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CITY OF  
**PORTLAND, OREGON**

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**OFFICIAL  
MINUTES**

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A SPECIAL MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23RD DAY OF JUNE, 2009** AT 6:00 P.M.

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

At 7:12 p.m., Council recessed.  
At 7:18 p.m., Council reconvened.

At 8:21 p.m., Council recessed.  
At 8:27 p.m., Council reconvened.

At 9:15 p.m., Council recessed.  
At 9:20 p.m., Council reconvened.

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

<p><b>860-1 TIME CERTAIN: 6:00 PM</b> – Accept the recommendation of the Planning Commission to rename 39<sup>th</sup> Avenue to César E. Chávez Boulevard (Report introduced by Mayor Adams)</p> <p><b>Motion to accept report:</b> Moved by Commissioner Leonard and seconded by Commissioner Fish.</p> <p>(Y-5)</p>	<p><b>Disposition:</b></p> <p><b>ACCEPTED</b></p>
<p><b>860-2</b> Authorize the renaming of 39th Avenue within the City of Portland to César E. Chávez Boulevard (Ordinance introduced by Mayor Adams)</p>	<p><b>PASSED TO SECOND READING JULY 8, 2009 AT 9:30 AM</b></p>

At 10:15 p.m., Council recessed.

**June 24, 2009**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,  
OREGON WAS HELD THIS **24TH DAY OF JUNE, 2009** AT 9:30 A.M.

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

At 12:47 p.m., Council recessed.  
At 1:10 p.m., Council reconvened.

At 3:34 p.m., Council recessed.  
At 3:57 p.m., Council reconvened.

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

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

		<b>Disposition:</b>
<b>COMMUNICATIONS</b>		
<b>861</b>	Request of Dave Nadal to address Council regarding Mayor Adams (Communication)	<b>PLACED ON FILE</b>
<b>862</b>	Request of Pamela Penrose to address Council regarding USA School of Wrestling (Communication)	<b>PLACED ON FILE</b>
<b>863</b>	Request of Charles Deemer to address Council regarding avoidance of recall election (Communication)	<b>PLACED ON FILE</b>
<b>864</b>	Request of Nancy Matela to address Council regarding the dangers of Hanford Nuclear Reservation and future radioactive waste traveling through Portland (Communication)	<b>PLACED ON FILE</b>
<b>865</b>	Request of William Schneider to address Council regarding César Chávez street renaming (Communication)	<b>PLACED ON FILE</b>
<b>TIME CERTAINS</b>		
<b>*866</b>	<b>TIME CERTAIN: 9:30 AM</b> – Approve the 10-year tax exemption requested by RuJax 1 LLC for The Albert Mixed-Use Apartments (Ordinance introduced by Mayor Adams)	<b>REFERRED TO COMMISSIONER OF PUBLIC WORKS</b>

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<p><b>*867</b>    <b>TIME CERTAIN: 10:00 AM</b> – Approve funding recommendations for early childhood, child abuse prevention/intervention, foster care, after-school and mentoring programs made by the Children’s Investment Fund Allocation Committee (Ordinance introduced by Commissioner Saltzman)</p> <p>(Y-5)</p> <p><b>Motion to reconsider:</b> Moved by Mayor Adams and seconded by Commissioner Fish. (Y-5)</p> <p><b>Motion to accept staff amendments to correct Exhibit A Section 2 and Exhibit B title:</b> Moved by Commissioner Leonard. (Y-5)</p> <p>(Y-5)</p>	<p><b>182954</b> AS AMENDED</p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p> <p><b>Mayor Sam Adams</b></p> <p><b>Bureau of Planning &amp; Sustainability</b></p>	
<p><b>*868</b>    Authorize a \$32,000 Intergovernmental Agreement with Portland State University to administer the Vision into Action Program (Ordinance)</p> <p>(Y-5)</p>	<p><b>182931</b></p>
<p><b>Bureau of Transportation</b></p>	
<p><b>*869</b>    Authorize Portland Bureau of Transportation to issue permits for modifications and active uses, including retail use, of an existing significant Structure on the Portland Transit Mall (Ordinance)</p> <p>(Y-5)</p>	<p><b>182932</b></p>
<p><b>*870</b>    Grant revocable permit to CC Slaughters to close NW Davis St between NW 2nd Ave and NW 3rd Ave from 7:00 a.m. on July 4, 2009 until 6:00 a.m. on July 5, 2009 (Ordinance)</p> <p>(Y-5)</p>	<p><b>182933</b></p>
<p><b>*871</b>    Authorize settlement agreement with Volt Management Corp. for professional, technical and expert services, waive the provisions of Portland City Code Chapter 5.68 and provide for payment (Ordinance)</p>	<p><b>182934</b></p>
<p><b>*872</b>    Extend the date of the privileges for regular disabled person parking permits (Ordinance; amend Code Section 16.20.640)</p> <p>(Y-5)</p>	<p><b>182935</b></p>
<p><b>*873</b>    Authorize a construction and maintenance agreement with the BNSF Railway for construction of the North Leadbetter Extension Overcrossing (Ordinance)</p> <p>(Y-5)</p>	<p><b>182936</b></p>
<p><b>874</b>    Grant revocable permit to Bridgeport Brewing Company to close NW 13th Ave between NW Marshall St and NW Northrup St from 4:00 p.m. until midnight on July 29, August 5, August 12, August 19 and August 26, 2009 (Second Reading Agenda 824)</p> <p>(Y-5)</p>	<p><b>182937</b></p>

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<b>Office of Management and Finance – Revenue</b>		
<b>*875</b>	Authorize contract with Gerlock, a division of HCKM, LLC for central dispatching of towing services (Ordinance) (Y-5)	<b>182938</b>
<b>Commissioner Nick Fish Position No. 2</b>		
<b>Bureau of Housing and Community Development</b>		
<b>*876</b>	Authorize Consortium Agreement with City of Gresham and Multnomah County for participation in the U.S. Department of Housing and Urban Development HOME Investment Partnership Program (Ordinance) (Y-5)	<b>182939</b>
<b>*877</b>	Authorize subrecipient Intergovernmental Agreement with City of Gresham for \$1,408,691 for the HOME Investment Partnership Program and provide for payment (Ordinance) (Y-5)	<b>182940</b>
<b>*878</b>	Accept a grant in the amount of \$393,960 from U.S. Department of Housing and Urban Development for Economic Development Initiative Grant funds for the Bridges to Housing Program (Ordinance) (Y-5)	<b>182941</b>
<b>*879</b>	Authorize Intergovernmental Agreements with Portland Development Commission for transfer of the Economic Opportunity Initiative Programs (Ordinance) (Y-5)	<b>182942</b>
<b>Portland Parks &amp; Recreation</b>		
<b>*880</b>	Authorize use agreement with Portland Metro Softball Association for the use of City softball fields (Ordinance) (Y-5)	<b>182943</b>
<b>*881</b>	Authorize contract with SERA Architecture for design services for the Washington Monroe Community Center project (Ordinance) (Y-5)	<b>182944</b>
<b>Commissioner Dan Saltzman Position No. 3</b>		
<b>Bureau of Environmental Services</b>		
<b>882</b>	Authorize a contract and provide payment for construction of Marine Drive Pump Station Upgrade, Project No. E07444 (Ordinance)	<b>PASSED TO SECOND READING JULY 1, 2009 AT 9:30 AM</b>

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<b>883</b> Authorize a contract with David Evans and Associates for engineering services for the design of the Hayden Island Pump Station Upgrade, Project No. E07445 (Ordinance)	<b>PASSED TO SECOND READING JULY 1, 2009 AT 9:30 AM</b>
<b>Bureau of Police</b>	
<b>*884</b> Apply for a \$25,000 grant from the Oregon Department of Transportation, Transportation Safety Division, Photo Radar in Highway Work Zones Project for overtime (Ordinance)  (Y-5)	<b>182945</b>
<b>*885</b> Apply for a \$254,356 grant from the Oregon Department of Transportation, Transportation Safety Division, Work Zone Enforcement Program for patrol overtime (Ordinance)  (Y-5)	<b>182946</b>
<b>*886</b> Accept a \$20,000 grant from the Oregon Department of Transportation, Transportation Safety Division, Photo Radar in Highway Work Zones Pilot Project for overtime (Ordinance)  (Y-5)	<b>182947</b>
<b>*887</b> Accept a \$35,000 grant from the Oregon Department of Transportation, Transportation Safety Division, Multi-Agency Traffic Team enforcement grant for officer overtime (Ordinance)  (Y-5)	<b>182948</b>
<b>*888</b> Accept a \$69,960 grant from the Oregon Department of Transportation, Transportation Safety Division, DUII Intensive Supervision Program for program overtime (Ordinance)	<b>182949</b>
<b>*889</b> Accept an \$80,000 grant from the Oregon Department of Justice and the Oregon High Intensity Drug Trafficking Areas Program to fund Portland Interdiction Team efforts (Ordinance)  (Y-5)	<b>182950</b>
<b>*890</b> Authorize acceptance of \$20,000 in grant funding from the Oregon Department of Justice for the state-wide Domestic Cannabis Eradication/Suppression Program (Ordinance)  (Y-5)	<b>182951</b>
<b>*891</b> Apply for a \$125,833 grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY 2009 Bulletproof Vest Partnership for bulletproof vests (Ordinance)  (Y-5)	<b>182952</b>
<b>Commissioner Randy Leonard Position No. 4</b>  <b>Portland Fire &amp; Rescue</b>	

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<p><b>*892</b> Authorize Intergovernmental Agreement with Metro for maintenance of a computerized mapping system for Portland Fire &amp; Rescue emergency response vehicles not to exceed \$25,000 (Ordinance)  (Y-5)</p>	<p><b>182953</b></p>
<p><b>REGULAR AGENDA</b></p>	
<p><b>893</b> Pursue negotiations with Peregrine, LLC regarding a financing plan for a Major League Soccer stadium separately from negotiations regarding a financing plan for construction of a Triple-A Baseball stadium (Resolution introduced by Mayor Adams and Commissioner Leonard)  (Y-4; N-1, Fritz)</p>	<p><b>36711</b></p>
<p><b>Mayor Sam Adams</b></p>	
<p><b>894</b> Accept Annual Report from the Alliance of Portland Neighborhood Business Associations (Report)</p>	<p><b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b></p>
<p><b>Office of Management and Finance – Financial Services</b></p>	
<p><b>*895</b> Adopt budget adjustment recommendations for the FY 2008-09 Over-expenditure Process and make adjustments in various funds (Ordinance)  (Y-5)</p>	<p><b>182955</b></p>
<p><b>Office of Management and Finance – Human Resources</b></p>	
<p><b>*896</b> Authorize ten mandatory furlough days for Commissioner Leonard and all non-represented employees in the Bureau of Development Services (Ordinance)  <b>Motion to amend to change date in paragraph a and add paragraph b regarding holiday pay:</b> Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-5)  (Y-5)</p>	<p><b>182956</b> AS AMENDED</p>
<p><b>NOTE:</b> At 12:47 p.m., Council recessed after Item 896. At 1:10 p.m., Council reconvened starting with Items 897 &amp; 898.</p>	
<p><b>897</b> Recognize the ongoing importance of providing affordable health care to plan participants by working with its related health care service vendors (Resolution)  (Y-5)</p>	<p><b>36712</b></p>
<p><b>*898</b> Authorize six health and welfare contracts administered by the Bureau of Human Resources, Benefits and Wellness office effective July 1, 2009 through June 30, 2014 (Ordinance)  (Y-5)</p>	<p><b>182957</b></p>
<p><b>Office of Management and Finance – Purchases</b></p>	

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<p><b>899</b> Accept bid of Oregon State Bridge Construction Inc. for the N. Leadbetter Extension Overcrossing Project for \$5,441,721 (Purchasing Report – Bid No. 110038)</p> <p><b>Motion to accept report:</b> Moved by Commissioner Leonard and seconded by Commissioner Fish.</p> <p>(Y-5)</p>	<p align="center"><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>900</b> Accept bid of Global Diving and Salvage, Inc. for the Bull Run Dam 1 Outlet Works Improvements, Phase 2 Project in the amount of \$786,506 (Purchasing Report - Bid No. 110363)</p> <p>(Y-5)</p>	<p align="center"><b>ACCEPTED PREPARE CONTRACT</b></p>
<p align="center"><b>Portland Development Commission</b></p> <p><b>S-901</b> Approve the Amended and Restated River District Urban Renewal Plan to expand boundaries by a net 41.98 acres, increase maximum indebtedness by approximately \$325 million and extend expiration date to June 30, 2021 (Second Reading Agenda 821)</p> <p>(Y-4; 1-N, Fritz)</p>	
<p align="center"><b>Commissioner Nick Fish Position No. 2</b></p>	
<p align="center"><b>Portland Parks &amp; Recreation</b></p> <p><b>902</b> Authorize an Intergovernmental Agreement with Multnomah County Animal Services to provide funds for Enforcement of Leash and Scoop Laws in City Parks (Ordinance)</p>	
<p><b>903</b> Amend contract with Walker Macy for design and construction administration of the Waterfront Park, Ankeny Plaza and Street Improvements project (Second Reading Agenda 850; amend Contract No. 37303)</p> <p>(Y-5)</p>	<p align="center"><b>182958</b></p>
<p align="center"><b>Commissioner Dan Saltzman Position No. 3</b></p> <p align="center"><b>Bureau of Environmental Services</b></p> <p><b>*904</b> Authorize the Bureau of Environmental Services to enter into agreements for the conveyance of properties located within floodplain restoration target areas (Ordinance)</p> <p>(Y-5)</p>	
<p><b>905</b> Amend Intergovernmental Agreement with the Institute for Tribal Government at Portland State University for services associated with the Portland Harbor Superfund Site (Ordinance; amend Contract No. 36462)</p>	<p align="center"><b>PASSED TO SECOND READING JULY 1, 2009 AT 9:30 AM</b></p>

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<p style="text-align: center;"><b>Commissioner Amanda Fritz</b> <b>Position No. 1</b></p> <p><b>906</b> Recognize the global financial crisis, statewide cuts in programs and services, and ongoing fiscal constraints for FY 2009-10 and 2010-11 City of Portland budgets, and freeze merit raises in FY 2009-10 for non-represented City employees (Resolution)</p> <p><b>Motion to postpone Resolution indefinitely:</b> Moved by Commissioner Fish and seconded by Commissioner Leonard. (Y-3; N-2, Fritz, Saltzman)</p>	<b>WITHDRAWN FROM CONSIDERATION</b>
<p><b><u>WEDNESDAY, 2:00 PM, JUNE 24, 2009</u></b></p> <p><b>907</b> <b>TIME CERTAIN: 2:00 PM</b> – Establish a new Original Art Mural regulatory and permitting program (Ordinance introduced by Mayor Adams; create new Title 4, amend Titles 3, 32 and 33)</p> <p><b>Motion to amend regulations for design review in Historic and Conservation Districts to use the Regional Arts and Culture Commission current process:</b> Moved by Commissioner Fritz and not seconded. Motion failed.</p>	<p><b>PASSED TO SECOND READING JULY 1, 2009 AT 9:30 AM</b></p>
<p><b>*908</b> <b>TIME CERTAIN: 3:00 PM</b> – Direct the Bureau of Development Services to apply existing City environmental zoning regulations to certain land use reviews until the City achieves full compliance with Title 13, Nature in Neighborhoods, of the Metro Urban Growth Management Function Plan (Ordinance introduced by Mayor Adams)</p> <p><b>Motion to amend exhibit G to establish circumstances and procedures the City will use to meet the ordinance directives:</b> Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-5)</p> <p>(Y-5)</p>	<p><b>182960</b> AS AMENDED</p>

At 4:39 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.



