recommendations. Again, I want to have you support the staff report.

**Leonard:** Thank you, jan. Go ahead.

**Fran Mlynarczyk:** Hi, i'm fran. I'm with -- sorry. I'm on the parking committee [inaudible] m.s. Society. And we have bumped into a whole lot of issues with senate bill 716. One of them being the fact that it's a wheelchair-only permit. And I -- you can see I use this chair. I have a ramp van. And I drop my ramp. I'm absolutely shocked at how many people don't know what zebra stripes are for. Because they park in zebra stripes or park just a little bit over the line. And that is something that I would like to see enforced. We have in bend, Oregon, they have put no parking also on the zebra stripes so that -- because i've been trapped. I've been trapped at stores, i've been -- etc. And in talking to kaiser permanente recently, townhouse they're doing new buildings, the director told me they don't need to stamp "no parking" on the zones. We just tow them out. That's one option. But i've been stuck at lloyd center and they have to call the clackamas county police to do any kind



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of towing. I was -- I mean, somebody was actually parked right next to me in the zebra stripes. So they don't have the private property ability to do that. So there are some issues. I don't come downtown too often without using mass transit because parking is difficult.

I have park for the m.s. Walk. I used to park underneath the hawthorne bridge, but I got a ticket. It went very pretty. I assumed on weekend -- and it's an assumption, that there aren't people parked under there. So I really need to pay better attention all by myself about the parking issues and I don't have any problems paying for parking, but I don't come downtown and park all day. My ramp does go down on the sidewalk, and maybe not all the way, but then there are friendly pedestrians, so I do get some assistance. I thank you so much for looking at this. And a ask that you continue looking at this, but not just downtown.

**Leonard:** Thank you, fran.

**Ray Duckett:** My name is ray ducket. A private citizen. I'm not affiliated with any organization. I my disability is very noticeable. An amputee. I'm glad that the legislature did pass bill 716, which did make for a different style of parking permit. It's lighter in color. It says specifically wheelchair user on it. And I do indeed hope that this council will encourage enhanced enforcement because I have seen a lot of very obvious violations in different zones around the city. Thank you, that's all I need to say.

**Leonard:** Thank you, ray. Karla, please call the next three names.

**Leonard:** Is art here? Oh, here he comes. Good morning. If you will each just state your names for the record and you have three minutes. Thank you.

**Betty Brislawn:** I'm betty, i'm past chair of elders in action. And I am very disabled. I have only 25% of my lung capacity left. Chose to have a handicapped tag after several years of not using one. I can afford to pay. But I discovered that if I was going to be active as I have been, elders in action for six years, and now i'm past chair, and working with the bend, Oregon, regarding the ballot measures, I can't do what I do without some way to get there. Let me share with you. I came today to just listen. But I walked from the basement parking across from Portland building, and because probably of the mugginess today, I was very out of breath and had to stop in the middle of the block to get my breath. So i'm so grateful that Portland decided to look at this matter further. It makes me angry when I realize that the day that bill passed in the legislature, the statement was made, not hearing any objections. The bill passes. None of us were informed. So i'm so thankful that you're looking at this. I appreciate it.

**Leonard:** Thank you, betty. Art?

**Art Lewellan:** My name is art, and I -- and hope to -- my testimony to address the way that efforts to accommodate the needs of the physically disabled people benefit everyone. And for as long as curb cuts have been part of policy for the city and I think a law nationally, i've always come to the conclusion that they don't just benefit the people that have a wheelchair that needs to ride and be able to cross the street. But everyone uses them, including bicycle users would want to get off the street and out of traffic. They want to get out of traffic. I wanted to thank the city for curb extensions. That you can say benefit pedestrians but also people who are disabled and makes it easier to cross the street. And one in particular i've noticed recently is on everett street northwest. At the entrance to i-405 and that area to me was a death trap. And i'm so glad you did that particular one. There's a green painting there and thank you for that. On my way over here, I was on salmon, east, crossing Broadway, I had to walk light. And someone coming down Broadway, driving made a turn as fast as if they didn't see me and I think that's because the corner there allows parking on that corner, and actually as a matter how we build the city, you need to be more concerned about. I'm pointing it out. So my basic point is thank you for the efforts that you put forth to take care people with disabilities because it benefits everyone.

**Leonard:** Thank you, art.

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**Denise Spielman:** Denise. Since 1999 i've been an a.d.a. technical assistant specialist and trainer. I want to thank you for allowing me to be here today. And I want to urge that you follow the report that was given and to educate you a little bit, because oddly enough, each of us isn't born with the knowledge of the americans with disabilities. Act. I've found this out in 11 years of training about the a.d.a. First of all, in my opinion, senate bill 716 will not stand up to a court challenge. It's been referred to as not being a good law. And the biggest problem is that many people with disabilities were not asked to participate. I'm here as a citizen, but I have sat in as a non-voting member on the access committee of the Oregon paralyzed veterans association, yet I knew nothing about the passage of this 716. When it was being formatted. And recommended. And I think that's because the people who were putting it together understand that the a.d.a. is my passion. Civil rights is my passion. And the a.d.a. is a civil rights law, which mean it's a complaint-drive.law. There are not a.d.a. police to go around and enforce it. You have to complain or put into place ways for it to be enforced. And what senate bill 716 does is to create wheelchair-only spaces, however, those that are supposed to be designated as wheelchair-only are taken from the total amount of required van spaces. So it should be in addition to. I think Oregon paralyzed veterans association had a wonderful idea saying there are not enough spaces for people in wheelchairs, but instead of taking away from the required number and making some of those wheelchair-only, they are taking away access from people with congestive heart failure, emphysema and people with crutches and so on. So it needs to be reworked. And i'm hopeful that people will understand that good access is good business. And that statistically speaking, the business of one person with a disability, brings with it the business of four to five others. So it's good for the business community. To move ahead with plans for this taskforce. To accept their majority report and because soon we will be a nation of many more old people -- [inaudible] -- we'll need more and more spaces.

**Leonard:** Thank you, denise. Karla.

**Leonard:** Anybody else that would like to testify that did not sign up? Is david here?

\*\*\*\*\*: Yes.

**Leonard:** Come on up, david. Set up an obstacle course for you today, david. Good morning, david. State your name for the record and you have three minutes.

**David Miller:** Good morning, i'm david miller, and glad to have the opportunity to meet with each one of you all or your staff and try and fit the puzzle together a couple of times. Trying to come up with different ideas prior to when the meeting. And with you, commissioner Leonard, on different issues. With this issue, with parking, I think we need to look at -- when I first moved here, I came from knoxville, tennessee, I served on many committees and councils for that city. One was the [inaudible] committee. That committee did have a litmus test for participation, which included doctors, doctor-specific diagnosis. Letting you know how far someone could walk without distress and were they capable, were they suitable for membership or participation with the system itself. Each year, each year, the disability can be temporarily more severe than at other times. In the committee I served on for three years for that city, when I first moved here, I found that salmon -- salmon -- southwest salmon, southwest taylor and southwest columbia, and the crossing of 405, on the sidewalk, had no curb cuts, when I moved here in 2005. That's a long time since they gave a sign since and that's downtown Portland and there are other areas where our infrastructure is -- has crumbled to a point where the curb cuts are no longer accessible or useable. And I think it's a very creative -- it's going to take this committee to reconvene to come up with ways to make it beneficial to both the business community to where it can be an economic development issue, get the business community more involved to let them know that -- to remove -- you know, one barrier to them is not a parking issue in front of their building the steps to their front door that's preventing people from getting in to spend some money. There's things that haven't been explored yet that I think this committee once convened will have a chance to explore and come back with solid recommendations. I appreciate your time and effort.

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**Leonard:** Thank you, david. Further council discussion? If not, Karla, please call the roll.

**Fish:** Well, this has been a very helpful hearing and I also want to begin by thanking the pbot team, particularly nolan and ruth, for the briefing we received on this issue. This is a complex issue with a lot of history and a lot of thought has gone into our recommendation. Let me also say to the citizen activists who served on the taskforce, thank you for your time. It's very valuable and we appreciate the wisdom you've brought to this process. One of the people who testified today talked about Portland as a friendly environment for people with disabilities. And I want to also acknowledge today that during a very tough budget cycle, this council, my colleagues and I, were able to restore funding for some very vital programs that benefit seniors and people with disabilities and I couldn't be prouder of the collective statement of values of the people I serve with but we would not have restored some of those proposed budget cuts during a down economy if many of the people who are here today were not such effect I have advocates in getting your point across. I thank you for that. We have an enormous opportunity to become a city that's friendly for older adults and welcoming and friendly for people with disabilities. And, in fact, I had the great privilege of serving with chair wheeler on a taskforce, looking at the older adult piece and we don't always recognize the enormous opportunities that are presented when we're a welcoming and accommodating place. We don't always consider the amount of talent we would otherwise be discouraging because of barriers. What we're talking about today is how do we remove barriers which prevent people from fully participating. The americans with disabilities act was a wonderful piece of legislation and as noted, largely driven by people making complaints. There's a complaint-driven enforcement system. I forget the amount that has been quantified, but the amount of public investment still to be made to remove barriers and truly live up to the promise of accommodation is staggering, but we're making progress and still moving forward and that's key. I'm going to support the majority recommendation and I'm pleased that the taskforce will stay together and continue to deliberate over the next couple of years. I'm particularly interested, as I signaled earlier, in understanding the experience of other cities and particularly in the question of cost recovery and fee structure. That's an issue I would like to know more about and I think the taskforce is well suited to continue to examine that piece. And I also want to applaud the common sense recommendations around enforcement of the abuses in the system. And any system that we devise, there will be people who find a way to abuse it. It's the nature of people. But the recommendations here for getting tough on people who abuse this right and as a result, put the whole program in jeopardy, I think are long overdue and well considered. Thank you for your good work and a look forward to having a continuing conversation with you as you fine tune your recommendations to us down the road. I vote aye.