**June 23, 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.

**JUNE 23, 2009      6:00 PM    Special Meeting**

**Adams:** Good evening, the Portland city council will come to order. And today is January 23rd. It's 7:30 p.m.

\*\*\*\*\*: June.

**Adams:** Sorry, June. We wish it was January. And it's 6:00 p.m. Off to a good start. Karla, please call the roll and then I'll have an outline of what to expect in terms of a process tonight.

[roll call]

**Adams:** Welcome, everybody. We're glad you've taken time out of your evening to spend some time here at city council to discuss this important issue. Raise your hand if this is your first time at a city council meeting. All right. So the rules of the room are pretty straightforward. If you've ever been to a meeting where the purpose was to get issues out on the table, there's no clapping. There's no sounds for or against speakers. We actually encourage discourse and debate here. And so the signs that you have on your chest are absolutely perfect. Not allowed to wave signs above your head and block the view of anyone behind you. You heard a little bit about the sign-up and we've got overflow as well. So Karla, our council clerk will give as much warning, because some of you might have to walk down in the balcony and some from the Portland building. We're going to have three coming up at one time, after we've invited testimony pro and con. And we're going to have three come up at a time after the invited testimony and first come, first served. One person who signed up for the name change, one that signed up against the name change. One person who might have signed up not sure, having questions and when we run out of folks not sure, we'll go pro, con, pro, con, and then complete the list. And two minutes to testify because we have such a long list to testify. We find that what can be said in the normal three minutes of allotted time can be said even better in two minutes, but if you've worked to -- if you've worked all day and all week on three minutes and you absolutely need to claim that three minutes because that's what you've prepared for, let us know and we'll work with you. There's a lot of people signed up. We'll take a break on the hour for about five minutes, and we will go until we are either exhausted or we've run out of people that have signed up to testify. Terms of the process tonight, there's no vote tonight. Tonight is an opportunity for your city council to hear all the sides that there are to hear on this issue. The first thing we do, which is a matter of we do for all planning commission items and this comes from the planning commissioner, I'm the commissioner in charge of planning, we vote on the planning commission report. It's not a vote on the actual name change. It's simply a formality that we accept their report and hear from them in terms of their advice and again, the actual name change can only occur with an ordinance, and that ordinance will be voted on in two weeks, on July -- what day, Karla?

\*\*\*\*\*: I don't think we've -- the 8th.

\*\*\*\*\*: July 8th. And do we have a time certain yet?

**Moore-Love:** Not yet.

**Adams:** On July 8th, by the end of the evening, we'll figure out a time certain. The actual vote happens during the day on July 8th. With that being said, anyone on council have any upfront sort of -- we're going to hear from staff first, and I guess a few other things. We -- I really do believe we can have an incredible passionate and respectful discussion and I want to compliment focus -- folks

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on both sides who have engaged in that so far. Renaming streets is always controversial and gets people's passions up on all sides of the issues. So today, your city council is not only going to be looking to sort of the -- the who is speaking, but the quality of the argument that you make. If it's a concern about history or historical reference, what about that? Why do you believe that? We're really interested tonight in the quality of the arguments that are presented. Volume generally doesn't persuade us any more than -- than well-said, well-stated arguments, your point of view, what you believe in and why. So with that, Karla, please read the title.

**Item 860-1.**

**Adams:** I'd ask the commissioners, the planning commissioner valdez and shapiro. Who is coming forward. Good evening and welcome to the city council. Glad you're here. Everyone needs to be aware that the planning commission doesn't have to adhere to the two-minute rule. But you do have to say your first and last name for the record. You do not have to give us your address. In fact, we prefer you don't and there's a countdown clock on the hunk of wood in front of you. But you all get to speak for a reasonable amount of time, longer than two minutes.

**Irma Valdez:** Thank you. Good evening. Irma valdez. I live in laurelhurst.

**Adams:** One at a time.

**Valdez:** We want to convey as a three commissioners coming from the planning commission, is that we've really listened carefully and thoughtfully to everyone who came before us and testified. And I want to commend mayor Adams. It was important for us to get a substance of the argument they were making and we read all the letters and we read all the emails and comments that came to each one of us. And we listened to the support and the opposition. And we had a healthy strong deliberation as many of you probably saw from a cable access. And the healthy debate was very, very good for our city and we concluded at the end of our healthy debate, that the best thing for Portland, it's not just honoring the latino or mexican community, the best thing is to rename 39th to cesar Chávez. And this is going to hurt some in the audience, it's not about anyone in this room. This is about future generations. I have a four-year-old son. This is from my four-year-old son for the children he's going to have and his grandchildren. And if Portland is going to move forward as a healthy progressive city this is absolutely the right thing to do. And it's ironic, because when we voted. President obama, had not nominated the latina woman to the u.s. Supreme court. Which and we felt that the renaming committee followed over two years of a process. City council appointed a historian panel that appropriately concluded renaming 39th an appropriate thing do and the renaming committee has done every step legally within its power to accommodate what city council asked it to do. So that's our recommendation and we understand that the process wasn't perfect and the planning commission and the bureau of planning and sustainability were more than happy to work with you and staff on any future renaming process of any street and we'll be around, I think howard needs to go back to a planning commission meeting that's going on now. But we'll be around if you have questions at the end of the evening.

\*\*\*\*\*: Commissioner shapiro.

**Howard Shapiro:** My name is howard shapiro. There's little I would add except to say as you suggested, mayor Adams, the testimony we heard on both sides was respectful and honorable and honest and for me, the issue is what's the best of the common good? What's the common good represented here and there's no question in our mind that the common good is an unanimous feeling of wanting to honor cesar Chávez. That was never a question. When we decided to reject the two other streets that the historian panel recommended because they considered them historically significant, we also took up the issue, with respect to you, mr. Fish, the history in its own right. Given that you live on the street. Nevertheless, there's legitimate and honorable feelings on the people who live or are related to 39th that needed to be listened to carefully and I believe we did. But as we concluded, we wish to honor cesar Chávez without question and the option was supporting 39th and so we did that. As a last comment, I would say, speaking for all of us, please

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consider a moratorium on any renaming at this point and please consider some of the recommendations we'll be forwarded to you about a structure for setting new way of which Portland can honor its citizens and streets and other objects of desire and in the meantime, we ask for our own self-preservation to put a moratorium on any street renaming. With that, we enthusiastically support our vote. We are delighted to stand behind a man of his substance in this city. Thank you.

**Adams:** Commissioner.

**Lai-Lani Ovalles:** Good evening, my name is lai-lani ovalles and as the newest member of the planning commission, i'd like to echo the words of my fellow commissioners and say that this process has been intense for all of us. Community members, all of us on the planning commission. And you know, to underscore the process that we went through and really highlight the listening and intensive deliberation we went through to come to this decision. And you know, it's 2009, it's time for Portland to shine as a great city in the united states and this is -- this recommendation, I feel, very wholeheartedly will help Portland to go into the future as the multicultural children grow up in this city, that they can identify with a street and all the other streets that honor their heritage, so I thank you for this opportunity.

**Adams:** Commissioners, thank you for your testimony. Really appreciate it. Again, our job is to accept the report into the record. This does not make a decision on the actual recommendation. That's contained in the accompanying ordinance heard on July 8th. Karla, please call the roll.

**Moore-Love:** Call the roll or read the --

**Adams:** Read the resolution and call the roll.

**Moore-Love:** The report?

**Leonard:** So moved.

**Fish:** Second.

**Adams:** Moved and seconded to accept the report into the record for further deliberation. All those in favor -- please call the roll.

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

**Fritz:** Thank you for all your work on the planning commission. Aye.

**Adams:** Thanks very much. [gavel pounded] aye. Accepted into the record. All right. Could you please read the ordinance.

**Item 860-2.**

**Adams:** All right. We'll hear -- we'll now hear from Kurt Krueger, who works in the bureau of transportation. And has been the project manager on this process.

**Kurt Krueger, Bureau of Transportation:** Good evening, Mayor Adams. Members of city council. My name is Kurt Krueger, supervisor engineer with the bureau of transportation. Before you tonight is the final report from the city engineer. I'll briefly outline the city code and the timeline of the process and the requirements that have been met by the Cesar E. Chavez Boulevard Committee. You have heard from three members of the planning commission involved in the process. At the conclusion, we'll hear from our historian panel consultant and a member of the historian panel. Also in attendance is the city auditor, and her staff, Andrew, who is has been instrumental in assisting with this effort. Just a quick overview of the code sections we're working with. This is title 17.93 subsections 040 through -- on August 8th of 2008, the initial street renaming application was submitted to the city engineer to rename one of three Portland streets for Cesar Chavez. The three proposed were Broad Way, Grand Avenue and 39th Avenue. The city engineer accepted in determines it was in compliance with city code. And section 17.93.020 (b) and (c), required it to be a real person deceased for five years and within the city boundaries. The city council approved the outlined in city code. The individuals appointed were chair professor Gilbert Carrasco, Michael Caldwell and Cully Association of Neighborhood Chairperson Kathy Fuerstenau. The final application was submitted. The applicant submitted the completed application with the

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required submittal requirements. Including the 2500 signatures and a letter of concurrency from the honoree's family, a fee deposit in the amount of \$3,000. On March 2nd, 2009, after verification of the signatures, the city auditor mailed to all -- as outlined in 17.93 and notified all business representing owners of property or businesses located on properties abutting the streets in accordance with 17.93. On March 23rd, and April 6th of 2009 we held two public meetings to receive testimony as to the appropriateness of the proposed honoree and historical significance of the streets under consideration. On April 20th 2009, historian panel met to deliberate and make recommendations to the planning commission as required by city code. The panel determined Cesar E. Chávez was an appropriate honoree and determined that Broadway and Grand Avenue were of historical significance and not further considered for rename. The panel determined 39th Avenue was not historically significant. On April 28th and May 12th, 2009, the planning commission held a public hearing to take public testimony and submitted a budget impact statement and outlining the costs with the new street name signs. The estimate including the removal of the original street signs five years in the future -- approximately \$86,000. During the second hearing, the commission voted to accept the historian panel's report and that 39th Avenue be renamed in honor of Cesar Chávez. I'm going to take a brief minute, here's the map of the three streets under consideration. Stop me if you've got questions. It's Broadway in its entire length, Grand in its entire length, and 39th Avenue in its entire length, north and south.

**Adams:** And the code says, just because it's a good question to ask, the code says they've got to stop and start within the city of Portland and there's some question raised about 39th potentially continuing in Milwaukie.

**Krueger:** That's a good question, Mayor Adams. Here's the map of the 39th Avenue termination. It terminates just short of Portland Highway to the north and again, to the south, it terminates at Southeast Berkeley Way, on the block above Johnson Creek and about a third of a mile before the city of Milwaukie boundary.

**Adams:** So the city attorneys concluded all three streets do comply with Portland city code on that matter?

**Krueger:** That's correct. When the application came in on August 8th, we looked at all three streets and got a clear determination from the city attorney that these fit the criteria. Just a short overview of the character of 39th Avenue. Here's a breakdown. 7.22 miles in length. There's approximately 151 businesses on 39th Avenue. And 212 businesses within a 200-foot separation of 39th Avenue. Businesses from what we can find, two on 39th and two near -- within about a block. There's four business associations affected and approximately 28,000 vehicles per day at the most intense point along the Avenue. I'm going to take you on a quick tour from south to north. Looking south, you can see the deadline signs. And we're going to turn around and head north. This is 39th at Southeast Crystal Springs. This is 39th at Southeast Holgate. 39th and Clinton. 39th at Yamhill. This is one of the businesses with 39th in the name of the business. 39th at Stark. 39th at Glisan. 39th at Broadway. 39th at Tillamook. 39th at Fremont. 39th at Prescott. And here's the Eternal News and Liberty Terrace. And summary, the city council may consider approving or denying the application with city code and state statutes I realize this is the first reading and we're not taking a vote tonight but that's the decision before the city council. If approved, the Bureau of Transportation will implement the street name change in accordance with Title 17. If denied, the application is filed with no further action and the subject name and street shall not be considered for at least two years.

And with the foresight of Mayor Adams, the time we were initially looking at this application, we knew we hadn't been through this application process before. This came out shortly after the M.I.K.

Rename back in 1989 and we knew we were going to have clarifications that would be needed. So we hired a consultant that did two things. They were here to assist the historian panel and coming back to city council with recommendations for process improvements. We expect that we would be back by mid summer with those recommendations and wanted to separate the discussion from

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tonight from the discussion of process improvements and realize there may be other street renaming applications potentially out there. The way the code reads an application could come in the day after city council were to take its vote in two weeks. I've got power point, of every city code and detail. I'm not going to subject the council and everybody in attendance with that, but they're here upon request. I'd like to invite dina marshall, and brigadier general michael caldwell, who I hear is running late.