**Saltzman:** I want to thank the taskforce. I think we are a city that places a high value on the ability of people to age in place. And also for people to live independently. And toward that end, we need to make sure we are accommodating those with disabilities and so they can enjoy life to the fullest. So this is an important -- I appreciate the taskforce work on this, I think there are some issues that still have to be looked at with respect to enforcement issues and I -- the idea about the striping or putting no parking in the zebra stripes makes a lot of sense. Maybe we can just do that as a city. It seems it make a lot of sense. I see the abuses all the time too. I appreciate your work and this is a great report and we value you as good citizens of our city. Thank you, aye.

**Fritz:** I want to thank you for being here. It does my heart good to look out and see -- this is Portland. This is who we are. You care and given time on the committee and given input. As commissioner Fish said, we have dedicated money in the budget which is one of the ways we demonstrate we care. But the citizens of Portland, I believe, want the system to work better and I thank you for wanting to continue to serve. And mayor Adams is sick and he would have liked to have been here because he's shown a lot of leadership on this over the years and I'm excited to be the commissioner with liaison responsibilities to the commission on disabilities. My staff is also

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concerned and interested in wanting to continue to work with you, not only on this, but many other topics of interest to all of us. I want to state for the record, that I have support the fee waivers. I know from my career in nursing that there's so many extra fees that people with disabilities have to grapple with, that to me, it's part of who we are as a society, that we recognize that our -- parking downtown is expensive and if you need to come here, that's part of the way we can help in a small way. I'm interested in looking at how we can help particularly wheelchair users, use the smart parks so that we leave the places the street both for paying customers and those of you who pay with your service and coming, as you said, to shop and work and do business downtown. Thank you very much for all of your work. Aye.

**Leonard:** It's interesting to me how our society approaches a variety of issues, whether it's public restaurants and our sensibilities about that versus -- we were talking last night about great Britain and other countries and their liberal approach to having public facilities for all. And we also seem -- the legislature did this as well, which I think is a problem, our society, is to try and judge issues based on their economics and what makes sense economically or not. And not enough weight being given to the social good of decisions that policymakers make for an example, plagues our healthcare system greatly. In this issue, I frankly am less persuaded that some people with disabilities may use a parking spot as was pointed out in one of the letters received, to commute downtown to work. I frankly don't care. I think people who are struggling with disabilities ought to be given the greatest amount of latitude whether or not they partake in a particular business in a block or not. And I hope until the day I'm done on this earth, I appreciate what I have and do the things I want to do and I often remind myself as doing those activities, when I see someone with disabilities, there but for the grace of God go I and I would hope that it's struggle enough just to get into the vehicle not to mention to get to the place you want to be. Having said that, I also take a dim view of those who intentionally violate the law. As of empathy I give those and latitude that need it, I have little sympathy for those -- for instance, your former boyfriend, that would abuse the law. If we can do the \$1,000 fine, I would be more than happy to enforce that each and every time. That should not be tolerated. So I appreciate all the work, I appreciated meeting with Jan on this and her perspective is very helpful to me and the work of the taskforce. And look forward to looking at the next two years and seeing what you find. Aye. [gavel pounded] passes. Thank you all. [applause] item 750.

**Item 750.**

**Leonard:** Commissioner Fish.

**Fish:** Thank you, Mr. President. Mr. President, members of council, we've grown familiar when we read the newspaper and watch TV about all of the dubious statistics that quantify the times we live in. Rising unemployment, rising foreclosures. Job loss. Economic turmoil. In the midst of the worst economic downturn in our lifetime, we have something to celebrate today, and that is national homeownership month. But more particularly, the fact that this may be as good a time as we've had in recent history for citizens, particularly, first-time homeowners, to buy a home in our community. As we know, homeownership is a very important value in our community. It's a way that people generate wealth. It creates and promotes stable neighborhoods. It gives people opportunities and strengthens families. And during this particular downturn, the one silver lining that I as your housing commissioner can point to, if you're a first-time homeowner, this is about as good as it's been in a long time. As part of national homeownership month, what we've arranged is to give you a brief overview, a overview of the programs that the city of Portland funds and promote that promotes homeownership. And we've invited two panels of distinguished citizens. One group from industry, one from our nonprofit sector. To come and tell us about programs available and how people can get additional information and access that. And the overall purpose of this is to create -- put a spotlight on something that often gets lost when we read about the foreclosures and the unemployment and the economic downturn and the terrible toll that's taking on our people. Which is the opportunity for people to achieve the treatment of homeownership. I have

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a proclamation that was issued by the mayor. Mr. President, I can either read it into the record or place it into the record at your --

**Leonard:** Whatever you wish to do.

**Fish:** I will read it quickly and then we'll turn to our first panel. This proclamation was issued by the mayor and reads as follows: Whereas, the city of Portland and the Portland housing bureau are committed to promoting the benefits of homeownership for city employees, citizens, neighborhoods and communities by celebrating national homeownership month in June and whereas, to succeed, people need a place to call home and housing gives people an opportunity to build better lives and whereas, homeownership builds wealth and stabilizing neighborhoods and strengthens communities by increasing participation in activities throughout the city of Portland and whereas, homeownership fosters jobs and economic development and for development, construction and real estate professionals and welcoming prospective home buyers to purchase a home in Portland, and the current conditions create hardships for families at risk of losing homes and unique opportunities for first-time homeowners and where we value homeownership by investing in first-time homeowner, home repair and foreclosure prevention programs and city of Portland is home to numerous nonprofits dedicated to helping Portland residents purchase and maintain a home of their own and whereas, the federal housing administration created in June of 1934 and has insured millions of loans in Portland and helps thousands of Portlanders obtain financial options is celebrating its 75th anniversary and whereas, the Portland city council is committed to helping more citizens experience the financial security and sense of community that comes with owning their own home, I, Sam Adams, Mayor of the City of Portland, the City of Roses do hereby proclaim June 2009 as Homeownership Month in Portland. And a thank the mayor, who I understand is home with a bug, for issuing the proclamation. Mr. President, I'd like to introduce our first panel. I've invited Javier and Phyllis to make a brief presentation on behalf of staff and then we'll bring two more panels forward. Gentlemen.

**Javier Manyá:** Thank you, commissioners. My name is Javier Manyá. I want to thank you for the opportunity to speak with you today about the city's of PDC's homeownership programs and activities. Our intent today, along with the panel that's to follow is to share with you a wide variety of homeownership resources and opportunities available to help Portlanders buy and maintain a home of their own. If you want to delve deeper into these matters, we're happy to provide you and your staff a more comprehensive briefing about the information being presented. This is a beautiful city. And there are many factors that have come together to make this a great time to buy a home in Portland. We have historically low interest rates. Sales prices have come down making Portland more affordable for hard working families and individuals. Currently, there are over 1100 homes listed for sale at or below \$200,000. You also have the first time homebuyer that can get an \$8000 federal tax credit from the IRS. In short it's a buyer's market. Our panelist today will provide you with some additional perspectives about the housing market in Portland.

**Phil Willis Conger:** Phil Willis Conger with Bureau Housing Community Development. Javier is right, it is a good time to buy and the city also recognizes that many current homeowners are facing levels of foreclosures that previously have only been seen in other parts of the U.S. The preforeclosure filings in Portland have gone up 66% and the number of foreclosed properties, although smaller, has also risen. You can see from the map, the darker the color, the higher the rate of foreclosure filings. The hardest areas have the highest unemployment rate, the greatest number of high-cost loans, and the greatest concentration of people of color. In response to this, the city has tailored its recent home owner retention, R.F.P. to community based organizations trusted by these communities of color. Commissioner Fish announced today the awarding of over \$280,000 to agencies such as Hacienda, C.B.C., and African-American Alliance for Home Ownership for home ownership retention. This includes over \$50,000 in neighborhood

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stabilization program administrative funds that we have reprogrammed to put out into the community. Other city responses, we're partnering with Portland police to make sure distressed homeowners know where to get good, reliable, free health and how to avoid scams. The city has also sponsored four foreclosure prevention events. At the last may 2<sup>nd</sup> event, some 400 homeowners came away saying things like, they cut my mortgage rate in half. Now I have hope.

**Manya:** And there is hope. The city has established its allocation of resources. This slide gives you a brief description of the resource allocated for homeownership and home retention. Even though it may not seem very diverse in resources, it provides a tremendous amount of flexibility in home buyer and home retention activities. This slide shows the flexibility and utilization of allocated resources for various aspects for home purchase and home retention programs. We have city funds to help home buyers learn about and prepare for home ownership through outreach counseling and educations. Our resources have been utilized to deliver financial assistance to help buy for some and to develop current and future first time home buyer opportunities. We also have dedicated funds for home repair and lead hazard reduction. Our first mortgage activity, in partnership with fannie mae and state of Oregon have helped over 50 families achieve that dream of homeownership. There are additional programs not identified in this slide that leverage of the city, state, and private resources, one example is that mortgage credit activity program, established from an allocation of \$20 million from the private activity bond committee by the state, this will help roughly around 120 first-time home buyers. In the spirit of brevity, we have provided you with a more comprehensive powerpoint which details information how funds were allocated and spent and their outcomes.

**Willis Conger:** Moving forward, the new Portland housing bureau will be developing its home ownership programming in partnership with the county, the state, the city of gresham, and its community partners. Thanks to you, the city council, the housing bureau has the funding necessary to provide the safety net to the most vulnerable and to prevent erosion of important city goals like closing the minority home ownership gap. Local funding that you have provided is a good match with a greater amount of federal funds including over \$3.3 million in brand new neighborhood stabilization program funds. We want to thank you for your support and just reiterate it's a good time to buy a new home.

**Leonard:** Thank you very much. Questions?

**Fritz:** Somebody facing foreclosure, is there a number they can call?

**Willis Conger:** The best thing to do is call 2-1-1. And they have trained operators that are skilled in answering questions about foreclosure, and they can refer people to the different nonprofit agencies that provide free foreclosure prevention counseling. Their funded by us and by the federal government.

**Fritz:** And would that be the same number for renters who's landlords may be facing foreclosure? Would they call that number too?

**Willis Conger:** Absolutely, 211 is the easiest -- easiest way to go.

**Fish:** And by the way quick update the legislation that senator bonamichi has sponsored would give renters more rights and more time to make other arrangements where the properties in foreclosure is moving forward. Of the two bills she had, that one is getting traction. I'd like to say to my colleagues, we'd be happy to come to your office to provide the powerpoint. If you would like any portion of this presentation to travel, if there's some group where you would like this to be presented, we'd be happy to do that, too.

**Leonard:** Great.

**Fish:** Mr. President, if I could, I'll call up the next panel. We've invited jeff wiren, jennifer larson, and dave nielsen of the home builders association of metropolitan Portland. While they're getting

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organized, i'd like to acknowledge commissioner berta ferand. Welcome. You each have a couple of minutes.

**Jeff Wiren:** Thank you. My name is jeff wiren, the vice president of member services for the Portland metropolitan association of realtors. June is home ownership month, and i'd like to take the opportunity to stress some of the positive benefits of home ownership. First is stability. Homeowners stay in their neighborhoods for longer periods of time than renters. It also offers children the benefit of educational continuity, which translates into better test scores and larger percentage of young people advancing to higher education. Secondly, there are many will financial benefits to home ownership. Purchasing a home creates a forced savings account. Renters, rent paid by a tenant offers no value. Even with the challenges of our current market, the median home sale price has increased 88.5% in the last 10 years according to the national association of realtors. There are four main reasons a buyer should act now and get into the current market. The median sale price for the Portland metro area in april of 2009 was \$41,900 compared to \$275,000 in april of 2008. Second is affordability. For the april 2009 reporting period, a immediate-income family, the index hasn't been this good since december of 2004. Third the \$8000 credit to a new home buyer. And fourth, the historically low good rates that are in the market right now and available to home buyers. In summary, there are tangible financial benefits and less tangible lifestyle benefits to being a homeowner. Portland stacks up as a great place to live and own a home. We hope that you'll join us this month as we promote home ownership and encourage buyers to take advantage of the opportunity in our current market. I'd like to plug one program program. We're very proud to bring this to the city of Portland. This is the-year anniversary of hownw.com.

**Jennifer Larson:** Good morning. My name is jennifer larsen. I'm the affinity lending manager at home street bank for Oregon and southwest Washington and have been involved with the city of Portland employer assisted housing program. Since its introduction in 1999. I've been a loan officer for 12 years, and my primary specialty is working with first-time home buyers. Amongst our participating employers in Oregon, the pancreatic has helped 833 first-time home buyers and facilitated \$5.1 million in down payment assistance. With record low interest rates and purchase prices continuing to come down, it is an ideal time for those ready to purchase their first home. With a high entry, many sellers are making pricing concessions and are offering to pay closing costs. On the national front, the federal government is working on incentives to help people become homeowners, including those who have been on the fence who are unsure about buying in today's economy. While some of the low down and zero down programs popular with first-time buyers are not currently available, higher limits on f.h.a. Products are allowing fixed interest rates and more lenient credit qualifications. Coupled with the first-time tax credit of up to \$8000, it is a great time for a first-time home buy. In 2008, the city of Portland approved this as a tool to promote home ownership. To that end, the city relaunched the program and encouraged local businesses in Portland to consider adding an employer-assisted home ownership program for their employees. Since the relaunch in may of 2008, 387 city of Portland and Portland development commission employees have participated in on-site seminars about home ownership. At home street, like others in the industry, we have seen a record number of applicants that are not only current homeowners looking to better their interest rates but new home buyers interesting the market for a first time. It's a great time to be a first-time homeowner. Homestreetbank.com. I also have some information I can pass out.

**Fish:** Thank you.

**Dave Nilson:** The value of home ownership and the opportunities available have been stated. The challenge right now is fear. I'd like you to use this opportunity to consider an act on what you can do to address these two issues. We need to combat fear by sending messages to the employers, construction and real he is stace, and -- estate. This is certainly a smarter move than two or three years ago as prices are coming down. The other data given that really supports this, inventories are

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falling. Existing home sales and existing home inventory and the total home inventory on the market is down several months from what it was in its peak years ago. Prices have started to stabilize. Production is off about 70%, which means there is not a glut of homes on the market coming into the inventory that will be there. The price to median level is close to what it should be, allowing people to be able to purchase homes at a level they can afford. We need to educate councils or options out there and available, supporting current tax incentives, and especially finding ways in working with the state to find ways to allow the federal housing tax credit to be used to help monetize a down payment or towards closing costs. The trickle-down effect is well-known, and certainly it's what helped our economy during the early part of this decade. For home purchases, first time home or from a new builder who will employ people or providing more jobs, providing for a healthy economy. I thank you for making this proclamation and for the programs that are out there, and we look forward to continuing to work with the city on these efforts.

**Fish:** Thank you very much for your time. I'd like to invite up cheryl roberts of the african-american alliance for home ownership, peg ma moi of the Portland housing center, and john miller of host development.

**Cheryl Roberts:** Good morning. My name is cheryl roberts, the executive director for african-american alliance for home ownership. We are a h.u.d.-certified housing counseling agency under the counseling center out of flint, michigan. We are working right now with preforeclosure homeowners. We have a home buyer project. That tells you a little about us. We are currently working with two federally-funded grants through mission of peace and the state of Oregon. Through that grant, we provide counseling for victims of foreclosure. Those folks of victims of subprime lending, victims of job losses, and some have just made bad choices. Through the obama "making homes affordable" plan, they actually -- we're actually able to help. 25% of the people that come to see us. This is passion. This is my passion, so I get really excited about this. Excited but yet, because we're seeing so many victims of foreclosure, it's kind of sad, too. Since january of 2009, we have -- 2009, we have seen a significant increase in the number of people that come see us. We have probably five to 10 calls a day in january. Now we're seeing the call volume up to 30 per day. A lot of people that call us are victims of the for-profit loan modification companies, paying them anywhere to \$1500 to \$3000 to help fix their situation and, as most of you know it doesn't actually get fixed. The hotline, and people who want to see a face come in to meet with our counselors. We're working with the nonprofit companies. We find with people with foreclosure, if they possibly have to leave their homes, where do they go? Their credit is shot. They may have been put out of their house, whatever. Some people are just honing in on a string. We feel it's important for the nonprofits to work together after forwardable housing organizations that can provide the rentals for these people without going through the credit checks and so forth. We are also working very closely with 2-1-1 info. We're getting calls, referrals, people calling places like p.c. Ri arrest hacienda to get a rental home, and then they realize that those people are in foreclosure. One of the things I think we take pride this is we work with the people holistically. When they come to us, they have many other issues, not just the emotional part, but they need health care, job referrals, food, help with electricity, tax deferments. So we are actually putting together a manual of resources. When they call, we provide something even if it's nothing by an ear. We've added foreclosure prevention to our home buyer education curriculum. We -- curriculum. We saw this coming. We knew what the subprime lending would cause a lot of victims. We believe that has been a big part of the success of our home buyer education classes. We want to preserve home ownership. "operation home" did a lot of work in the past couple years, and one of the thing that's we want to preserve is minority home ownership. We want to connect a ready buyer with that person instead of going into short sell or foreclosure. I think the successes we've achieved in the last couple years is trust. African-americans traditionally didn't trust one



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another. We're finding that we're getting ministers, big leaders in the community that are actually coming to seek help to save their homes. So thank you very much.