**Adams:** Please come forward.

**Krueger:** They would like to make a few comments about the process.

**Adams:** Ms. Marshall, general caldwell, welcome to the city council.

**Deena Marshall:** My name is dina marshall.

**General Michael Caldwell:** My name is mike caldwell.

**Marshall:** Good evening, councilmembers, my name is dina marshall. By business is marshall mediation. My team included michael -- and in the process to determine, one, the appropriateness of the proposed honoree, and two, whether any of the streets proposed had a historically significant name that would preclude its renaming. My team and I applauds the members of the historian panel for their dedicated work and their attention to detail in carrying out their duties. I want to acknowledge the excellent work of our project manager, curt krueger, who worked tirelessly and diligently to ensure the process ran as smoothly as it could. He did an excellent job on the project. I'd also like to make a small correction. One of the points on the power point indicated the historian panel found 39th is not historically significant. Actually, they found the name is not historically significant. The street itself, the panel and mike will talk about this too, really has had significance in the city and its planning. As you know, historian panel was appointed last july and had the first meeting in november. March and april, the panel held a series of public meetings and association neighborhoods all concerned about the renaming. By the end of april, the panel presented its findings to the planning commission. Once they completed its work, my team has taken a back seat in this process. We're delighted to see the city has stayed true of following the letter of the code. And since the street naming code has never before been applied, we knew we could expect some uncertainties and you might not find it surprising my team and I like many others who have experienced this process believe that city code chapter 17.93 could use fine-tuning. My team is working on our comments and we would welcome the opportunity to present our observations and recommendations. Thanks for allowing me the opportunity to speak. I look forward to lending a hand again in the future.

\*\*\*\*\*: Thanks.

**Caldwell:** First I want to thank ms. Marshall and her team. They did an excellent job facilitating this and making the process go smoother than probably it could have. I think the other comment I think is important for you to understand, during the hearings we had with the general public, giving their views, it was very, very seldom, only a couple of occasions did we find people were not respectful and people were -- had good points to make and diligent in the purpose and there was nothing that I would characterize as being unseemly and/or any other comments that we -- that became something we wouldn't all want to hear. I think the public responded in an effective manner and represented their positions very well. My colleagues on the group, as dina mentioned, there's suggestions that will come forward. Trying to make sure we did not make any errors in judgment. Open meeting laws, etc. I think if you do this again or change the law, one of the things, you should have at least five people on this group so you can have a casual conversation with one of your other colleagues because it became very isolated and I don't think that's what you want with the kind of process you're trying to attain here. Again, I think the street, all three, were extremely well represented by their champions on both side of the issue and I think it was very difficult in many senses to come to that conclusion, however, at the end of the day, we did try to apply the code as you -- as council indicated they wrote it. To the best of our ability and we came up with 39th as

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being one that we suggested to the planning commission. So again, it was an exciting process. I will never ask you, Mr. Mayor, for a pothole filled again. I can assure you of that. That won't happen again. Thank you for the opportunity to serve because it was enlightening and I learned a great deal with the city government and the good citizens of Portland and the passion they show for both sides of their causes. Thank you.

**Adams:** The pothole reference is the general -- the general buttonholed me at a meeting, saying he had a pothole that had gun on for some time in north Portland and --

**\*\*\*\*\*:** And he buttonholed me back.

**Adams:** And I appreciate you and your colleagues on the panel for taking this on. You were also advised on a volunteer basis from professional historians and the Oregon historical society. Will one of you talk about whether you found that to be an useful resource and the work they did on the background of the streets?

**\*\*\*\*\*:** We had actually three very noted, very, I think, accomplished historians that helped us. They -- there was [inaudible] -- and right, George. And they were available and excellent in providing materials and getting us information, we could review. Also, pointed outside towards Powell's books. At least I managed to drop a few dollar there to find information about Portland and the streets but they were good about responding immediately to questions and giving us very, very good advice.

**Adams:** Commissioner Fish.

**Fish:** We didn't go through the code, but can you briefly -- I got a lot of emails on this question. Who was eligible to serve on this panel?

**Krueger:** The panel was appointed by the commissioner of transportation. At the time it was commissioner Adams who appointed that panel and that panel came forward as a resolution -- ordinance, I believe, last summer by council.

**Fish:** The code refers to a panel of three historians or persons with appropriate expertise. That's the applicable language?

**Krueger:** That's correct.

**Adams:** Knowing that this was -- because the pre-application had been filed. I also didn't leave it as the code says I can do it on my own, but I brought the appointments to city council.

**Krueger:** That's correct, the original that came before council last summer was very specific. We wanted to follow the code very specifically and wanted to recognize the panel publicly before we started the review of the application.

**Adams:** Commissioner Fritz.

**Fritz:** Can you talk about the state law that specifies how we do street renaming?

**Krueger:** May have to defer to our attorney. O.R.S. 227.120 talks about a jurisdiction, the city's requirement if they have a city planning commission, street renaming efforts must go through the planning commission and the planning commission then reports to the city council. Which we've done. And states if there's no planning commission, small districts, the city engineer would come forward with a specific -- we are required to have a renaming process in place.

**Fritz:** The council rather than the vote of the people?

**Krueger:** That's correct.

**Adams:** Thank you for your service. Are you staying up?

**Krueger:** I was going to invite the two panelists from our Cesar E. Chávez boulevard committee if now is the appropriate time.

**Adams:** I'll do that. Thank you. All right. We're going to hear now four people that represent the petitions and then four representatives who are part of the save 39th group. So four and four. The petitions will go first. And the names that I have are -- being handed to me as we speak. Mayor Tom Potter, P.D.C. Commissioner Bertha Ferran and Martin Gonzalez and Jeannie Frazini.

Representing the petitioners or the applicant. We'll need one more chair up front. Who wants to

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give up their chair? No, Karla, you can't give up your chair. [laughter] thank you, sir, you're very kind. You get free parking for the next month. [laughter]

\*\*\*\*\*: [inaudible]

**Saltzman:** Have him sign a note.

**Adams:** And in my heart, you have free parking. Are the applicants not here?

\*\*\*\*\*: [inaudible]

**Adams:** Oh, applicants. Oh, this is the invited testifiers requested by the applicants. So no? I can't hear you, amy. Knowledge good evening, mayor.

\*\*\*\*\*: Good evening, mayor.

**Adams:** Commissioner, mr. School board member. I don't need to tell you, mr. Mayor, the rules here. The applicants will have longer than two minutes and so will the folks that are representing the save 39th will have longer than two minutes but we ask you to keep it within the three to four minutes range if you could. Mr. Mayor.

**Tom Potter:** Thank you, mayor. Thank you commissioners for having this hearing tonight. It's a very important hearing. It's so important that I want to read my comments because I don't want to leave anything out and I will leave copies of my comments with the council clerk. My name is tom potter and I live a few politics from 39th avenue. I'm asking you today to rename 39th avenue as cesar e. Chávez boulevard. Your decision will not please everyone but that's the nature of your work. You must weigh the information presented and choose a course of actions that bet for our community now and into the future. Let me be so bold as to suggest one marker that is at the heart of this issue for many of us. How to make Portland a more welcoming and inclusive community. Portland's demographics are changing rapidly and latinos or responsible for much that change. And ethnicity of Portland and worked hard to enrich our community. How does a city respond to these changes? What tangible things can we do to demonstrate our commitment to providing an environment that recognizes the talents and contributions of all people? Street naming a honor bestowed upon people who have made Portland a better place by their efforts. Until recently, people of color have not been recognized with Portland street names. Over the last two decades we have acknowledged the achievements of bill naito. Martin luther king jr. And rosa parks by naming streets in their honor. Sometimes they're home grown, like bill, and other times leaders who have provided an avenue of opportunity and inspiration for people throughout the nation to achieve dreams for themselves and their children and community. Renaming a street is not to be taken lightly. It is a very public recognition that everyone has something to contribute and thus, we open the doors to hope and opportunity a little further for all people. I ask you to give something back it a community, a community that's given us an american hero, a labor leader, an american of humble origins, give us all a street named cesar e. Chávez boulevard. Thank you.

**Adams:** Thank you, mr. Mayor. Mr. School board member.

**Martin Gonzalez:** Just for the record, mayor Adams, commissioner Fish, Fritz, Leonard and Saltzman, i'm not here invited by the committee cesar chávez or to speak on their half. [inaudible] appointed persons by them. This historical moment has been long in coming. Goes back to the spanish settlement in the 16th century and in state of Oregon, document the presence of the earliest mexican migrants. In the 1850s, supplied the second regiment of Oregon mounted volunteers. Around that time, Portland and Portland public schools were being established and just last month, voters elected the first latino mexicano in the 158-year history. Although the campaign did not call on borders to [inaudible] added a new page to the history of the district and gave a visible presence to latinos in our community. Today, you're about to write another page in the 158-year history of Portland. The visible recognition of a latino of mexican descent by renaming a street after cesar e. chávez. I congratulate you for making this mark in history and thank you for resisting the pressure of avoiding taking this step forward. Dr. Martin luther king recalled how people were calling his activities unwise and untimely. We hear many of the same arguments from opponents of the name

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to honor cesar Chávez. Yet this argument reminds us of what dr. King described as, quote, the white [inaudible] order than to justice. Who prefers a negative peace, which is the absence of tension, to a positive peace, which is the presence of justice. Who constantly says, I agree with you, but I cannot agree with you with your methods [inaudible] who believes he can set the timetable for another man's freedom and lives by a mythical concept of time and constantly advises the negro to wait for a more convenient season. End quote. Thank you for recognizing that wait is not an acceptable response and the moral and political issue of public officials is that it's as important today as it was during the struggle for civil rights led by dr. King. It would not have been achieved if during those times, everyone had waited for an act of congress or popular vote of approval. The Oregon-born mexicans in the early 1900s and railroad workers and farmworkers and manufacturing, service workers, educators and professionals and our children can feel the joy of the visible step by naming a street for cesar Chávez. Thank you again, put your hand in each other's hand and prove that, yes, we can. Thank you.

**Adams:** Commissioner.

**Bertha Feran:** Good evening, commissioners. My name is bertha, here as a private -- bertha. And i'm here as a private citizen. When I came to Portland as a cuban refugee from cuba. And I had the pleasure of meeting cesar Chávez when he came to college up in mount angel. Cesar Chávez is not just a latino leader, he's an american hero. He fought for freedom for all of us during world war ii. He's a man who also is a labor leader who fought for better wages and better conditions for the workers of america. I also believe he's a -- he was a man of very few words, but a man with a huge heart. So I truly encourage you and urge you to name 39th street and adopt a resolution to name a street for cesar Chávez in his honor and we're honoring right now the 150 anniversary of the state of Oregon. Thank you very much.

**Adams:** Can you -- microphone.

**Jeana Frazinni:** Thanks. Mayor Adams, city commissioners, thank you for the opportunity to share my views this evening. and I also don't represent the committee. I understand there's a little bit of a mixup in the panels, but I appreciate the opportunity to speak. My name is gina. The executive director of basic rights Oregon. A statewide organization representing the gay and represent tens of thousands of Oregonians across the country. Here in Portland, we pride ourselves of being champions of equality and justice. And a prominent street named for cesar Chávez, a real leader in those values, would mean a great deal to the city. Honoring his life and contributions as an advocate for equality and justice. It's a critical opportunity we have today. As founder of the united farm worker's union, one of our country's leading labor organizations, cesar Chávez championed the cause for immigrants and farmworkers and inspired with his courage and was the first major civil rights leader speaking out on behalf of lesbian, gay and transsexual and transgendered people yes, it was. Unpopular to do so. His legacy endures today. Two years ago, his daughter christine joined basic rights Oregon and our supporters at the capitol for a day of action where they made it clear that we share a common goal ensuring no one lives under laws that say they're less than human. We must face those in our community who marginalize immigrants and deprive them of due process and deny them equality opportunity. To the 11% of the population who are latino, Chávez is a symbol of justice. And he's a symbol to the dignity of all people. And currently, there are no public monuments to american latino leaderships in Portland and it's -- leaders in Portland and it's time to remedy that. We -- whether it's a prominent street named for a latino leader. A film heralding the contributions of a gay elected official or statues honoring civil rights leaders. As a member of the lgbt community, and those who struggle or a seat at the community table, I am proud to urge your support for renaming 39th as cesar e. Chávez. The city will be sending a message that this is a community of inclusion and justice, not of exclusion and intolerance, thank you for your time and a appreciate the opportunity.



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**Adams:** That was a package in favor of the renaming. Not necessarily representing the petitioners. Thank you very much. We're going to now hear from four invited testifiers, not in favor of renaming 39th and then we'll hear from the applicants. Everyone will get their chance, I promise. So eric, will, wayne, sean. Good evening and welcome to city council.

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

**Adams:** Glad you're here. Again, you just need to -- is mr. Cruz here.

\*\*\*\*\*: He's upstairs, he'll be down in a second.

\*\*\*\*\*: Great. Again, i'm give you longer than the two minutes.

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

**Adams:** You bet. Mr. Fruits.

\*\*\*\*\*: I think we'll begin with dr. Schneider and then mr. Cruz and then mr. Stolls and then i'll finish.

**Adams:** Sounds good. Mr. Schneider.

**William Schneider:** Mayor Adams and commissioners, my name is william schneider. I'm a resident of Portland and a business on 39th avenue. I've been a chiropractor for 17 years in Portland. I'm opposed because i've come to believe that renaming 39th is not an appropriate way to honor this great mexican-american hero. And I say that with sincerity, as i'll touch on later. To me, he is a hero and i'll tell you why shortly. I'm also opposed to the unfairness of the process the city pursued which amounts to sticking 39th with the short straw. In the true spirit of mr. Chávez, i've repeatedly searched out, reached out only to be rebuffed with firm statements that they were interested only in renaming the street. My street. These are members of the Chávez committee which you're well aware of. I hold no resentment toward these people. I feel they are well intended. There's no question about that in my mind. Several weeks ago, I read an article in the "oregonian" that moved me deeply. The author had spoken to mr. Chávez's son. Paul Chávez. He said his dad would scold everyone for wasting so much time on this street renaming when there was so much work to be done. This seemed to express something I had thought. Why are we wasting so much time when there's better things to do to honor this man? I thought to myself, I want to talk to this guy. Well, within a few days, I want you all to know, mayor, mr. Mayor and commissioners, spoke with paul Chávez. This is a blessing to me. He called my office and said i'd like to talk to you about -- let's drop everything and talk to the man. I want you to know and speaking from my heart, that mr. Paul Chávez was extremely upset with the amount of discord and agony going on in the city with the process of renaming the street. We talked for nearly 20 minutes on the phone. Paul Chávez could not believe that I was not able to openly talk to José and the rest of the committee in any meaningful way. I expressed my frustration at trying to get through to these good members of the committee to no avail. Paul told me his dad would prefer all sides get together and find a compromise in a friendly manner. Mr. Chávez promised to do all in his power to contact the members of the committee and see if he could do something to get us, quote, together in talking about a solution here. I gave him the email addresses because that was the only way I knew how to contact them. It's been two weeks since that conversation and i've heard nothing from the committee nor from mr. Chávez. I actually called him and we could not get back together. From what I can gather, even paul Chávez has not been able to get us together and talk about a compromise way of honoring mr. Cesar Chávez. Paul's dad. We ended our conversation with paul Chávez saying he would pray we find a peaceful solution to this entire controversy. So I want you to know many of us have extraordinary frustration with reality that we have not honored the wish of paul Chávez and I believe even cesar Chávez in -- in working together to find a solution to honoring cesar Chávez. This has been a third party situation. We talked to now the city council. We've talked to the planning commission. We all talked to the historical committee but there's been no direct dialogue between the groups to find a solution that would be good for the entire city. A win-win situation. Switching gears briefly. We have here pictures that illustrate what was going on

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during the time of mr. Chávez. People were working with [inaudible] and had been for decades in california. It was through the work of mr. Chávez that the short hoe was eventually banned. This short hoe I have here -- and i'm going to let you have a sample of one of these. It's not a weapon. It could be. Could be, indeed. But this was a great weapon to knock out weeds, etc., in that time. But it was really a symbol of humility and -- humiliation to the farm workers of there was no -- the farmworkers. There was no need for this. Bent over, you can see in pictures, this was extremely painful to the back and as a chiropractor, this really strikes me. [laughter] good for business if I was in california, but I wasn't there at the time. So the point is I could testify to the agony and the disability that would come from spending countless hours bent over doing this. That's why I can say with sincerity, this man is a hero for me. He's relieved suffering for people, when I say his people, I mean the hispanic and mexican americans who were the predominant farmers. In closing, I would like to say he deserves a more significant honor than simply naming a street. To me, naming a street is just like sean has mentioned in some of his writings, it would be nothing more than a series of tombstones for mr. Cesar Chávez. No educational value or nothing else. So I ask you, members of council, please look to find a win-win situation, a truly significant way to honor mr. Chávez and do something that really may help hispanic in this -- hispanics in this city and bring the city together rather than divide it.

**Adams:** Thank you, doctor. Mr. Cruz.

**Sean Cruz:** Thank you, mr. Mayor and members of council. My name is sean cruz, a resident of north Portland. I'm the son and grandson of mexican farmworkers and I keep on my person at all times my grandfather's green card. I inherited this when my father passed in 1975. My grandfather did not live to see these hoes. Let me have this. Banned from the fields, but my father, my grandfather, my grandmother, my pregnant grandmother, worked those fields with this. And so i'll invite you as you consider the work of cesar Chávez, that you take one of these just like you'll see in this photo -- this slide show here. And work with one for a little while and you can imagine, in those days, in those fields, the farmers have no right to meals and rest breaks, no time paid for overtime hours. And there's no port-a-potties in those field, no water, no rest breaks, you just work with your short hoe. The reason they used the short hoe, millions of mexican farmers, because they're cheaper to make. You're not buying all of these long hoes. And the second part, they believed those mexicans would be better at getting the weeds and not the vegetables, if they were close to them. And the third and most compelling reason, when they're bent over with a short hoe, you know they're working. If they had a long hoe, they might be leaning on it. And for that, that is what cesar Chávez accomplished and nowhere in this two-year long discussion has any -- has there been any discussion, not even before the historian panel, of what cesar Chávez actually accomplished and who he was. Like cesar Chávez, i'm a mexican american, i'm -- my roots come mexico and our experience, people of mexican ancestry, living in the u.s.a. An unique experience. It's not cuban and south american, it's our unique experience. I say this, you know, all due respect to all parties present, but just a few minutes ago, we had this moment and I know when mayor potter and the council two years ago started on this path, they sincerely wanted to find a way to honor cesar Chávez. But here we had again a moment a few minutes ago when everyone up there is white and everyone at this table is white. I'm sitting back up there with the rest the brown-skinned people and watching up here on the slides pictures of asphalt. Where is cesar Chávez in this picture? Where is our people in this picture? One of the major flaws of this whole process was the fact there were no real historians and it seems that the charge of the historian panel was a look at Portland history, rather than the history of the people and person you're trying to honor. Right up the street at Portland state university, you'll find a department of latino and chicano and latino studies. Recognizing these are tough different cultures and so when this -- this whole conversation for two years has gone forth, I seen cesar Chávez described as latino, as hispanic, as american, as not hispanic, but an american. And as a latino-american, but never as a mexican american. And

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what is wrong with that? Never as a chicano. I gained my chicano identity through cesar Chávez. At the time of the national chicano movement. Instead we have this bloodless discussion that never gets to the root of who this person is. My goal tonight isn't to come down here and save 39th. My goal is to educate the council, and the public as to who cesar Chávez really was. And we haven't really gotten there, I don't know how I can accept the honor. The 2009 legislative session is just coming to an end and there are only two farm worker related bills. It's a disaster for advocates of farmworkers. This session is a disaster. There was only two bills introduced, farmworker bills, both died in the house. Never got out of the house. One would have created more housing opportunities for farmworkers, the other one would have put aside some money for the study of cyanotoxin. They didn't go anywhere.

**Adams:** Mr. Cruz, i'm looking at the time and if you can wrap up your comments, they're compelling, but if you can wrap them up.

**Cruz:** I'll try to do that. With all due respect, mr. Mayor, every time I try to explain myself to white people, they're in a hurry.

**Adams:** There are people of all different backgrounds who also want to speak.

**Cruz:** Right. This process unleashed on mostly mexican people, people that identify with mexico like myself. All of this stuff that we see in the sunday paper, a full page over here. Only nationality you see in all of that is mexico. But on the other pages we see stories about cesar Chávez as an american. Or a latino. So i'm not exactly sure you're planning on honoring a latino-american hispanic cesar Chávez? That's not who he was.

**Adams:** Thank you for your testimony.

**Cruz:** Well, thank you. I wasn't done, but thank you. [laughter]

**Adams:** I got to move this along.

**Cruz:** I was not done.

**Adams:** I know, but i've got to move this along. Mr. Stoll.

**Wayne Stoll:** Thank you, mayor. I'm glad we have a little more time. Because I do have a few prepared remarks. [laughter] for you all.

**Adams:** Oh:

**Stoll:** I'm president of the parkrose business association and actually in my third go-around as president of the association. And we sent a letter both to the planning commission and to you people about a moratorium, an immediate moratorium on the street renaming process and a way to have a historical bank of names to have for future renamings with a vote of the people. And what I was told -- a group of us were told about two or three months ago at a pre-street renaming committee was that this ordinance, it's like it was drawn up on a napkin over lunch by two people. And I don't think it's fair to go through this process, rename 39th avenue and then -- bam: Pursue moratorium now. Because if the process is bad for the future, it's bad for the present. Now, sorry, commissioner Leonard, but I put my other hat on here. I'm a business person in the hollywood district. Our family's owned property in hollywood for 59 years. Three pieces of property on 39th avenue, and we have small businesses as our tenants, they're all small businesses. We have non-profits as our tenants. They're going through tough economic times now. I know because when I talk about renewing their leases, they talk about how tough things are. This is the last thing they need to face at the time. This takes a lot of time and effort to deal with this situation. The angst this causes them. How are we going to handle it. The expense it will cause, it's more than just business cards and stationery. It's flyers and brochures and menus and the g.p.s. System. And i'm hearing from people not even on 39th avenue. Wait a minute. I tell people to take the exit on 39th and come up to my business on 41st. They're concerned about it. Not just the people on 42nd. It's a family business my parents started in 1950. We still own the staple piece of property that we had in 1950 and in the future, I hope my two daughters continue the business. They worked with me as they were growing up as I did with my father. I want them to continue and have a place on 39th

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with our family history. My own history. I was born in Portland, raised on 39th avenue. The first years of my life in a studio apartment with my parents. My father had three jobs to support us. My mother had two jobs to support us. I played ball on 39th. Dodged rose city buses on 39th and it's part of my history. I would be opposed renaming 39th if it was proposed to rename it wayne stoll street or randy Leonard lane. [laughter] the vast majority are against renaming 39th.

**Leonard:** I would be against that.

**Stoll:** You would be against it? You have to be dead for five years, so --

**Leonard:** I bet it would pass if people thought I would die.

**Adams:** What if it was randy Leonard's way? [laughter]

**Leonard:** I like that. Yeah.

**\*\*\*\*\*:** Is he eating into my time?

**Adams:** No.

**Stoll:** He also have 2400 signatures on petition against renaming 39th. And these were gathered in the last six to eight weeks. Very informally. No official hunters -- they're legitimate people with concerns about that. And I also on my personal history, this is a picture of my mother who passed away last year, teaching manners at the dance studio. Son is opening the door for his mother, teaching her son proper manners. I want to continue on 39th and I appreciate your time.

**Adams:** Thank you, mr. Stoll and thanks to your father and bless your mother's memory as well. Mr. Fruits.

**Eric Fruits:** Thank you, mayor Adams and commissioners. Putting together this panel was a bit of a challenge as you can see. We actually come from a wide variety of opinions and backgrounds. And again, I think that's -- that really highlights the support that we have for 39th. That it's not some sort of monolithic group. It's a grassroots organization with a lot of different people with a lot of different experiences and reasons why they want to save their street from being renamed and so when someone comes and says, what's your reason? I can speak for my own, but not anyone else's. I'm an economist by training. A ph.d. In economics and a consulting firm in the city of Portland. One of things I get called on is what's going on with the with the economy. We have one out of eight people in the symptom looking for work. And I can guarantee you'll find out that number will be higher. We've picked the worst file in the economic history of Portland to heap more costs on businesses and households and homeowners. You have a lot of businesses that are on the edge. A lot of households, a lot of homeowners on the edge and it doesn't take much month push people over that edge. When you're standing on the edge of the cliff, it doesn't take more than a little blow to push you off. To many, this renaming is going to bring a lot of financial pain with no financial gain. Throughout all the discussion we've had, no one -- there's been not a single business or individual that has stepped forward and said, renaming 39th will -- and said, renaming 39th will make me better off, in terms of making it through these hard times. Not a single one has been identified. In addition to being in commerce, i'm also the president of the laurelhurst association. I just wanted to high light that it was -- we had the largest turnout ever in the history in people's memory of laurelhurst neighborhood association and I met a woman who was born in 1929 in laurelhurst and so the living memory goes back pretty far. We voted unanimously, the general membership voted unanimously to oppose renaming historic 39th avenue and joined by others neighborhood associations along 39th. Every neighborhood association that took a position has taken a position in opposition. A lot of times people come and ask, what's your reason for opposing the renaming of 39th? Remember, we're opposing the renaming. We're not opposing honoring mr. Chávez. That's a key point. I think we should be done with renaming things. We've learned what kind of acrimony falls out of it. As the people that are going to be imposed this sort of name change on them, that we have to provide the justification. Why do we have to explain why we don't want our street renamed? On the other hand, the proponents of renaming have never been asked and never answered the question, why is renaming historic 39th avenue the only acceptable way to

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honor mr. Chávez? Why not a new bridge? Why isn't a new bridge acceptable. We're going to have a new school in the pearl district. Why isn't that acceptable? Why not have it be called historic 39th and cesar e. Chávez boulevard? Why not do that? It seems designed to produce a predetermined outcome. These flaws are well known and anyone who has read the blog will know most of them. Every step, every panel, and even the city staff has acknowledged there are flaws in the city code and the process itself. There's not been a single person who has to make a decision or write a report would hasn't said the process flawed. We've been told over and over, next time things are going to be better. Next time the process will work. We're work can out the kinks this time. It's like the expression of when you make an omelet, you got to break a few eggs. We're the broken eggs but we won't get the omelet and again, I think that's a real problem we have with this process and the promises that next time it will be better. So what began as a process as a way to honor mr. Chávez and his ceaseless efforts to make peace with other people, to try to bring people together, it's turned into an ugly process and because of a lack of leadership. I've had so many people come to me and say how -- how come someone in the city hasn't taken the lead and try to get a compromise? Where we can honor mr. Chávez without imposing costs on other people. But all along, the city's hidden behind this thing called process. As if it's a train that's left the station, where you can't come in and manage the process. When the process began, the Chávez committee said it was their priority to meet one on one with affected neighborhoods. Such a priority that the promise is printed in bold capital letters on the website. But instead they've refused every invitation from every neighborhood group and good faith effort to join together. The worst came when I received an email that said they had unanimously, unanimously, voted not to meet with me or anyone else about crafting a compromise to renaming 39th. So now -- 39th. Now we're here, I urge you against renaming historic 39th avenue and I hope in the future, the city will honor mr. Chávez in an appropriate way. And toward that goal, i'd like to offer the Chávez committee a portrait of mr. Chávez as a gesture of good will in hopes that we can find a solution.

**Adams:** Thank you gentlemen for your testimony. Really appreciate it. It is now 7:11. We're going to take a five-minute break. The restrooms are on either side of the hall. Be back here at 7:17.

At 7:12 p.m., Council recessed.

At 7:18 p.m., Council reconvened.

**Adams:** But we're all done. All right. We're getting sign-up sheets. Kurt, we got sign-up sheets getting copied and over to -- ok. We are getting sign-up, copies of the sign-up sheets taken to the Portland building so folks in the Portland building overflow room know where their names show up they can page through and see where their name shows up. Again, Karla is going to be calling some folks further in, further down the sign-up sheets just waiting for some of my colleagues, I messed up and did not give, we had four folks that testified in favor of the renaming, four folks that testified in opposition to do renaming and I failed to give the allotted time to representatives of the applicants. So we have got two folks that represent the applicants, or the petitioners and then we will go to the sign-up sheets for public testimony. Arrest nan doe gonzalez and doretta shrock.

**Dorena Schrunk:** Mr. Mayor and commissioners, my name is doretta shrock. I was vice president of the ken nan neighborhood when the cesar chavez boulevard came looking for feed book from neighborhood leaders. They processed to rename a street near my house.