**Peg Malloy:** I'm with Portland housing center, and i'd like to say i'm in the opportunity and prevention business, 'cause i'm here to talk about education and counseling. The little booklet there that you're getting is our annual report, and I thought it would be best if I just spoke the words really of a home buyer to give you a feel for education and counseling, which is listed here in the annual report. Quote, the more and more news stories that saw people affected by the aggressive sales-oriented lender practices, politics decide whether it is the consumer or lender's fault, I think it's a two-way street. If people were empowered by an education and counseling program, it they would be fully armed with knowledge to help decide the best home product for their budget. The Portland housing center offers more than helping with just buying a home. They help provide financial education. They will help you every step of the process, like cheryl says, get people all the way through so you're not left feeling alone in any step. The number 1 problem out of getting out of debt after admitting that debt is not a good position to be this is how you can tackle your problem head on so you can tackle things more confidently. I know education counseling works. We have about 1500 people here who use our services. We hold 400 loans, and our loan delinquency rate is 2.5%. When people are educated and have counseling when they go forward, they don't meet the kind of problems that we have in the foreclosure market. Thanks.

**John Miller:** John miller of host development, a developer of affordable homes for ownership here in Portland. We've been in operation since 1989 and, since that time, we're coming upon our 400th home. We've developed in north, northeast, and southeast Portland primarily. But when I say that, it sounds like a long time and a lot of houses. We do it for beyond just building houses absolutely, and that's some of the things I wanted to talk about today. Within our program, we do build affordable houses. They're all green-built homes. Right now we're launching our second phase in our project of 23 homes on northeast 64th and killingsworth, all affordable and green-built homes. We do require our homes remain owner occupied forever. We also provide \$5000 to closing costs to home buyers to help them purchase our homes. And we also require that they contribute back to their community with 50 hours of community service to another community-based organization or their local school. Essentially -- actually, way back when we first initiated host back in the late '90s, Portland was a very different city at that time. At that time, there was lots of crime, lots of drive-by shootings, and drug trafficking, et cetera, particularly in inner northeast Portland. The idea by -- started by ted gilbert, who I think is present today, the idea was to take -- use home ownership really as a community development tool and to try to turn around some of these struggling neighborhoods by getting vested in their community. We need to get a pass of homeowners in a concentrated area within a neighborhood, and that group of folks will be vested in that neighborhood and will turn around the neighborhood and will have a ripple effect to see positive growth within the area. We saw that in just about irving park on 9th street and shaver, where we started, strand there we branched into other neighborhoods. Beyond this, some folks would point to this as gentrification. I often think that gentrification is a fairly good thing. It's the displacement that's the bad thing. One of the things host really focuses on is selling the homes in the community they're building. We focus on low-income buyers, minority buyers, and 50% of our buyers have been in that category. We use our volunteer hours to really connect people to their community. We also build family wealth, which creates stability. Since our inception two years ago, our homeowners have gathered equity, about 300 families that would be able to enjoy that wealth and carry that on to future generations. In closing, I would just state that home ownership is a great community stability deal. I really want to support council in continuing to support home-ownership programs in the future. Thank you.

**Leonard:** Anything else? It's a proclamation.

**Fish:** Thank you all.

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**Leonard:** No comments by council, the proclamation has been read.

**Fish:** If I could just, mr. President, thank our private and public partners who joined us today to celebrate national home ownership month, thanks to kate allen and bart and the team that pulled this together. Is bernie foster still here? It was great to cbrne this morning. And I want to thank my colleagues up here who have put dollars behind these programs. We have had some success on the home ownership front in part because of the investments that have been made. I want to thank my colleagues for continuing to support housing -- a continuum of housing -- including home ownership. And thank those who came before us today and joined in the celebration. Thank you.

**Fritz:** I want to thank mayor Adams and commissioner Fish and all of you for coming today. I've been getting e-mails from desperate people who need help, and it's good to know there is help out there and that we are all in this together. Commissioner Fish has said we are dedicating the money at the city level, and we're trying to help coordinate the response. And there are so many good partners in the community. So call 2-1-1 if you have questions and thank you very much.

**Fish:** Thanks, all.

**Leonard:** Item 765 on the regular agenda. Actually please read 765 and 766 together.

**Items 765 and 766.**

**Saltzman:** The federal stimulus package will be spent on goods and services performed or made in the united states. As we start receiving the stimulus funds, it's important that we use those dollars to put people back to work and to do our part to help stabilize the economy. By doing so, we will prolong the usefulness of the stimulus plan. By investing those dollars to the extent we can in the american economy, we're all better off. I've invited judy o'connor of the northwest organization council.

**Leonard:** We also have barbara better from the Oregon afl-cio. We're proud to have both of you as strong labor advocates here.

**Judy O'Connor:** I'm judy o'connor. Commissioner Saltzman, thank you for turning this around in 24 hours and bringing it here, so my hat's off to you. My working career is with organized labor. I care about working folks. This resolution doesn't just address union workers. This stimulates the economy, helps create and keep jobs for everyone, including our union brothers and sisters. I can't. This is so important, and I thank you for your commitment to adopting the resolution. I hope it's adopted. I guess that's premature. We haven't voted yet. But again thank you and to each one of you and the mayor's office also instrumental in this. To each of you commissioners, I commend you. Thank you.

**Barbara Byrd:** I'm actually going to speak to the second resolution that adds standards to the stimulus fund expenditures. My name is barbara byrd. It's an honor to be up here with one of my labor heroines, judy o'connor. I represent an organization that has 225,000 union members and working families in the state of Oregon, and I don't have to tell you that many of them are hurting pretty bad right now. They are -- and many of the citizens of our state and of the city -- in pretty desperate financial situations because of layoffs and cutbacks in the number of hours they can work. So we are very enthusiastic about the ability to use the stimulus funds from the american recovery and reinvestment act here in our community to create jobs and to put people back to work and to bring people into the workforce that maybe haven't had the opportunity to work in good jobs. But we believe there's a right way and wrong way to use this money, and I want to speak to that in a minute. There is a way to spend this money that would create a whole lot of jobs. This could strategically and fairly create opportunities for people to get into the labor market and stay there for the longer term, and that's really what we're about. First of all, we believe that there has to be standards in the expenditure of the funds that target jobs that pay a family wage and provide benefits. We believe that, because a lot of people won't be ready to do these jobs, we also need to target training programs with this money, but we need to make sure those training programs provide an entry into a pathway for good jobs or lead to the ability to get those jobs. And the resolution

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refers to credentials. I want to say a word about that. Short training is not what we're talking about here. We're talking about training that would prepare people for a career, for something that would give them some stability over time. We want to provide work, training, developing skills so they come out with a credential that allows them to move if they need to to find work. You're looking puzzled.

**Fritz:** I'll wait for later.

**Byrd:** Ok. Good. The third thing is of course this resolution also includes a buy american provision, and we believe that's also important to stimulate economic development. If we're going to be retrofitting buildings in Portland, let's use materials manufactured here to do that. Let's figure out a way to use the trickle-down effect in the economy beyond just the direct expenditure of the stimulus funding. We applaud the section of this resolution that requires the city to reach out to communities of color and to other disadvantaged workers, people who have lost their jobs or are underemployed. Overall we believe that attaching these standards will lead to long-term growth for businesses and prosperity for workers in the city and I just want to say a bit about why we think it's necessary to adopt standards. The city already has some standards for the expenditure of public funds, but it's unfortunately turning out to be true that, across the country, the use of these stimulus funds does not always generate new jobs. I meant to bring copies of this, but I can get copies of the report to you. It's called high road or low road job quality and a new green economy. It's basically a study of three parts of the company, compensation for using solar and using green buildings. All of those we have present in our region. The report documents the fact that green jobs are already being created but that a lot of them don't actually meet requirements. We've found the assumption is not always valid. There are examples in the report of employers, including here in Oregon, who compensate their workers fairly and treat them with respect, also examples of purportedly green employers who pay substandard wages and are not treating their work kerrs well. The report gives a couple examples of companies that have taken public sub sid es and then -- subsidies. We have solar manufacturers who closed down a union plant in another state and moved the work here to Oregon. That work is heavily subsidized to the -- subsidized to \$20 million. That's the kind of development we don't want to encourage, the reason there need to be standards in the expenditure of these funds. A partnership or a committee of stakeholders should be created to help advise the city on the expenditure of funds that would include labor, business community groups, environmentalists and others. I think there are people in our community who have a really good handle on how to identify the workers who are most in need of the jobs, people who know how to create the best kinds of projects that will pay good wages and also help clean up our environment. And people who represent the low-income community who can advise us on how to use the money in a way to help the community. You have an opportunity here, I think, to help make Portland not just one of the best green cities in the country but also a city that's known for taking the high road in terms of wages and benefits. I want to thank you for all the work you've been doing in this regard and urge you to pass this resolution.

**Leonard:** Thank you, barbara. Questions?

**Fritz:** I had a question for either commissioner Leonard or commissioner Saltzman i'm not clear about what we're doing has forced 766. What are the new standards that this adopts? Barbara, you referred to a committee that says that the city of Portland should establish partnerships, to establish an oversight committee. Is there more information on this that was available?