**Fish:** Can you move the mick up?

**Schrunk:** In addition to attending many meetings I have attended many meetings of the committee. I have to say even though there's times i'm the only anglo in the room of the members of the chavez committee have treated me with nothing but respect and friendship. You know my tendency to think no matter the audience will know how highly that speaks of them. I am here only as a private

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citizen. We are here to talk specifically about renaming 39th avenue after cesar e. Chavez but more fundamentally, I think, we are here to talk about how we define "us" in the city of Portland and how we define "them." us versus them comes in many not so subtle forms. Why don't they go to Portland or hillsboro or gresham? Not so subtle is the theme of the opposition to the original proposal. Save "our" interstate. Not so subtle, the comment heard at that meeting that a street sign in their neighborhood bearing the name of cesar chavez would be an eye sore. More subtle is the response of many good Portland progressives. Sure, let's name something after cesar chavez. Not a street, better we should name the farmers market or the max bridge or rename delta park. At the heart of those suggestions is, "we" no better than "they" what will best honor cesar chavez in the latino community. Renaming a street for someone who is not only a respected individual but who also represents a minority community is a powerful, symbolic statement. Streets are the warp and weft of a city. Streets tie us in visible ways. When we name a street after a distinguished african-american or latino american, we make a statement that those communities are an integral part of the fabric of the city. Is the latino community in Portland us? Or them? Most subtle of all is the unspoken but powerful and pervasive perspective that if I don't see the value of something then it has no value. There are legitimate arguments against renaming streets and we will hear those arguments today. There is summon terry cost to the city and business on the street and there is some inconvenience to residents. What I haven't heard from the opponents of this proposal is any weighing of those costs against the potential gain. What I have not, what I have heard is has not included giving any weight to what might -- it might mean to the latino community or what the larger community might have to gain. Of course, the latino community is not monolithic. We have already heard someone today claim cesar e. Chavez belongs only to chicanos and the rest of us should keep our hands off. What I know is that many people who identify themselves as latino, some mexican american and some not, have worked tirelessly for the last two years on this project and thousands of Portlanders signed petitions to support it. We have a history that goes back to do beginning of our existence as a city of excluding and segregating people based on race or ethnicity. That history is certainly relevant to why the overwhelming majority of streets in the city of Portland are named after white men. I believe it is also relevant to why any consideration of the latino community has been so absent from much of the public discussion of this project. Not because most of the people here intend to be exclusionary but because we have inherited cultural blinders that keep us from considering there are other people who are an integral part of our community whose perspective may be very different from our own. Most of us here were not around to be responsible for what happened in the past but history is not just what has happened in the past. What happens today or next week will soon be a part of our history. We all understand that human beings often have a hard time with change even when we move to a better house or an exciting new job, we often still have feelings of loss. The council chooses to support renaming of 39th avenue for cesar chavez, there will be feelings of loss, but as the community, we can choose whether we want to emphasize the loss or the gain. What we have to gain is to make the fabric of our community stronger, more colorful and more resilient. I trust that you on the council will listen to what people have to say about both costs and benefits of the proposed street renaming and will make this decision by weighing all the potential gains and losses carefully. I also hope that we will all give some serious thought to the question of who "we" are as a city, and how we value all of our fellow Portlanders.

**Adams:** Thank you. Mr. Gonzalez.

**Armando Gonzalez:** On behalf of the cesar e. Chavez boulevard committee thank you for the opportunity to present to you this evening about why renaming an important street in honor of cesar e. Chavez is important. I was born in eastern Oregon. I was raised and worked as a migrant farm worker for many years. I experienced first has not the conditions cesar chavez worked to change. My parents taught us by example to give back to those who have less and be involved to ensure a

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strong and safe community. I have been a resident of Portland for the last 23 years. I am a high school counselor and a lifelong activist for change. Cesar Chavez played an important role in my life, which is why I am here today. An environmentalist Chavez advocated for the health and welfare for all people and he believed in civil rights and justice for all. We have worked through a very long process and now we are at a critical juncture. Because of our efforts we have been seen in countless articles in our newspapers, blogs, Facebook, and other news media which has helped enlighten our community about who Cesar was and how his many contributions to what has been. Let me say some thoughts about Cesar. He was an American. He was born in Arizona in 1927. He served our country in the armed forces. Cesar E. Chavez struggled for change, a change toward a better life for all communities, better working and living conditions. A decrease in the hazardous pesticides entering our food supply and right for workers to form unions. In 1994 he was awarded the Presidential Medal of Freedom posthumously by President Bill Clinton who said "Mr. Chavez faced formidable and often violent opposition with dignity and nonviolence." The late Senator Robert Kennedy called him one of the greatest heroic figures of our time. While there has been broad agreement about honoring Cesar Chavez, we have heard a variety of reasons why we should not move forward in renaming a street in his honor. As I have listened over the last two years, I have heard a recurring concern about change. Change is usually uncomfortable and at times may feel scary and confusing. These, these last two years the list -- this process has brought out many of these emotions. Our country over these last few years has seen monumental change. We can choose to embrace change that will make our community stronger and more inclusive or fight it at every turn. Change is inevitable. In fact, change is necessary to improve our communities. For this reason we are seeking your support in naming a street for Cesar E. Chavez. The name change will not rewrite Portland's rich past -- past. It acknowledges lesser known stories and cultures have always been a part of the fabric of this community. We are asking for one street of 4,000 to honor an American hero and civil rights leader. In 2008 this country experienced a historic event in history. As Americans we overcame old barriers and elected our first African-American president. Let's keep the spirit of change alive and continue to move forward as a multicultural nation and as a multicultural city. Mayor and commissioners, please know that we understand this is a very difficult decision for you. This is a monumental event in our community and has taken nearly three years of hard work by dedicated people. We have followed the code that has never been used. We have chosen to turn the other cheek when faced with demeaning comments or hurtful words. We have put our hearts and highest intentions forward. Finally, as a reminder that the Chavez family indeed sent letters of support for our endeavors here, and with this I urge you to do the right thing and vote yes to our request and honor Cesar E. Chavez with this name change. I have also included some statements of support from various people throughout the city in my statement. I included with the council clerk. Thank you very much.

**Adams:** Commissioner Saltzman.

**Saltzman:** I would like to have a question I have gotten a lot of emails about and why a street, given the acrimony that's associated with renaming a street, not just in this case 39th and Cesar Chavez. But given the acrimony and sort of the idea of naming a new bridge, in honor of Cesar Chavez, why did the committee, did the committee consider options? Or why did you reject other options?

**Gonzalez:** Should I answer this or do you want to go forward? I will try to answer as best as I can and Doretta can add to this. That question has been asked to me in the previous hearing and my response to that, when initially, I was out of town when the Cesar E. Chavez committee got together, when I came back to town a few years back, I found out through newspapers and so on that there was a committee working on changing the name, a street name here in Portland, so I decided to get involved. I did it for two reasons. One is I did not just want to read about these changes or things were happening in my community and my streets because I do pay my taxes, and

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I consider those my streets. But I wanted to have a hand in this. And initially, I asked the question to the committee. And there was a lot of brainstorming that went on initial leeway back when. This was over two years ago. The question came back up again, during the planning commission hearing. And they requested the planning commission asked me about this. My response to that at that point was, you know, this process was begun two years ago. And we were, we follow would the processes of the law. And therefore, we want to stick to the street. Because, one, a bridge is not a city entity. It has more than one entity that I guess rules that. And it's difficult for us to do. Difficult enough as it is right now. So those right responses, that we started on this journey to do, follow the process to naming a street.

**Schrunk:** Just add a little bit to that. Part of it is that, a part of the reason that people want a street is some of the same reason people don't want to rename the street. It's because a street is, is so very visible and so very integral to the life of the city. A bridge, the tri-met bridge, if you named that for cesar chavez, there would be a little plaque somewhere, no one would ever call the bridge by its name. No one ever see it on a map. No one would ever -- that's just the way those things work.

**Adams: Hey:** If you are going to be a civil discussion there will be no groaning, no shushing. Nothing while people are talking.

**Schrunk:** The street is that kind of active, visible part of the city.

**Adams:** Any other discussion for this panel? Thank you both very much. Appreciate it. Karla, can you call the first three and then the three to foul.

**Moore-Love:** The first three?

**Adams:** Again we are going for against questions and then for and against.

**Adams:** Ms. Williams.

**Felicia Williams:** My name is felicia williams and I am really disappointing you aren't voting. This is the subject of my thesis and I was hoping to write my conclusions but you are kind of stopping that from happening.

**Adams:** We take this very seriously and want to spend the time necessary to do a good job.

**Williams:** Also commissioner Fish, I have an answer for you theoretical answer for why a street but one of the things I want to be clear about as a historian I get really excited about history stuff. It's very super duper excited now because we can look at what's happen next world and understand the power of symbols and why they matter. You can look at happened in iran and I know one of you is married to a historian and one has a degree in history. There was a young woman killed in the streets of tehran recently. Neda and there's already a push to rename a street for her to symbolize her martyrdom. This idea of renaming streets as symbols is really important. We can see after the fall of communism. The first thing they did was rename the streets. That applies here. We have the same power structure in place that we've always had so it's much harder to get these kinds of civil changes in place that you find in other parts of the world but we applaud in other parts of the world but what we do have here and what I find really problematic in Portland I noticed there was a process that you have to go through if you are a poor brown person but if you are a rich white person you can buy naming rights to a park in downtown Portland for those of you that don't know director's park, donated in honor of his grand parents. That will make three, three memorials to the schnitzer family in downtown Portland and nobody is upset about that. But there are hoops that you have to jump through if you are a poor brown person. And that's really incredibly offensive. And I don't understand why anybody else is not upset about the difference in how people are presenting this. I mean, everybody is upset about renaming the street but nobody is upset about schnitzer getting three memorials in downtown Portland? That seems strange to me that everybody would get upset about the naming of a street but not the inherent unfairness of this process.

**Adams:** Thank you for your testimony. Ms. Hutchins.

**Carol Hutchins:** Yes. I would like to thank everyone for spending the time to listen to all of us, pro or con. But let me tell you, I am a 70-year-old, 50-year resident of 39th avenue. My history is



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important to me on that street. I married a Korean war veteran, raised four children on that street. I paid taxes on that street. And have been active in the community, and it has history for me. I have no problem with naming it something for Mr. Chavez, but I want my street to remain 39th Avenue. And I sincerely hope that you will vote according to the people, majority of the people who do not want it changed and I thank you so much.

**Adams:** Thank, Ms. Hutchins. Mr. Karens.

**Ed Garren:** Thank you, Mr. Mayor, city commissioners. My name is Eduardo Jorge. I would gladly offer as to be honored, in spite of the historical significance of Menzes Island, the original name of Hayden Island, which is also called Jantzen Beach, I would gladly honor my street to -- donate my street to honor Mr. Chavez but it's not a major street. This process has been cursed from the beginning. The first curse was city leadership that did not follow its own rules and attempted to rename Interstate Avenue without a proper process. By the way I think I have the honor and distinction of being like the only neutral person in this whole thing. And only one name on the blue sheet. Right? Yup. Two. Ok. There's one other. [laughter]

**Adams:** 50% of the --

**Garren:** 50% of the in-between folks. As a member of a minority group, I am a gay man. As a member of a minority group that routinely has our rights and very existence put on the ballot for voters to demonstrate how much we are despised in our own country, I have lived 30 years of my adult life and every two to four years have been defined by a ballot initiative somewhere where I get to see how many people hate me. What the percentage of the voters are who hate me for 30 years. If we want to talk about history. I also feel for the Latino community in all of this who must feel like a football being tossed all over the city or maybe bureaucratic hot potato. It's been anything but open and welcoming in this process. By the way that means welcome to white folks world. I am a strong supporter of naming a street for Mr. Chavez that actually runs at least part of its course in a Latino neighborhood. 39th has no interaction with no such neighborhood. Repeatedly said the only good choice is division, but city rules currently prohibit that. So maybe the real issue here is a flawed process that favors bureaucratic expediency, not the interests of the residents of the city. All I know is this entire process has become an embarrassment to a great city and no one has clean hands. One more line. Let's name the bridge or something because clearly, a much more fitting tribute would be a bridge which connects two sides than a street and a neighborhood where Mr. Chavez is clearly not welcome and that lack of welcome is an embarrassment to us all.

**Adams:** Thank you.

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

**Adams:** All right. Thanks for your testimony. The next three.

**Adams:** Dr. Gallegos, welcome.

**Joseph Gallegos:** Thank you. Mayor and commissioners, thank you for having us this evening. I just want to share with you. I am only four points I wanted to make.

**Adams:** And I apologize to interrupt you. I need to you state your name.

**Gallegos:** Yeah. It's Gallegos.

**Adams:** First name.

**Gallegos:** Joseph Gallegos.

**Adams:** You're good to go.

**Gallegos:** I'm a professor at the University of Portland. In the department of social and behavioral sciences. I grew up here in Portland. And my family was one of the first, among the first Mexican families to settle here in Portland after, during the second world war, actually. And I, you know, growing up here, it's amazing. I tell my students how Portland, growing up here, has always had this self-image of a white family town. And it's been fascinating to me that even over all these years, with the changing demographics, there's still this self-image that we are not a big city, we're a

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white -- a certainly a family town. As I said despite sort of changes in evolution over time. And I don't have pictures of migrant workers but I am a former migrant worker. My family, we picked berries in banks and stayton and so upon I was also involved with jose romero who are here in the '70s. So I recall at that time, Portland as being very supportive of the college. We actually raised several thousand dollars in Portland by Portlanders supporting that effort. So let's say I have 20 -- 25 seconds.

**Adams:** I cut into your time so you have 25 seconds.

**Gallegos:** Great.

**Adams:** On top of the 22 seconds.

**Gallegos:** Well, basically, then, all I want to point out is some information around the changing demographics. Most people in the country are 40 years old. The general population is 40. The latino population is 30. And so that is what's really driving a lot of the changing demographics and Portland is just exploding in terms of this expanding population and I think that demographic is really critical in terms of responding and finally I would encourage the council and the commissioners to take advantage of the opportunity for the changes that are coming. And exercise leadership in that area. Si, se puede.

**Adams:** Thank you, doctor. Ma'am?

**C M Sundholm:** I am c.m. sundholm. Mayor, council, let me congratulate the committee for educating all of us as to what senor chavez accomplished in his lifetime. If that has been your target you have succeeded admirably while adhering to all the legalities with regard to renaming a Portland street. I would like to ask some questions of all of you. Does anyone remember that i-5 was originally called the baldock freeway or that i-84 was known as the banfield freeway? Or for that matter that herbert hoover highway is the way to the coast. Do many grade school children or adults for that matter know who charles, john charles fremont was? The bridge and the street are named for him. How about william overton? Asa lovejoy? Or rodney glisan? Those names are consistently mispronounced. I just mispronounced glisan myself. These are a few of the pioneers that settled Portland and whose history accomplishments have been lost over the years. Does anyone remember who john l. Lewis was? He saved the miners from their slavery in the mines. Or who walter rutter was? He orchestrated the auto unions. For that matter how many people know that 39th avenue was once known as baxter avenue? Before the 1920 council decision to change all north-south avenues to sequentially numbered avenues. And who is to say that some future council will decide to revert to the simplicity of sequentially numbered avenues? Thus eliminating the name chavez from Portland history. I use all the above to illustrate how fleeting fame is. There's another question I would like to ask season more and her committee. Why are you so inflexible and adamant that a street name be used to honor senor chavez? Why not a fountain or a statue in a section of the rose garden or the rhododendron gardens or a Portland -- any Portland park garden? With thousands of people stroll, all of whom would take the time to read about him as they do about beverly clearly in grant park or obelisk in the downtown Portland mall or a square with a mexican and american flag, and a plaque detailing senor chavez's biography and his accomplishments. We have lived on northeast 39th for almost 50 years and have a great pride in our street even though "the Oregonian" claims 39th avenue is insignificant. It was a land grant given to one john quinn in 1866 by president andrew johnson and there is a lot of history connected to all the street names. Brazee, thompson, hancock for those who want to take the time to research it. Does anyone aware of this bit of history? Most of the hispanic people I have talked to about this street name change have responded with a slug and say they don't -- shrug and say they don't care and are embarrassed by the controversy. Senor, with your organizational talent, you could easily gather a group who would work together to achieve the ejection of a statue, a fountain or an obelisk or any of the suggestion that is have been offered. And I am sure there are many in the anglo community who would also support this effort, thus relieving the city of the expense. To the council, I strongly urge

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you to consider all the options that have been placed before you. Rather than spending our tax dollars that are so badly needed for the Portland public school system, the police department, and the other city departments.

**Adams:** Are you going to wrap up?

**Sundholm:** I am done: [laughter]

**Adams:** No clapping. I was afraid to interrupt you.

**Sundholm:** That's it.

**Adams:** I am going to give someone on the other side two extra minutes.

**\*\*\*\*\*:** I will leave this for you like the mayor left his.

**Adams:** Very well said. Thank you.

**George Denison:** I am George Denison, a Portland resident, and I guess I am really not for or against the renaming of 39th Cesar Chavez but I am here to kind of posit the possibility that we could be possibly using Cesar Chavez' legend and his heroic acts and his history to somehow lend credence to Portland as a progressive city or for political correctness. There was a chiropractor that spoke a little earlier and he said Cesar Chavez is's son was against the renaming of it Cesar Chavez way. And I think the propensity is that he doesn't really want his father's name to be used to lend credence to a motive that might be just a progressive I guess you could say progressive qualities to the city. So that's just what I am here to say. And, you know, I grew up in California. And, you know, I grew up in the '60s and '70s, there where Cesar Chavez was on TV six nights a week and I recognize him as a hero and a lot of the laws he has enacted affect Oregon and the United States of America in a positive way so I am not against Cesar Chavez, but I think that Portland has a lot of victims that we might want to consider naming a street after. I mean, Portland is in a way displaced the Native American Indians. If you can't think of a famous Native American Indian that was around Portland, then maybe we could think of that, memorialize it and lend a P.R. Campaign to give famousness to that person's name. The Chinese Americans that led to so much to our city for 300 years, that died in the opium dens and died on the railroads, that faced marginalization and discrimination for hundreds of years, if we can't think of a name, then maybe we can think of a name and make it famous. That's all I have to say.

**Adams:** Thank you all very much for your testimony. I really appreciate it. Karla, how many -- how many people do we have remaining to be signed up more or less?

**Moore-Love:** We have about 140 more. [laughter]

**Adams:** Just relax down there. It's a big issue for these people. So there are two ways we can do this. We can shorten the time or just have a cutoff. We find that after certain late hour, it gets increasingly inefficient to hold the meeting. And right now it is 7:47. We will take a break in probably 25 minutes, a five-minute break. What's the pleasure of the council?

**Saltzman:** One minute.

**Leonard:** I think we could set a time, whether it's 9:30, at 9:30 we adjourn.

**Fritz:** I disagree with setting a time but if folks could make sure you keep to the time limits there are a lot of impeach waiting to speak.

**Adams:** We are going to get, we are going to one minute. Now, that gives everyone an opportunity in the room to get their testimony out there. So absolutely prepared more than that say that up front. Otherwise I am going to keep you to that.

**Moore-Love:** Can we do back and forth? Three supporters and then --

**Adams:** Karla would prefer to do three supporters and three opponents. It makes it easier for her. If you could tell us --

**Moore-Love:** I am going to be -- the opposer list is longer so let me start with the next three. If Steven Sasser, Marla McGeary-Lawrence, and Jonathan Lulenzani would come up. And then after them, the next list will Patricia Martinez, Jana Carlson and Charity.

**Adams:** Go ahead and begin.

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**Stephen Sasser:** Mayor, commissioners, I would like to begin by thanking you for permitting me to share my views. And what I would like to quote from a personal document dated 1968. Some people refer to that as the summer of love. This is a wedding invitation. Mr. and Mrs. Joseph Franklin Nance County pleasure at the company of your daughter Sandra and Steven H. Sasser on Friday the 14th of June at 8:00. At the Garden Manner, 2715 S.E. 39th Avenue, Portland, Oregon. Two years ago Lynn and I celebrated our 39th anniversary by walking from our home to that same location on 39th and had a champagne toast on the front porch port-co-facing 39th. And it is my feeling that Mr. Chavez was a great, great person and I do think we shouldn't make -- we should make every effort to honor him but I don't think we should rename something. I think we should name something new.

**Adams:** Thank you very much for your testimony. Good evening. Welcome.

**Marla McGarry-Lawrence:** Good evening. My name is Marla McGeary-Lawrence and my work is primarily with the Latino congregation at the church where I serve. And we have had a Latino congregation there for 14 years. And my work is to really help people understand the issues of immigration, and to raise awareness of Latino issues. My husband and I have lived on Northeast 39th Avenue since 1973. And we are just north of where the traffic inhibitor is. And there is no way that you could ever consider where we live on 39th as a boulevard. It is very narrow, and very restrictive. I, too, want to honor Cesar Chavez. And I want to work with the folks to find a way to do that but I do not want to rename 39th Avenue. I don't think it's an appropriate way to honor this great man but I do want to work with the folks on finding another way, a win-win solution.

**Adams:** Thank you for your testimony. Sir?

**Jonathan Calenzani:** My name is Jonathan McGill and I am a resident of 39th Avenue. As a Latino I appreciated the desire to symbolize Portland is becoming a more inclusive and diverse place. However, in talking to many residents and many business owners along 39th Avenue, I have run into near universal opposition to this. Rather than honoring Cesar Chavez's legacy, this will only create unnecessary division. Rather than bringing the city together this will create division between the residents and business owners of 39th Avenue who, according to all published polls, are more than 85% against renaming 39th Avenue. For these reasons, I am deeply worried that instead of honoring the Latino community of Portland, we will create unnecessary division and impose unnecessary hardship on the residents and business owners of 39th Avenue. For that reason I urge the committee to vote no on this proposal and seek a better, more inclusive way to honor Cesar Chavez.

**Adams:** You all did a great job at one minute. Thank you.

**Leonard:** Very good.

**Fritz:** Thank you.

**Adams:** These are from --

**Adams:** Good evening. Welcome to the city council. We are glad you are here.

**Patricia Martinez:** Good evening. My name is Patricia Martinez. And I own property in Southeast Portland, very near to 39th which is I consider that my street as well. I will relate as an academic. I teach teachers on culture competency. Education, economic and social research indicate long standing historical disparities in experience, access and outcomes across racial groups with the dominant white culture as racially advantaged in communities of color as racially marginalized. This supports the fact that race permeates every day experience. We take for granted the race impacts access, and equity. In other words, what makes life livable. Moreover power historically has been rooted in race. Power determines policy, the rules of engagement. The street naming issue is not a case of clash of values as the local newspaper reported recently but rather a case of shifting of the structures of power. Today you must consider the structures and from investing in whiteness, as a neutral or assimilated human experience. Acknowledge the voices of difference. Throughout this process, you have heard examples characterizing what it means to be white and what it means not to be white in this city. This action will inconvenience those who have

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knowingly or unknowingly benefited from a system of white privilege. Literally and philosophically social justice is inconvenient. Social justice is also responsibility for the common good. We have proof of this in this history. Moving towards a just society is the right thing to do, Portland. Creating faith in affirming environments for everyone is our balance due to the future generations. I affirm the name change from 39th avenue to cesar e. Chavez boulevard. Thank you.

**Adams:** Thank you very much.

**Jayna Carlson:** Hi. My name is jana carlson and I am a beaumont wilshire resident.

**Adams:** Did you get a little close to the mic.

**Carlson:** If I have to. I live right off 39th street and I absolutely encourage to you change the name to cesar chavez. I'm done to just a minute my main point is that it's really important that we honor him. It's been decided it will be a street. And it's going to have to be a street that exists obviously. The people who are opposed to 39th, I understand that it makes it difficult to change your stationery and tell your family, whatever. But --

**Adams:** Hey.

**Carlson:** The main thing is that it's not about the people who live on the street now or how the businesses there or those of us who live right next door to it or give directions to our house via the name of that street. What is the most important thing is that it is not about us. It is not about those of us who are dealing with this right now. It is about the future generations who need to be aware of who he is and what he did.

**Adams:** Thank you. Ma'am?

**Charity Rowland:** My name is charity rowland. I have lived one block off southeast 39th for 22 years. I have raised four children there. I would be proud and honored to live one block off cesar e. Chavez boulevard. My two daughters happen to live just off rosa parks boulevard and as does my baby granddaughter, and I am happy to think that my granddaughter is going to grow up with that historical icon, rosa parks, playing a tiny role in her daily life. And, mr. Mayor, commissioners, I think this is what Portland is all about. Thank you.

**Adams:** Thank you all for your testimony. I appreciated it. Karla, the next three. Good evening. Give those to Karla. All right. So welcome to the city council. Again, just your first and last name. Go ahead, sir.

**Eric J. Harris:** Good evening, mayor Adams, commissioners. My name is eric harris. As a 23-year combat veteran, united states marine corps, I will tell you that you will probably not come across a more adamant proponent of honoring those that do good things. Heros, whatever name you want to give them. Cesar chavez was a great man. He needs to be honored. I agree wholeheartedly. The divisiveness that this has created is sad. I come home to find nothing but disgusting divisiveness in this. To rename a street, to take the money that should be spent in other avenues, from education, police, support, fire support, and such, in the time and effort of changing the street name, when we could honor the man and educate the citizens of Portland and the tourists of Portland by naming a bridge, a park, or any other thing and provide a plaque that outlines what this great man did for this nation. Thank you.

**Adams:** Has anyone ever told you you have the voice quality of like god? [laughter]

**Harris:** Yes, sir: Many of my recruits: [laughter]

**Adams:** I just wanted to make sure I wasn't the only one. [laughter] good evening, sir. How are you?

**Don Wells:** Good evening. I don't know how I can possibly follow that one up. [laughter] my name is don wells. I own pc on 39th avenue at lincoln street. I have lived in Portland all my life. I have watched the streets change. I am just here to say that, you know, I agree with all the other people who are saying that the money can be spent in much better places. Right now economic times are difficult since the original city planning or city planners met with historians, and had that

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meeting, which I also spoke at. I have actually had to let two of my employees go. It is rough. But I think people, I think the commissioners need to look at the laws more and change the laws and not the name of the street.

**Adams:** Thank you for your testimony. Sir?

**M J Coe:** My name is m.j. Coe. Hi 6789 I live in the laurelhurst area. I am the immediate past president of the laurelhurst neighborhood association and I just wanted to first of all point out a couple of official proceedings from the association that happened last month. And then if I have time a couple of my own personal comments. First of all, we, the laurelhurst neighborhood association did pass a resolution last may, which is on page 1, the laurelhurst neighborhood association finds that 39th avenue is historically significant in its own right and opposes the renaming of 39th avenue. We listed 11 reasons against the renaming. Also there wasn't a person there at that meeting that didn't think that cesar chavez should not be honored in some significant way. Just not by renaming of a street. Also we did extend an invitation to the cesar chavez boulevard committee to come and speak. And inform our neighborhood. And they declined.

**Adams:** Thank you all very much for your testimony. Really appreciate it. Karla. Thank you for being here. We are glad you are here. Judith.

**Judith Mowry:** My name is judith mowry. I live on belmont street a. Block away from southeast 39th where I have lived for 23 years. I have tried to narrow down what you haven't heard. I you to think about in the minute I have. One thing I fully support it. I would be proud to live on this street. I raised my children there as well I think it is about the future. But I am also, I am concerned because we have a lot of change we have got to figure out how to adapt to our economy is changing. Our environment is changing. We better get more flexible. This frightens me that the people talk about the name of the street change pushing them off the edge. I am very serious. We have to change how we live and how we use energy. We have so much we have to take on and so I really want to put some perspective to this in terms of how we work together to do these things. But I personally as a person who lives a block away would be honored. I would have been good with belmont. But I really want to encourage people to think about how we really have to think big picture and I hope we build infrastructure of inclusion for the future.

**Adams:** Thank you.

**Marta Guembes:** Good evening, mayor and commissioners. My name is marta and I am the co-chair for the cesar chavez committee and I am here to ask you to support the name 39th avenue for cesar e. Chavez. It has been a long road to get to where we are today. We had to work hard, learn a lot of lessons and met amazing people. Sometimes it has been difficult to endure the hostility and hurtful words about my friends on the committee, about myself, and my family. It's very, very hard to see my children sad or hurt. Yet I continue to support this cause. I truly believe this is a good thing for Portland and that children who will see themselves reflected in the sign might think, "i belong here, this is my city, too." today I have more here like the second time, more than 4,000 signatures. Of people who believe this, too. If this application is approved and the ordinance passes, this renaming will be honored to Portland, not a disgrace. Present and future generations of children will see cesar chavez as a symbol of justice, equality and peace. And here I would like to leave the two letters of the support of the family chavez that we have send to you guys already. One is from his son, and one is from the foundation who is signed by his wife. Thank you.