**Byrd:** I don't have more information about this specific provision. I do have examples of these kind of partnerships from other cities I can provide you with.

**Fritz:** You would like to see an oversight committee?

**Byrd:** I think an oversight committee or committees to help advise on particular projects and particular sectors of the economy.

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**Fritz:** So are we looking to establish new standards beyond the women and minority beyond what we already have? Are there going to be specific implementation actions related to this resolution?

**Leonard:** I don't think that what the city does now is any different than what these standards call for. These kinds of goals are something that we have consistently done here, particularly in u.r.a.s, in a number of targeted areas. We included all these standards that have continued to be implemented. I think this is more of a reminder and opportunity for organized labor to come in and make a point that these are standards that are good for everybody, whether environmental issues or communities of color. These are standards that create a better society for all of us.

**Saltzman:** I think on 765 it's very similar. This has been approved by our attorneys.

**Fritz:** I wondered if there are gaps in where we implement these.

**Fish:** I intend to support both, but I was pleased that you used the language these are aspirational. It's my understanding on 765 we're reinstating sort of an ethic investing in american companies when possible. On 766 one could read it differently. We sometimes contract with nonprofits to provide certain services. We don't have a uniform set of standards that we in terms of how they operate. We certainly insist that people have the right to form and join unions of their choice and fight for better working conditions, but i'm not aware that we have uniform standards that we apply in terms of conditions. As an aspirational matter, i'm pleased to clarify that. I think it's a very important aspiration, and I think the work of a multifaceted committee in helping us implement this would be quit useful.

**Leonard:** I should just point out that the word of "should" is obviously important in 766 as opposed to "shall." but having said that, i've had a relationship with the council on these issues for a long time in various capacities, as there is no city council I am aware of that has been stronger than this one on all of these issues. I remind some of my more youthful brothers and sisters in the labor movement with that from time to time that they should not take for granted what happens here currently on a weekly basis. And nor should we take it for granted. I think what we're doing here is really at the request of our friends in the labor movement to restate pretty much what we do day to day currently. I would go so far as to say I don't think there's any other city in Oregon that is as progressive on issues of working class issues, family wage jobs, health benefits from this council. Any other discussion? Thank you, both, for coming. We're very pleased to have you.

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

**Leonard:** Any testimony?

**Moore-Love:** No one else signed up.

**Leonard:** Please call the roll on 765.

**Fish:** I'd like to thank the mayor and commissioners Leonard and Saltzman. For their leadership on this resolution. I know fend to support it wholeheartedly and want to acknowledge my friend, judy o'connor. I've been involved in labor matters for over 20 years, and I think of judy as old school. I think she's someone that builds relationships and is there during good times and bad times, but the relationship is always what she focuses on. I thank you for the good you've communicated to our community and also personally for your friendship.

**Saltzman:** I'm pleased to support this to purchase goods manufactured in the united states or have services performed for the city by companies in the united states, basically employing americans.

**Fritz:** This is something i'm pleased to support. Aye.

**Leonard:** Aye. 766?

**Fish:** I appreciate the colloquy, the discussion we had and the clarification concerning 766. The goal of family-sustaining wages, health care, and retirement benefits should be an aspirational goal that every citizen enjoys, and we need to, as a council, make sure there are no roadblocks in the way of people achieving those goals and then, in particular, no roadblocks in the right of people to exercise their federal rights to join labor associations of their choice and fight for better terms and

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conditions. So i'm pleased to support 766 and thank the mayor and commissioner Leonard for their leadership on this. Aye.

**Saltzman:** It's a pleasure to have you here. Aye.

**Leonard:** 767.

**Item 767.**

**Leonard:** Thank you. We have an able staff from pbot here today to make the presentation. Welcome. Good morning.

**Christine Moulan:** Good morning. My name is christina moulan. With me is rich eisenhower we're here to ask you to support the code changes for the sidewalk café program. There are essentially three program elements that we are improving, and that has to do with citing criteria in the public sidewalks or cafés, the fee structure, and enforcement provisions. Part of the improvements are trying to remove the barriers commissioner Fish had spoken of this morning. Some people signed up to testify are in support of removing those barriers. This allows sidewalks to have restaurants place their tables and chairs out there adjacent to their businesses. And the program was established in 1980 to encourage activity out in public spaces, but there's been no changes in the program for the last 29 years. So right now there is a \$10 permit fee, and it's about 95% subsidized by the office of transportation.

**Leonard:** And was that originally passed 29 years ago?

**Moulan:** 29 years ago. Right. In 1980. In september of 2000 --

**Leonard:** Annually do people send you a notice thanking you for not raising it in those years. I bet you'll hear from them tomorrow.

**Moulan:** So in september of 2008, rich and another staff person that works with him, brenda, formed an advisory committee to improve the program. And on the advisory committee were restaurant interests, neighborhood representatives, pedestrian activists, folks from the disability community, the police bureau, the bureau of development services from Portland business alliance and some interest from the street access for everyone. We're just going to describe the details of the program and then cover some more of the outreach program we've done.

**Rich Eisenhauer, Bureau of Transportation:** Good morning. The committee has spent many hours on this task. As christine mentioned, there are mainly three concepts that we're addressing, the cite criteria, fees, and we had an online survey open for six weeks. A notice of the proposed changes was mailed to over 2200 businesses in the city as well as through the neighborhood and business associations. Approximately 50 people attended the open house events and weed 37 surveys, 18 from the open houses and 19 online. So you should all have packets in front of you. Exhibit 1, the first page describes the main changes to our cite criteria. The current program requires a six-foot clearance along all sidewalk cafés in the city. That approach has not worked well given all the unique sidewalk widths in Portland. Our proposal is to vary sidewalk clearances based on the sidewalk widths -- widths.

**Saltzman:** And this refers to clearances?

**Eisenhauer:** 10 feet or less such as sidewalks on mississippi or hawthorne or reducing down to six inches. On sidewalks there are 15 feet or wider, mostly seen in downtown and along our main streets, we're increasing the clearances from six feet to eight feet. Sidewalks between 10 and 15 will remain at the current standards. These meet the current add acts. The options are limited to just provoking permits to going through the coding process. The coding process is effective but not flexible enough to refer to our daily concerns and violations. Opportunities will be provided to cafés to remedy their violations. Sidewalk after firefighters who make repeated violations or are unwilling to comply may be cited and their permits revoked. The proposed enforcement procedures, the community's primary goals tour ensure that. Sidewalk cafés are permitted in compliance with the regulations as well as giving operators the knowledge and tools to stay in

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place. The cafe area of operation could be marking the. Sidewalk with little markers. The ones we would have would be a little smaller than this and gray in color with cafe --

**Leonard:** So they won't be blue? They'll be gray?

**Eisenhauer:** We're trying to blend them in as much as possible but, if you're looking for them, you would be able to see them.

**Leonard:** You described that to me yesterday, and I didn't think to ask the color. That's also the exact same color they use to identify where hydrants are.

**Eisenhauer:** That's plainly what their purposes are for.

**Leonard:** But that could be misleading, so you would use gray.

**Eisenhauer:** Gray.

**Saltzman:** And that would outline the area where the cafe should be?

**Eisenhauer:** Right. It allows them to know where the boundaries are. It helps the enforcement task to know if they're in compliance or not.

**Leonard:** Can they be moved?

**Eisenhauer:** It will leave a mark on the. Sidewalk that can't be removed. Part of the agreement, too, where we're creating a restaurant is the responsible party agreement that explains the responsibilities and has some language in there about tampering with them and trying to remove them. I think we understand they'll be damaged throughout the years.

**Moulan:** So rich is actually going to use some folks from the disadvantaged youth program this summer to help install this program of the things they can do outside.

**Eisenhauer:** Basically permit holders whose. Sidewalk cafes are revoked, part of our new fee structure is to require them to pay a \$350 reinstatement fee. However, we hope that that won't be something we would use very often, that the tools we give them will help them stay in compliance. The handout gives three different examples of different café sizes, small, medium, and large sample. The proposed fee structure consists of three separate components. The application fee, the annual permit fee, and the permit reinstatement fee which I just mentioned, and enforcement. The application fee is a one-time fee that helps cover the cost of the transportation to set up the cafe boundaries, put the markers in, to help educate the restaurant owner, their staff. The application fee is a \$150 base fee with a lineal charge. The cafe has the option of paying that fee in three equal yearly installments. The annual permit fee covers the issuance and administration of the. Sidewalk cafe program, a \$75 base fee plus 150 of perlineal -- per lineal foot. Out of the 17 cities surveyed, the city of Portland is second currently in the list. St. Louis beat us because they didn't charge again. We move up to the fifth average. Current participation within the program and based on our survey results and working with our committee, we recommend waiving the application fee for new applications received this year to encourage people to get into the program that are unaware of our program, to get them to comply this year. Because of this, it would identify all new applications starting January 1st of 2010.

**Moulan:** I'd like to thank Rich and Brenda and another person we have on staff, Liam, because they've been the ones to get this overhaul to the program this far because there's been two other attempts in the last 29 years, and they're the only ones that got it to make it this far.

**Leonard:** We should not underestimate the value of your work. I recognize that.

**Saltzman:** What the costs of year.

**Eisenhauer:** A little over \$161,000. About 4% was paid by the permit holders and the other percent paid by the transportation revenue.