**Adams:** Thank you very much for your testimony. Mr. Martinez.

**David Martines:** My name is david martines, and to begin I want to personally thank marta and the other co-chairs in the cesar chavez boulevard renaming committee for standing resilient and being diligent and staying focused on their goal. That is admirable and to receive the question of why a street or why don't you compromise to me is offensive. For their direct actions and their focused actions to make this happen. I very quickly want to say that's time for Portland to pay attention and show respect to the people and families living in their community. It is time to

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respond to the changes in demographics and establish a new chapter in Portland's history. Renaming 39th avenue to cesar chavez boulevard is the way to do it. I don't minimize the change or disruption that may occur. However, I can't help but believe it can and will be overcome. In the end, the benefit of having a permanent street named for cesar chavez will be well worth it. Thank you very much.

**Adams:** Thank you, mr. Martinez. Thank you all -- we have a quick question.

**Fritz:** It's been raised in emails to me and in testimony a little bit whether the name avenue or boulevard is. Is the word "boulevard" significant to the committee or does that make any difference to you?

**Martines:** We did talk about it. And we did talk about it with the committee. And we would like to be honored to have a street name cesar chavez.

**Fritz:** So the boulevard or avenue is not as important?

**Martines:** That it will be ok with our committee.

**Fritz:** Thank you very much.

**Adams:** Thank you all for your testimony. Karla? Good evening. Welcome to the city council. We are glad you're here. You just need to give us your first and last name.

**Kim McGair:** I guess I will start. I'm kim mcgair. I will try to address things that haven't been addressed with you given that we only have one minute. I think the first and most important point is that the city has made it clear that they want to follow the process and the process is important and this process is flawed, not only because all the reasons that you have heard, but the code is very clear that you may apply to rename a city street, and the application that was filed in this matter names more than one city street. If you look at 1793, they all refer to one street.

**Adams:** We are going to hear from the city attorney when these legal issues come up, as the evening progresses, we are going to hear from the city attorney because we worked with them very closely on following the letter and the code. Ma'am.

**S Jenike:** Hi there. My name is s. Jennika. I am a p.s.u. alumni. My class of 1975 was very, very political, and we were very involved where the lettuce boycott. And I won't even go into it but we worked hard and we are very proud. And we felt it a personal victory when the united farm workers was formed and the cesar chavez was our hero. I live near 39th street since 1980. Oh. And I know of no connection, association, bond, history, feeling, nothing that connects cesar chavez with 39th street. I don't believe it honors a man, a man to put his name on an arbitrary street sign for the effort of honoring him. I think what would be better would be a statue, and I would say to put it at p.s.u. where people can walk by, look at him, honor him, point him out to their children, and the point is meaningful context.

**Adams:** Thank you for your testimony. Sir?

**Fernando Sacdalan:** Good evening. My name is fernando, I am 71 years old, retired and volunteer folk artist and sculptor of Portland. The first time I learned about mr. Cesar chavez was when he, when we organized the filipino american national historical society, Oregon chapter. There was not much literature reading about filipinos in Oregon during that time so we started oral history. By interviewing filipino american farmers and cannery workers, I learned that when the filipino grape workers in california started a strike, the mexican farmers joined them. Cesar chavez was the leader of the mexican farmers. I regard mr. Chavez as an important figure in making american farming industry better and we should tell the public about his aspiration to continuously improve the working and living conditions of farmers. We cannot take this idea by putting his name on the street sign.

**Adams:** Thank you for your time.

**Sacdalan:** He deserves better. Thank you.

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**Adams:** Thank you for your testimony. Thank you all. Appreciate it. Before we call the next three, shane, would you excellent on the legal concern about the a street versus the three that were submitted.

**Shane Abma, Sr. Deputy City Attorney:** The city attorney's office, mayor, does not believe that the code prohibits just one street from being in the application. There's only one application allowed and only one street can be named per application. But there's nothing in the code that prohibits just one street from being a possibility.

**Adams:** Thank you, shane. Karla. Good evening. Welcome to the city council. We are glad you are here. Thanks for waiting.

**Karol Collymore:** Ok. Hi. My name is carol collymore and I work for county commissioner jeff cogan but tonight I speak only for myself. I strongly in favor in renaming 39th avenue for cesar chavez. I won't retrace the steps because it's obvious. A friend said to me there's a point that's often missed when bringing the story of cesar chavez to Portlanders. We are foodies. We proudly support local farms, markets and restaurants. It's a local seasonal food and very small amounts stylishly served on small plates. Every proper Portlander foodie trots out michael pollens' books like bibles yet the uproar about the name change we do not want to give credence to the man who fought for the workers. Handled by workers who were treated as well as we are treated at our own jobs. How do you get these fresh seasonal pears or that beer and wine you trot out for party guests? Even our own local fast food chain features milk shakes. That work is done by farm laborers. Many are residents of Oregon, many are migrant workers. Cesar chavez fought for all their rights starting with vietnamese immigrants, migrant workers displaced by the great depression and latino immigrants. Did you know --

**Adams:** I need you to wrap up.

**Collymore:** Ok. So I am going to skip all the good stuff and say to some it's an extension, a distraction or simply uncomfortable. I've been in the room when some have said they felt naming a street after a person of color would bring the wrong element who are that a latino would never buy a house on 39th so why rename it. It matters deeply to people like me, people who are shades darker and shades lighter. It's about continuing to make Portland an inclusive city, not just one that includes visualists, artists or liberal bus for everyone. S in your responsibility, commissioners, to make sure everyone has a place in the mosaic that is Portland. 39 is just a number. Cesar chavez is about our community. Thanks.

**Adams:** I gave you a minute of the woman who went two minutes over. Ms. Davis.

**Melanie Davis:** For the record my name is melanie davis. Mayor, commissioners, our president barack obama made the following statement commemorating cesar chavez's birthday. Chavez's rally cry, si, se puede, yes, we can, was more than just a slogan. It was an expression of hope and rejection of those who said farm workers cannot organize, and cannot take on the growers. Through his courage, cesar chavez taught us that a single voice could change our country and together we could make america a stronger, more just and prosperous nation. On what would have been chavez's 82nd birthday our president said cesar chavez's legacy as an educator and environmentalist and civil rights leader who struggled for fair treatment of fair wages for americans and workers is important for every american to remember." I think the real debate here is how humble are wee as citizens of this great country? Are we humble enough to recognize this american hero who fought in world war ii, who went through two hunger strikes to achieve justice and fought to rid our environment of deadly pesticides that were killing all of our children? Are we humble enough to acknowledge that the generic standard government issue of 39th has done nothing for this country? And fighting to preserve it is not only ignorant but arrogant. Chavez's rally cry si, se puede, yes, we can: Was president barack obama's winning campaign slogan proving that the world that american citizens are resilient and can overcome and will. I encourage to you vote in favor of this. Thank you.



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**Adams:** I got her over minute. Mr. Herndon.

**Ron Herndon:** Mr. Mayor, commissioners, 20 years ago the black community fought to change the name of what was called union avenue to martin luther king and as I listen this evening it's as if i'm back 20 years. All the arguments are the same. All the examplars the same. All the suggestions about something else other than the street are exactly the same. What is important at least I think is that when people now drive down king and they see a revitalization that's taking place, business didn't die. It's a renaissance on king. When people drive down the freeway and they see martin luther king boulevard intersecting with rosa parks, it may not be significant to many, but for those of us who have never seen a street named after someone who looks like you. Never seen a street named after somebody who has made a contribution, it is significant. And it's not just a street. It's a statement about inclusion and a statement about importance, is a statement about your humanity being affirmed in a way this city has affirmed humanity of folks who have made a contribution. That is through naming a street. Thank you for my minute.

**Adams:** Thank you. No. No, we are not get into the clapping game. Even though it is late and people get another table. Next three. Welcome to city council. Thank you for waiting. Glad you're here.

**Rebecca Kuperstein:** I would like to go first. I have unique information I would like to request two minutes.

**Adams:** Ok.

**Kuperstein:** My name is rebecca kuperstein. Changing 39th avenue will hurt local businesses due to lost business opportunities. 39th avenue has locational value to over600 businesses within a block of 39th avenue. The businesses on 39th avenue did not end up there by accident. Like many other business owners I have picked 39th avenue because the numbered street in Portland has greater business value than an unnumbered street. Being on a numbered street community indicates our location with 100% clarity. In Portland numbered streets indicate distance. This is where 39th avenue has the unique ability to attract business from outside. City. The number 39 tells everyone that we are right in the middle of the city, not too far from anything. My business is able to bring in clients and revenue from vancouver, beaverton, clackamas, because they understand where 39th is. They automatically know from the name 39th that we are centrally located and convenient. If my business is located on a street with an ambiguous location potential clients will go somewhere else that's more familiar to them. Many people will not give us a chance and they will spend their money outside of Portland. Not only does this damage the businesses on 39th but those in the neighborhood as well. Someone from vancouver who normally doesn't drive to Portland might discover a new restaurant, fill up their gas tank or get coffee from other local businesses on their way to a business on 39th avenue. If you eliminate 39th avenue, you will permanently isolate the street by creating an ambiguous location. 39th avenue in the city would bear a huge burden from lost business opportunities because of the unique value of a centrally located numbered street. This lost value doesn't diminish in five to 10 or 15 years. The monetary damage from remaking signs and business cards is significant but more importantly, the damage is lost business opportunities are even greater because they're permanent. That value will be lost forever.

**Adams:** Thank you. Good evening.

**Kristine McIntyre:** Hi. Good evening. Thank you for your time. My name is christine mcintire. I live on northeast 39th and I guess my question is, why northeast 39th or why 39th? My part is a small street. I measured it today. It's 21 feet wide. It's not a boulevard by any stretch of anyone's imagination. It actually dead ends at end of my street. You have to jog around alberta and go around. It doesn't strike me as being a fitting symbol for a great man. I don't think anyone thin room is saying we don't want to honor cesar chavez but I don't see why we have to take something away from neighborhoods in order to give something to another group of people. I don't see why as a city we can't find a more inclusive and more general way of honoring cesar chavez. I think that's

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what he would want. He said "preservation of one known culture does not require contempt or disrespect for other cultures." and I feel like wet residents of 39th are asking that our name be respected, what we value about the city and the name be respected. And that we find a way to do something that honors all Portlanders. Thank you.

**Adams:** Thank you.

**Jeff Katz:** Good evening. "name is jeff case, not katz. I request 90 seconds, mr. Mayor.

**Adams:** Yes.

**Katz:** Thank you. When the planning commission approved the renaming of the historic and significant 39th avenue, one commissioner said this changes is really for the children of the future generation. Portlanders. We are in the position of doing right thing for future generations. Well, I and many mothers say quite opposite. When my children ask me about 39th avenue name change I will not tell them that this was to honor a great american but rather was a time when I and many others completely lost faith in our city officials, the best interest of all Portlanders not just a small but vocal few who december played little to no respect for the process and communities impacted. I tell them it was a time when our city officials decided laws and process were meant ton skirt order ignored for political or bureaucratic expediency to save face from previous mistakes when an overwhelming number of people say no to the process like the 90 percent who oppose any street naming our voices were ignored. Does anyone really think cesar chavez would want to be remembered in such a controversial way? His own words strongly indicated he would nod. He once stated we want to be recognized, yes, but not with the glowing epitaph of our tombstone. Ism directly appealing to both mayor, the commisioners, the cesar chavez committee to find a way to embrace the spirit and legacy of cesar chavez to appropriately honor this great american hero without unnecessarily dividing our city. If you the commissioner vote in favor of the renaming this historic and significant 39th avenue I will tell my children that indeed this is really for the children of future generations and Portlanders. It was a moment their voices and aspirations as citizens meant nothing. Thank you.

**Adams:** Thank you all very much for your testimony. Appreciate it. We are going to take -- it's now 8:21. We are going to take a five-minute bathroom break.

At 8:21 p.m., Council recessed.

At 8:27 p.m., Council reconvened.

**Adams:** For those of you watching in the city council will come back to order and for those watching in the Portland building it looks like some seats have opened up in the balcony and on the main floor of the city council chambers. I don't know how many people are over there. But if you want to make your way back to city hall, I think we can accommodate, I think we can accommodate a good chunk of you. All right. We have a quorum. And, Karla, just a check-in on how many people left to testify.

**Leonard:** I think about 107 more.

**Adams:** 107 more. So, again --

**Adams:** We have a sense and how many what are the numbers on the sign-ups there more or less left.

**Moore-Love:** We have 41 more supporters. And about 70 opposers.

**Adams:** So you have every right to testify tonight and we will be here for you. But we are at the time of the evening that we are especially looking for anyone with a new sort of perspective, a new thought to add to the discussion if it's something that you have already heard, we got a sense in terms of turnout f it's something you have already heard then feel free to holler that you will pass your turn to the next person on the in favor of the renaming or opposed to the renaming side. That's completely voluntary. If you want to testify, you can. We are on the for or against?

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**Moore-Love:** Supporters.

**Adams:** And can you call the next three names. Good evening. We are glad you are here. Thanks for waiting. Would you like to begin?

**Dr. Leroy Haynes:** To the distinguished mayor and commissioners of the Portland city council, I am the reverend dr. Leroy haynes, vice president of the albina ministerial alliance representing over 50 congregations in the city of Portland. I come today on behalf of the pastors, ministers and churches in the a.m.a. In support of the street name change from 39th street to cesar chavez. We believe that the issue here is a defining historical moment that would help shape the very soul and personality of this city. It will help define whether we go forward as a progressive city, inclusive of all its citizens, or whether we remain in the paths with the vestiges of an exclusive history. The late dr. Martin luther king had words of encouragement for you today. He said that the ultimate measure of a man, and I would add woman, is not where he stands in moments of comfort and convenience, but where he or she stands in the times of challenge and controversy. It is my hope and the pastors and churches of the a.m.a. that this city council to decide to do the right thing and choosing to rename 39th street to cesar chavez boulevard. Thank you very much.

**Adams:** Thank you, pastor. Sir.

**Carlos Perez:** Mayor and members. City council, I am carlos perez. And I want to implore you to make the right decision tonight and vote to rename 39th cesar chavez boulevard. Cesar took his struggle to the street and so it is fitting that you, the city council, rename a street in honor of this great civil rights activist and chicano leader. Most importantly the latino youth in the city of Portland need to know they are part of the social fabric of the community. Your action tonight will serve notice whether they and the rest of the latino community are considered a viable part of the Portland community. Make a choice of hope, of equity, and inclusivity. Vote to rename 39th cesar chavez boulevard. Thank you.