**Saltzman:** Do they meet the expectations?

**Eisenhauer:** The goal is to come to a 1% cost recovery of the program?

**Saltzman:** So this will basically cover our cost of providing the service.

**Fritz:** What might an annual fee be for a. Sidewalk café?

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**Eisenhauer:** On exhibit 2 in front of you, the middle column is annual permit fee. A small café with two to three tables, it's about \$90 a year up to the bigger cafes with about 100 feet of tables that will pay about 225 a year.

**Fritz:** And we're waiving those other fees?

**Eisenhauer:** The application fee for 2009 will be waived and the 2010 column gives examples of what those application fees would be in 2010 and on.

**Fritz:** Do you have the staff to do the enforcement before we start getting the annual permit fees coming in?

**Eisenhauer:** Yes. This summer we have some interns helping. It's not really enforcement but education of what the program is, how you comply, stay in compliance.

**Fritz:** It is very important to get them in compliance. A friendly amendment to say -- to put in the code your intent to have the little markers on the. Sidewalk. That way there's no question are where they need to stay.

**Leonard:** Have you seen the amendment?

**Moulan:** No. But I think we could change it to read area of operation.

**Leonard:** Would you take a look at that and see if that language --

**\*\*\*\*\*:** So area of operation means area of. Sidewalk established by the city engineer and demarkateed on the. Sidewalk according to the specifications of the city engineer. We then switch the businesses allowed to operate a. Sidewalk café.

**Leonard:** That works. Any other discussion on the amendment? If not, please call the roll.

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

**Leonard:** Aye. We're discussing the ordinance as amended. Anymore questions of the panel?

**Saltzman:** I know the issue of the height of umbrellas, parasols, whatever you call them. It came up the last time we were talking about this. Some people felt some of the umbrellas were too low. Some of our taller friends thought they were too low. [laughter]

**Eisenhauer:** Basically our current regulations and we propose still require a seven-foot clearance in the. Sidewalk area. They must maintain the clearance.

**Saltzman:** Aye. Height-wise. And we also well enforce that aspect of it.

**Leonard:** I'm just cog illinois sant -- cognizant that we amended something that would prevent us from passing it today. No? Thanks.

**Leonard:** Is there anybody signed up to testify?

**Moore-Love:** Yes. We have four people signed up.

**Leonard:** Good morning. You need only give your first and last names, and you each have three minutes. We'll start with you.

**Jeanne Harrison:** Good morning. My name is jean harrison, and aim board member of the willamette pedestrian coalition. I served on the committee. The willamette pedestrian coalition supports having active sidewalks that are lively and entertaining, but we also want to make sure that people can move along the sidewalks for pleasure or for getting places they need to go. I think the ordinance before you strikes a good balance of that. Particularly keeping the pedestrian clear area and a direct route so that people don't have to weave their way around legs, chairs, tables and many other things that are already on the. Sidewalk. We particularly support the efforts rich is going to undertake to provide information to the restaurant and cafe owners so that we aren't in a situation where there are a lot of complaints filed with his program and that we can have a. Sidewalk shared by everyone.

**Nickole Cheron, Office of Neighborhood Involvement:** I'm here representing oni. When I took my job four years ago, it was january. The first couple of complaint calls, the complaints would mostly be about curb cuts. And then the weather started getting better, and more and more complaints came in about. Sidewalk cafes, and this is a huge issue for the person with disabilities. . Sidewalk obstruction can be devastating for some people especially when they're misplaced and

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they -- a lot of times they'll be against a tree well, and people's chairs will tip over because the Sidewalk isn't level. I was a part of the task force, and pbot did a great job, and I think we have a couple of community members on the task force as well. Everyone is very happy with the outcome, and I urge you to support this.

**Leonard:** Thank you, nickole.

**Bryan Steelman:** My name is bryan steelman. First of all, I want to thank rich and brenda, because I was pretty nervous going into this committee. I was on the committee as both an outgoing president of the business association and as a restaurant owner that counts on my Sidewalk seating for paying my employees and making revenue. They set a tone early on that this is about education and not trying to clear the sidewalks. I was happy when I came to the first meeting this and tone was set. We did have a very diverse crew of committee members that had differing views but we seemed to come to consensus on everything. Hopefully in the future we have sidewalks with ample walks space and for the cafés, et cetera. As more streets have changes come in, I hope that is a major focus. But everything on the committee seemed very fair. Everyone had a voice. I don't know if everyone got everything they wanted, but an agreement was reached in a very civil manner each time. And in my restaurant over the last couple years, i've worked hard with brenda to come to compliance in my space. I do have one for -- I don't want to call a fear but something that i'm hoping will happen is that -- oh, sorry. Wrong one. That there are some long-standing restaurants that have been established, outdoor dining areas, and its employees are relying upon the area. If it loses seating, some of the employees and employer could be damaged. Not the businesses that are egregiously break the rules, which is basically why we're here, I think. There are some restaurants that are taking up way too much space. But maybe restaurants that have been -- have had about five and a half feet of space and whatnot and that are in nonpedestrian zones, I just hope that maybe there will be potential to have an appeal for those restaurants that are in very small pedestrian zones. There are many positive that's came out of the committee. I believe the new marking situation for the Sidewalk, which would give restaurants the ability -- give restaurants the ability to seat customers will benefit the customers and by itself. That has been a struggle for many. Sidewalk cafés. And I think in the end welcome away with much better managed and shared space, especially in congested areas, so that pedestrians and those in wheelchairs or those that are with strollers can get by so much easier and we can still engage in the outdoor dining dynamic.

**Leonard:** Commissioner Fritz?

**Fritz:** The three of you represent some of the greater things of Portland, a small business owner participating in the process and figuring out stuff that will help everyone. And jean it's wonderful to see a former city employee continuing to give time and effort to the stings of the city. Thank you so much. Nicole, I think you were thanked in the previous discussion regarding the disability discussion and the handy capper mitts. And thank you for your work on that and thank you for participating in so many different ways in our city and helping us realize at every step of the way that we need to consider these things and that's just what we do with Portland. I really appreciate all the work that the committee and staff and volunteers have done to get something that is not -- doesn't have 20 people here complaining about it. That's often a very good sign.

**Leonard:** Karla? Good morning, john. State your name for the record, and you have three minutes.

**John Connell-Maribona:** My name is john connall maribona. I operate a restaurant and operate a sidewalk café, for over nine years now. We have a small 32-seat restaurant. I'd call that actually tiny. In the summer months, in the warmer weather months, we're able to expand to 48 seats outside on the Sidewalk. It's a victorian building built in 1909 that has the columns that come over the Sidewalk, about 20-inch columns, about six of them running down the face of glisan. I've read the new rules that are coming out and had no problem with the fees. I think it's justifiable. We're a little uncomfortable with you know we've been here nine years and been successful in trying to



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make -- keep the peace with the neighbors and keep people out of the right-of-way. We have people who want to put high chairs or wheelchairs right in the. Sidewalk because that's the only place you can put them out there. Res the customers that come to the restaurant don't want to sit inside. They want to sit outside. I'm pleading for. Sidewalk cafés and the culture of outside dining and what that brings to the city of Portland. There's great restaurants all over Portland that people can go to because they want to sit outside. We're blanketed in clouds for nine months of the year and have three months to enjoy our sunshine and the beauty of the city. And I know -- you know -- kind of making statements that people know about, but if we reduce our ability to enjoy our summer months, these are the same citizens, same pedestrians, that may one day not be able to walk by very comfortably and might have to say "excuse me," but I don't want us to forget how to speak to each other. I think there should be also some -- each -- I don't see very much language in the rules that will cover each specific location. There's different geographical obstacles, let's say. I have those columns that they don't have, say, on 23rd. At 23rd, they have street trees I don't have. There's fire hydrants, bus stops, bike stands, newspaper stands, all sorts of things. We employ about 20 people year-round and, in the summer, in the warmer weather months, we employ about 40 people. Now, commissioner, i've heard you speak about revenue and all morning about the different things, how things are going to be paid for if you reduce your tax base. Then you'll be reducing revenue for city. Sometimes people walk away and don't want to sit -- they get mad if they can't sit outside. They can't put their high chair in the right-of-way. We can't let them do it. We try to follow the rules, and they make sense. We try not to block the. Sidewalk for pedestrians. But I just ask that you have a forum for, like brian stated, to be able to look at and be able to appeal each individual situation. I speak not only for myself but for café owners all over the city. I've noticed, since i've been in business, that there's been more and more and more, so I can see a need for some kind of new rules and regulations there, but i'd just ask you to think about the people that -- you know -- in the city that enjoy all these great cafés and enjoy their time out in the summer. I'm sure all of you like to go out and sit down and have a sandwich and cup of coffee at an outside café once in a while.

**Saltzman:** What exactly are you asking for?

**Connell-Maribona:** I'm asking you to look at -- to remember the benefits of a. Sidewalk café. It may have problems, and we may lose tables.

**Leonard:** I actually specifically asked about your restaurant. I'm a fan of your restaurant.

**Connell-Maribona:** Okay. Thank you.

**Leonard:** It's a very popular restaurant. I love your restaurant.

**Connell-Maribona:** Thank you.

**Leonard:** But you have picnic tables that are outside.

**Connell-Maribona:** Yes.

**Leonard:** Just so that everybody is understanding what the issue is, most. Sidewalk cafés don't use picnic tables where the length of it is going into the width of the. Sidewalk but rather often to seating types of tables. I think it is going to affect you, by a foot as I measure the impact, but still it leaves -- if you remove a foot from those tables, then you are clear, and you also have seating between the columns.

**Connell-Maribona:** Right.

**Leonard:** Which a lot of restaurants --

**Connell-Maribona:** I think it actually will be affected because of the parking and the difficulty to leave the cars.

**Leonard:** I mean, my point is that you will be impacted, but I don't think it's an unreasonable request for you to have the picnic tables, the width of them, not in the --

**Connell-Maribona:** Come out so much.

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**Moulan:** In your situation, you need a total of six feet clear for the pedestrian area. Like commissioner Leonard, I have to say that I am a big fan of your restaurant.

**Leonard:** We actually discussed your restaurant.

**Moulan:** Every Sunday morning, my husband comes down with my 2-year-old.

**Fish:** Wait a second. We're all going to disqualify ourselves. But I learned something, because I've been actually miss pronouncing the name of your restaurant. Commissioner Leonard has properly pronounced it, but I have thought it was pambiche.

**Connell-Maribona:** No. That's french. This is cuban.

**Fritz:** Where is it again?

**Connell-Maribona:** 28th and glisan.

**Fritz:** Thank you very much.

**Connell-Maribona:** You haven't been there yet? I voted for you.

\*\*\*\*\*: [laughter]

**Fish:** We're not interested in putting restaurants out of business -- in putting restaurants out of business. Commissioner Leonard educates us through his supportfolia. Any set of regulations has to be flexible enough to deal with unique circumstances. I actually wondered how people were able to build buildings with that overlay on the sidewalk. And the new stuff on burnside.

\*\*\*\*\*: Arcaded structures.

**Fish:** I would have thought the code didn't favor that and the new apartment building on burnside actually parts of the units jut out.

**Leonard:** Yeah.

**Fish:** I'm not sure I want to walk under that sidewalk. We would hope that they're flexible enough and adaptive enough to deal with the circumstances, but we're not the best forum to work that out. If, in discussing with pbob, you don't get the relief you want and if you think there's some things we ought to consider, modifications of this, we are interested in fine tuning.

**Leonard:** I guess my point is that I think it is flexible enough, but you as well have to be flexible. It can't be like picnic tables or nothing.

**Moulan:** There is a specific criteria you need to address. If that doesn't work for you, you're able to go to the code hearings. Rich and I were talking about maybe a possibility for your restaurant if the tables can't be cut down, because your staff are very diligent, and that was the point I was trying to make, about not allowing high chairs and making sure there is a clear room, but maybe, with the special arcaded structures, there is a plan put in place in addition to the agreement that you're going to have with us to talk about the enforcement that your wait staff will do to make sure that area is clear. That is a possibility that we can certainly consider. So there are appeal processes.

**Fish:** We'll be moving council meetings to your restaurant in solidarity.

\*\*\*\*\*: Just as long as you don't block the sidewalk.

\*\*\*\*\*: [laughter] you're welcome to bring your dogs, just as long as they don't lounge in the sidewalk. You had a discussion about no longer requiring trash containers. Why would we not require a trash container.

**Moulan:** Because of the enforcement, I guess. If it's in code, they want us to follow the line of the code. We try to really allow people whatever they need to do within their area of operations, not really defined in that area of operations.

**Fritz:** Wouldn't that potentially impact neighboring businesses if people are taking disposable plates and such away from that business and there isn't a convenient place to throw out the trash?

**Moulan:** I think in paragraph f of the code that trash containers may be provided on-site by the use of the cafe patrons, so that's going to be allowed. What we don't want is the restaurants the's entire waste receptacle system out in the sidewalk area.

**Fritz:** Right. But previously it said trash containers will be provided where there are throw-away utensils and plates.

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**Eisenhauer:** A lot of cafés don't have trash receptacles out on the sidewalks, but they bus the table. We don't want to make it a requirement that they put out a trash can if they don't need it.

**Leonard:** Further discussion? If not, Karla, please call the roll.

**Fish:** Thank you for your good work, and we especially appreciate such a clear presentation. We also appreciate the progress towards cost recovery in this area as well as other areas. Aye.

**Saltzman:** I think we'll provide clear standards for pedestrians to have access zone an area that often gets gray. I guess, with the new gray markers, they will be more gray, but hopefully a little less black and white.

**Fritz:** This has been a contentious issue for many years. I thank you for your good work. Call 823-4000 with complaints, and we actually rely on citizens to help enforce this, so it's not that you're sneaking around behind a business, but we want there to be room for pedestrians, access for people with disabilities, and we want to make sure the permit fees are being paid so that we get the cost recovery. I appreciate that and thank you very much for your good work. Aye.

**Leonard:** You've done really well in balancing all the competing interests. I appreciate that. Aye. 768.

**Item 768.**

**Leonard:** Good morning.

**Susan Keil, Director, Bureau of Transportation:** Susan keel e director of transportation.

**Leonard:** Good afternoon. Sorry.

**Keil:** Given the lateness of the hour, we want to be here primarily to answer questions that you have. But I would sort of reference some of the discussions that we had in the budget transportation's revenue for next year. It's off about \$8.6 million, roughly the same amount as the general fund is due to declines in gas tax revenue. We have a new mall in the center of town that is half again as long as the previous mall requiring maintenance kind of activity. And the meter revenue and fine revenue primarily the meter revenue now represents roughly 25% of the revenue that comes to transportation for operation and maintenance kinds of activities. In addition to that, we have done surveying or particularly on the meter rates and fines for a number of other comparable cities and found that we are in the low, middle kind of range on those, so adjustments that you see relative to that, I think, represent a middle range.

**Fritz:** The increased revenue, does that go into the general fund? The revenue goes into general transportation funding. You have some of the fees that are specific to permit kinds of activities that are cost of service fees, just as christine and rich were discussing, but the fees here are into our general transportation funding.

**Fritz:** What kinds of things are we able to keep providing because we have these increases?

**Keil:** The restoration.

**John Rist, Bureau of Transportation:** Bureau of transportation finance director. These will cover some of our basic general transportation revenues, program services, and maintenance, some of our safety programs, just the basic ongoing programs as we've provided year after year. We're anticipating further reductions in our gas tax receipts.

**Fritz:** I had one more question. You think, well, how does this affect me? I was looking at the charges for parking garages. Since i'm now a dedicated bus commuter, I don't often use the parking garage but, when I do -- and I want to highlight this, because it maybe is a change for other people who use the smart park. I didn't see a maximum daily rate for the 4th and yamhill or the 4th and jefferson garages, and yet the hourly rate goes up to \$5 instead of \$3. Do fees just keep going up after the first four hours?

**Keil:** We come to you to set the rates for the hourly amount for the first four hours.

**Rist:** Correct. But to your question about a maximum daily rate for those two, there is not. It's primarily monthly parkers.

**Fritz:** But now it's \$15 at jefferson and \$12 in taylor.

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**Rist:** Those are not going up.

**Fritz:** So that would stay the same.

**Rist:** Correct.

**Saltzman:** Those are maximum daily rates?

**Rist:** Correct. Right. And they fluctuate by each of the six city-owned garages. They fluctuate by garage.

**Fritz:** That was interesting to me, too.

**Rist:** Demand in that particular area of the city and the structure of the private garages surrounding.

**Fritz:** Right. I personally appreciate the smart parking. I think it's important for citizens to know there are variations and they can choose to walk further or less far and there's other options.

**Keil:** I should mention, too, that these increases in parking meter hourly rates are supported by the business community as is the addition of the Sunday hours. When you make your final decision on the budget, that will seal the deal. I mean, actually after it goes through tax supervising conservation, you'll come back.

**Rist:** I would say, commissioner Fish, you've granted through the budget process the expenditure authority to expend the funds. This ordinance allows the fees to then be increased.

**Keil:** And they go in effect on July 13th, I believe, because we want to give the 30-daytime frame for comment in here.

**Leonard:** Anybody signed up to testify?

**Moore-Love:** No one signed up.

**Leonard:** Great. Passes to second reading. Please read item 769.

**Item 769.**

**Leonard:** Second readings.

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

**Leonard:** Aye. 770.

**Item 770.**

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

**Leonard:** Aye. 771.

**Item 771.**

**Saltzman:** I think I should recuse myself.

**Moore-Love:** I think this needed to be an emergency.

**Saltzman:** I think I heard that, too.

**Leonard:** Item 771 will be set over until next Wednesday. 772.

**Item 772.**

**Fish:** The council -- in deference to the hour, I'll be very brief, but council has -- [laughter] The council has previously authorized the bureau of housing to make an application to H.U.D. for what's called a Section 108 loan, in essence a very favorable loan which is a security against future CDBG monies. And the intended use of the Section 108 loan pool is to help us meet the already-identified preservation goals of the city. Those are 11 expiring Section 8 properties between now and 2015. Some are in existing urban renewal districts and TIF will be used, others in a variety of other mechanisms. Council is already giving blessings to the loan. Today we're seeking approval to accept some funds. There's been one tweak in the federal law governing this program, wanted to bring that before you. And I want to introduce Daniel Ledezma from the new Portland housing bureau.

**Daniel Ledezma, Portland Housing Bureau:** Hi, thank you. We will be brief. We know your stomachs are probably grumbling. I'm here with Maggie Johnson from our bureau as well. We want to talk real briefly about and give you a background so that when we talk about the tweak that commissioner Fish referenced, that you have some context. Like he said, we are using this flexible

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source of financing to help preserve the 6 properties outside of the areas that have a very critical resource that our community needs and that's the federal section 8 rent subsidies. So to do this, we looked at our own budget, we realized that we needed to do some resource development. We looked to the section 108 loan program because we've used that effectively in the city before for economic development projects along Mississippi and Alberta and as well to support the redevelopment of new Columbia. We wanted to use this source because it's flexible, it could be underwritten separately. It's low cost, if you look at the interest rates that will be applied, they're at historic lows. It's also easy to implement, there's relatively quick turnaround. And this is the type of financing that we need to be able to secure these deals that are at risk of potentially losing their affordability. So like commissioner fish said, we applied this winter, the application was accepted and approved by hud at their headquarters and so the first thing that we're asking you to do is to accept these funds. The second thing that we're asking you to do is that with acceptance of these funds, we basically have a line of credit of up to 15 million dollars. And this will fund our projects for the acquisition and rehabilitation activities. The second thing that we're asking you to do is to authorize the housing commissioner to provide signature authorities, he can sign all the subsequent documentation and loan agreements that we will use throughout the next couple of years. The third thing that we're asking you to do is to apply the city's full faith and credit to back these loans, so Maggie is going to talk a little bit about how the 108 loan program actually works so that you can have the context about how the full faith and credit will be used.

**Maggie Johnson, Portland Housing Bureau:** The hud requirements requirement two different types of activity. One is a repayment of loans, stream of payments, and the second one is a source of collateral. We have always intended for these funds be paid back through our rental housing dollars that come through our cdbg funds. That's approximately \$2 million of rental housing we get. The intent for these projects is to limit out of that rental stream to about 20% to 30%, so that the dollars that come in the steady stream from cdbg will turn around and repay the loan to a maximum of 20% to 20% of that stream of dollars that come. So the repayment stream is solid. But the second source, the second part of the piece, finding the collateral, became a little bit problematic and that's the tweak that everybody has been looking at. We originally looked to the s.d.c.s to see if we can provide collaterals with other properties that didn't have debt. During these times, s.d.c.s are struggling and that would limit their development dollars if they were holding up properties with securing this collateral. We then looked to the project itself. But because that structure caused a lot of problems with the structure that we're using here, which is a tax credit limited liability company that created problems for the investor that is putting \$2 million into the project where we're only lending this particular project \$830,000. So that's where we ended up in the situation now where we're asking for the city to provide its full faith and credit for these projects. The risk is rather minimal. For example, next year in the 2009-10, we're only projecting to be funding two of the projects. The range of dollars of payback is \$100,000 to \$200,000 and the reason for that range is that when the projects are first funded, their interest rate is based on a 30-day labor, which is about 3.2 -- no, .32% right now. At some point in the future, h.u.d. Will sell these on the bond market and the interest rate at that time, given the current underwriting bond conditions would be about 4.5%. That's why the payback over the next year will be only \$100,000 to \$200,000. The other aspect, if the project fails, any kind of lump sum payment, and no, there's not. If the project fails, there's a 20-year stream of repayment and there wouldn't be any risk of an immediate due on the project.

**Fritz:** The other is a natural disaster where the project just goes away?

**Fish:** Correct.

**Johnson:** The other aspect of this is that the bureau, the city bureau of housing is committed to finding other sources of funds. With these funds maxed out in terms of using the whole line of credit which we estimate to be about \$10 million right now, we're only looking about \$500,000 to

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\$600,000 of cdbg funds required to pay them off. We have also looked to possibly establishing reserves in advance. But right now with the city's very finite resources and the high demand, that didn't seem to be a very way to spend capital when the risk of cdbg going away was very little. If things become really different. Cdbg does go away, the projects do have some cash flow. We tried not to burden the project with that, because they're serving 30% a.m.i. But we could possibly restructure and use the source of repayment.

**Fish:** That's a good overview. To summarize, the only material changes being presented to council which has already approved the application and now we're seeking authorization to go receive monies to fund projects by the city, is there needs to be a -- some collateral and the -- by using the city's full faith and credit, we meet the h.u.d. Requirement and the contingent risk is that at some point, the administration or congress decides to discontinue any form of revenue sharing with the cities and states around housing, cdbg money which we view as zero and remote, but that's the contingent risk.

**Saltzman:** How come the ordinance doesn't say we're pledging the city's full faith and credit?

**Ledezma:** It should. It's in the now, therefore. It's the second point after the now, therefore.

**Fish:** The ordinance has a therefore clause on page 1. And the b clearly states it's authorized by the city's full faith and credit.

**Saltzman:** Oh, I didn't see it.

**Ledezma:** Give us a heart tack.

**Saltzman:** We're done this before?

**Ledezma:** We have, for new columbia. So while there is some risk, there are a lot of advantages. I just wanted to point back by preserving these properties not only are we sort of continuing to house a very vulnerable low-income and elderly population, but also securing a federal resource of rent subsidy for up to 20 years which can be renewed. That is retained here in our community.

**Leonard:** Thank you. Further questions?

**Fritz:** Could you tell me again what happens in the cdbg, the federal money goes away for this particular -- what happens? What's the city's obligation?

**Ledezma:** We would have to find an alternative repayment source and that would be no more than -- at a max, \$600,000 a year for the rest of the loan term that we had have to find a repayment source. There's no lump sum. We don't all of a sudden owe, and so we -- you know, we -- the --

**Fritz:** The strategies for what we might do in this.

**Ledezma:** We would know well in advance. When cdbg goes away, we would know and we would look potentially program income, looking back to the project so see if the project can bear debt and look --

**Fritz:** Essentially figure out what to do within the housing bureau. And do you know what projects you're going to fund for the next year?

**Ledezma:** For the first project we're about to fund is the roslin projects. I'd to acknowledge rebecca, who is the board member there. It's a 31-unit apartment complex in Portland. It serves low-income folks and some with disabilities.

**Fritz:** The first one --

**Ledezma:** The next is walnut park, along m.l.k. And sixth. A 38-unit apartment complex serving low-income, elderly residents as well.

**Fish:** We'd be pleased to furnish you with a letter for all 11 properties we targeted.

**Fritz:** That would be great.

**Fish:** And for the benefit of people watching, think clay towers with each of these. It was the model of the program, when the section subsidy expired, largely lower income, frequently disabled population at risk, through a preservation strategy we were able to -- this is one of the tools we're seeking to handle our preservation agenda.

**Fritz:** You've mapped out what the \$15 million is going to be used for?

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**Fish:** The 11 properties at risk and now it's a matter of each one, a customized approach. Some are within urban renewal districts and budgeted. And the section 108 loan is just a different tool in our toolkit.

**Fritz:** Thank you.

**Leonard:** Other questions? Karla, please call the roll.

**Fish:** Danielle and Maggie, thanks for your presentation and Maggie and I maintain a civil front in public space even though our daughters are fierce competitors on the soccer field. Thank you. Aye.

**Saltzman:** Aye.

**Fritz:** My understanding is this money is a pass-through from the federal government and I'm concerned about the long-term liability but I respect my colleague's and your work and I support the need for continuing the stock of affordable housing in that paying for existing units is cheaper than building new ones. Thank you for your work. Aye.

**Leonard:** Aye. 773.

**Item 773.**

**Leonard:** Commissioner Saltzman.

**Fish:** Thank you, Mr. President. This provides contracts for b.e.s. In upgrading its bureaus' systems plans and the contracts are with these three consulting firms. And it's in our budget.

**Leonard:** Anybody here to testify? Karla, please call the roll.

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

**Leonard:** Aye. [gavel pounded] 774.

**Item 774.**

**Leonard:** Second reading, Karla, please call the roll.

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

**Leonard:** Aye. [gavel pounded] 775.

**Item 775.**

**Leonard:** Second reading. Please call the roll.

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

**Leonard:** Aye. [gavel pounded] 776.

**Item 776.**

**Leonard:** Second reading. Please call the roll.

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

**Leonard:** Aye. [gavel pounded] 777.

**Item 777.**

**Leonard:** Second reading. Please call the roll.

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

**Leonard:** Aye. [gavel pounded] 778.

**Item 778.**

**Leonard:** Second reading. Please call the roll.

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

**Leonard:** Aye. [gavel pounded] 779.

**Item 779.**

**Leonard:** Second reading. Please call the roll.

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

**Leonard:** Aye. [gavel pounded] there is no afternoon council. No Thursday council. So we're adjourned until next Wednesday at 9:30 a.m.

At 12:44 p.m., Council adjourned.

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