**Adams:** Thank you, mr. Perez. Good evening.

**Saideh Haghighi:** Good evening and thank you. My name is saida. If not now, when? If not us, collectively here tonight, then who? We are at the threshold of a historic moment. One that will leave a legacy towards positive social change for generations to come. I sit before you here this evening to lend some words of support as an advocate for bestowing the name of cesar e. Chavez on what is currently known as 39th avenue. Justice, equity, integrity, emancipation, tolerance, hope, humility, dedication, and civility. He was a man of great character and continues to be a beacon of light for men, women, and children throughout our nation and the world. Let us honor him and, in doing so, provide this great city with an amazing opportunity for further cultural enrichment and growth. Thank you.

**Adams:** Thank you all very much for your testimony. Karla? Good evening. Glad you are here at the city council. Thank you for waiting. Ms. O'brien.

**Victoria O'Brien:** This is victoria o'brien. I am here for, and if you change this street to cesar chavez, it's cost us taxpayers money for that new street signs. We could put the money some place else like for department and different places like that. Thank you.

**Adams:** Thank you for your testimony. Go ahead.

**Jackie Moffenbier:** My name is jackie mothenbeyer and it doesn't really matter where I live and it doesn't matter who I pray to and it doesn't matter what my political beliefs are but it does matter that I speak up and tonight there is an issue. I do not want to rename 39th avenue. I believe that there are other ways to honor mr. Chavez. But what I resent is the references that I am a racist if I do not support this request. Please don't call me names.

**Adams:** Let me just take this opportunity to cut this kind of back and forth really short. People that opposed this not necessarily racist and people that support it, whatever you want to call them, aren't necessarily others, it isn't necessarily so either. So it's getting late at night. People get a little

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cranky and I appreciate what you are saying but I want -- I don't want to get sort of in the back and forth that other hearings have gotten in to. So please go ahead.

**Jean Callahan:** My name is Jean Callahan. This is the first time I have ever been to a city council meeting alone speak. I am not a professional historian but I was born and raised here in Portland. 39th has always been the way and hopefully will be the way, an integral part to navigate this city. It's how you find your way out east county. I feel there are better ways to just like everybody else has said to honor this man. Our money needs to be spent, your time and energy needs to be spent in different ways. I hope that sanity will prevail and you will vote against renaming 39th.

**Adams:** Thank you all very much for your testimony. Really appreciate it. Karla. Good evening. Welcome to city council.

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

**Adams:** Thank you for waiting. We are glad you are here. Ms. Romaro.

**Kathy Romero:** Good evening, Mayor Adams and city commissioners. My name is Cathy Romaro and I am a member of the Cesar E. Chavez Boulevard Committee. Our entire family is among the many here who have been lifelong supporters and advocates for farm workers and Cesar Chavez la Causa. Our family met with him only several occasions. His untimely death on April 23, 1993, was a tremendous loss to us and the world. Although he has been gone for 16 years his legacy lives on. This humble, courageous and peace loving leader touched our hearts and inspired us to follow in his footsteps on the path of service to others and in the struggle for peace and justice. As a former schoolteacher I can attest to the fact that children need a role model that is like them and with whom they can identify. Having 39th Avenue renamed after Cesar E. Chavez would give our children and grandchildren a wonderful role model and forever honor his legacy. It will also honor all of those who have gone before us and those who will come after us. I hope that you will, I hope and pray that you will find it in your hearts to vote in favor of renaming 39th Avenue in honor of Cesar Chavez. Thank you.

**Adams:** Thanks, Ms. Romaro. Go ahead.

**Daniel Garcia:** Daniel Garcia and I am throwing away my canned thing. But I'm an Oregonian, native born, and I am a Mexican American and I am both. And I was a future, a long time ago so the future is now. But what about the kids that I work with over in the Parkrose School District? There is not a lot of hope out there now. I work with these kids every day and I don't see it. I don't see it in the way they work or in their eyes and all the kids. And to offer a symbol of hope and the power of a symbol is immense. To offer the symbol of hope is so important. Growing up, I didn't have a lot of people that looked like me around in the Dalles. And the thing is that it took me one book on Cesar Chavez to give me hope. And as somebody one person can go out there and see that sign on that street and read it and go, you know what? There's something bigger out there than just me. There's something that I can be that's more than just what I think I can. Because if I listen to all the people that told me who I am and what I should be, I would never be where I am at right now.

**Adams:** Thank you for your testimony. Ma'am?

**Caral M. Lenoud:** I'm Carolyn Lenoud and I chaired the committee that renamed Martin Luther King Boulevard. It concerns me that I think I hear people saying that somehow because you live in a neighborhood you own the street, you own the sidewalk. My mother was born in Southeast Portland as was I, 39th is a throughfare that I travel all the time. Of mid to Northeast Portland because of the diversity that exists. The thing I would like to say is we are one Portland. And if I had to give a gift to anybody I would give it to the dominant culture, the white kids that we serve so that they could see the street. I am very offended when I hear somebody say why don't you do it in your own neighborhood or who over here cares? Laurelhurst Park is as much a park I go to as anybody else in this city. And I would like to see us think about, in fact, I am imploring you to rename that street. To me it's a symbol of change, inclusiveness, and I can't see any other way if I am going to stay in this

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city. I can't believe that 20 years later we are arguing about something that's not going to make our city better. If we refuse to do this. I am really, really upset that we have to be divided this way.

**Adams:** Thank you all for your testimony. Again, I would encourage everyone to keep your testimony on why you support or oppose the renaming, and comments about the opposite side of the argument this time of night, again, we are most interested in your rational and why you support or oppose the renaming. We did. Is that part of your -- is that part of your testimony?

\*\*\*\*\*: Yes. The author is here. She writes children's books. Carmen, are you here?

**Adams:** Thank you very much.

\*\*\*\*\*: The biography.

**Adams:** Good evening. Welcome. Thanks for hanging in there. We are glad you are here. Who would like to go first?

**Stephen Hall:** Mayor, I would be happy to go. My name is Steve Hall and I lived on northeast 39th for 12 years. I'm going to boil this down this one point and I would say this falls in the category of boring but important. Portland planning commission is made a recommendation but the recommendation is legally flawed because the Portland planning commission failed to follow the standards under the municipal code. City ordinance section 17.93.020 states that the street name shall not be changed in the existing name is of a historic significance or if the street is significant in its own right. That's a two-part test. There's an or. It has -- can't meet either one of those. In its recommendation the planning commission intentionally disregarded the significant in its own right requirement. They concluded that that language was ambiguous, they read it out of the city code, and they simply did not apply the second part of the test. In the public hearings taking testimony about northeast 39th avenue, and southeast 39th avenue, there was lots of testimony about the significance of the 39th avenue and, you know, not to mention that there's an exit off of I-84 for 39th avenue. But more important for your points and from a legal perspective, the historian panel found that 39th avenue, and I quote, is a significant street with a rich history. So in your record, you have substantive evidence that the street is significant. The commission, the planning commission ignored the two-part requirement, and so therefore their recommendation is legally flawed. I ask you to reject that application. Thank you.

**Adams:** Thank you for your testimony. Sir?

**John Kunz:** Hi. My name is John Kunz and I live in Portland. I'm opposed to the renaming of 39th and would like to remind the council that they are not required nor obligated to guarantee passage of this proposal but they are required to serve the best interest of the city with this decision. The residents of the city of Portland have overwhelmingly rejected the current renaming proposal and we ask that council members give that fact considerable weight in making their determination. Other alternatives have been suggested and if this proposal were rejected by council, it would open the door to finding a suitable way to honor Mr. Chavez that is less controversial and much less polarizing to do affected communities. Thank you.

**Adams:** Thank you for your testimony. Sir?

**Tim Large:** Hi. I'm Tim Large. I will try to read fast and take chances. The supporters of the name change argue that the street should be changed because Cesar Chavez was a great person. But that can't be the only criteria by which this is judged. City mailed cards to the residents of 39th asking for their input and 88% of the residents voted against the name change. Ideally that Schubert end of the process. However, the city does have to conduct its process. Now that the process has concluded, it's sometime to remember to the result of the survey which were higher than most Portland city elections. I have heard numerous times the group of people who want to rename the street who don't live on 39th have done a great job of following the process. That may be but sometimes even if you work really or if you want something and you work really, really hard you don't get what you want. I work really hard on my house for 12 years and I think I get to choose if I live on Cesar Chavez Boulevard, conclusion, how would you feel if your street name, the street sign

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you have looked at for 12 years was different? And further, how fair and considerate is it if it's changed without our consent and is that the message Portland really wants to send?

**Adams:** Thank you all for your t appreciated it.

**\*\*\*\*\*:** Mayor, would the city attorney like to respond --

**Adams:** They will call us out, I will have him talk. Shane?

**Abma:** Mayor, it's my understanding the historian panel spoke at length about this issue with the planning commission and the planning commission was satisfied it wasn't significant in its own right. The code does say significant in its own right. The historian panel found the street was significant. Now, we can argue about what the reasonableness half significant means. Does that mean a major street or that it had some significance to it? In history for something happened on that street? I also would note that the code mentions that major streets or district collector streets can only be renamed once a year which would indicate that major streets aren't always significant in a manner that would preclude them from ever being renamed. So I think there's some ambiguity about the word "significant," whether that means a large street significant or did it have some sort of historical significance to it?

**Adams:** Up to the city council to decide? Correct? Karla? Good evening. Thanks your waiting. Glad you are here at city council. Mr. Romaro, I think you were first.

**Jose Romero:** Good evening, honorable commissioners and mayor. My name is jose romaro, and I co-chair the cesar chavez boulevard committee. My wife and our three kids have a long history and we came to know cesar during his many visits to Oregon. I am keeping this short and I am going to reiterate something I have heard for months and months. There is no question that mr. Chavez is a worthy and deserving candidate for the street naming. Even those people who oppose the renaming of 39th avenue or any other street for that matter recognize that cesar chavez is indeed a viable candidate. I am proud of our supporters who live and work in the city and I am inspired by the cross section of diversity I see here tonight. Your presence, all of you, that have come forward this evening, is a testament to the street naming being among the top civil rights issues facing our community today. Thank you, all of you, for your awesome support and I hope you take us seriously and consider renaming 39th avenue. Thank you.

**Adams:** Thanks for your testimony. Mr. Partridge.

**Jamie Partridge:** Hi name is jamie partridge and I am not representing the post office. I joust came here straight from work. I am here representing jobs with justice, which is a coalition of labor union community and religious organizations, about 80 of them, actually, several thousand people involved. And we support the renaming of 39th avenue to cesar chavez boulevard. Cesar chavez was a great american hero, and he was a giant of the labor movement, and the martin luther king of the chicano and mexican people right up there with began de, nelson mandela, jesus christ, in my opinion. Cesar chavez and his united farm workers union had a profound influence on many Oregonians. Our former mayor, vera katz, cut her teeth, activist teeth walking the picket line and passing out leaflets in support of the grape boycott. Was that my --

**Adams:** If you would wrap it up here.

**Partridge:** I will concerned we do the right thing here. That the recognized leadership of Portland's communities have asked we rename a major street for cesar chavez. We need to send a welcoming message to our latino neighbors, a message of inclusion. Ok.

**Adams:** Thank you very mitchell.

**Kayse Jama:** Good evening, mayor, sam Adams and the commissioners. My name is casey jama. I am the director of the center for cultural organization. We are a membership organization and we have about 48 groups represented in our organization. I am not going to say you should make a new decision but to reinforce what has been said already. As an african refugee I cannot emphasize the greatness of rename the numbered street 39th avenue to be named after cesar chavez. We support this because cesar chavez was a great latino leader but also because what he stands for. He

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stood for justice, inclusion, equality. I heard folks who are arguing another street. Do not name the street but let me ask. Why not this street? Why people of color have to explain themselves each time when we come up something, some sort of inclusion solution? Thank you so much.

**Adams:** Thank you. Commissioner Fritz has a question.

**Fritz:** I have a quick question for mr. Romaro. You spent a lot of time on this and to have one minute and I also want to know the answer to this question. We have heard a lot tonight about a compromise and you have been asked for other things. And I am wondering, I would like to hear your response to that.

**Romero:** The, there has been a lot of things mentioned, bridges, parks, schools. A lot of things. But, you know, from our perspective, no one absolutely no one who has any say or any authority or any power to offer those things has come to us. We have not heard from a soul other than what "the Oregonian" may say about this or about that. And I don't think they own that new bridge as I heard last its belonged to tri-met. We have heard from no one saying this is what we have to offer and can we deal with it. So we are basically on the existing code, and nothing else that has come forward or no guarantees of anything and so this is where we placed our focus over the last couple of years. We would love at some point after we get through with our current situation to have a bridge, to have a park, to have other things because we need them and we would love to have them and we would work with whoever to get those things done but right now our job is the street. And that's all the guidance we have at this point.

**Fritz:** Thank you very much.

**Adams:** Thank you all for your t I appreciated it. Karla? Oh, you give it to Karla so they keep security from jumping out of their skin. Who would like to go first?

**John Martin:** I'll go first, mr. Mayor and members of the council. I am a high school teacher. Ok.

**Adams:** And your name was?

**Martin:** John martin. 39th has historical significance because it is an integral part of the landmark philadelphia pattern of street renaming. Established by our city fathers lovejoy and pettygrove in 1845. They appreciated the greater efficiency in having an orderly sequence of numbered streets in at least one direction. There are four basic schemes for labeling streets. Names without order one way and orders the other way, philadelphia, Portland, and american cities. Random names both ways such as boston. Numbers in both ways such as new york. The best of both worlds numbers one way and names but a range alphabetically the other way. Numbered streets are navigational marks that become easily recognizable like a ship navigator's latitude and longitude. 39th avenue is significant in its own right because it is associated with Portland neighborhoods and landmarks providing a clear sense of place identity.

**Adams:** If you want to wrap up, mr. Martin.

**Martin:** Yes, I do. In conclusion the financial cost to the citizens of Portland would be tremendous in many ways when our wonderful city, I believe, can find areas to spend its resources with more beautiful, peaceful lasting results. Thank you for your time and please consider cesar chavez with a true and correct way of honoring him. Thank you, mayor.

**Adams:** Thanks, mr. Martin. Would you like to go next.

**Patty Martin:** Patricia martin. Portland, Oregon, striving to do what's right for business, tourism, education, citizens. Unemployment is 12.5%. Second highest in the nation. Living on 39th I see empty buildings, the homeless dwindling dollars for vital essential services. As a registered nurse, I love diversity and change. Cesar chavez deserve as dignified, respectful tribute, all his own. The new willamette river bridge crossing would be worthy of his honor. Or another unique significant Portland space. In good conscience is this the time and place to spend declining dollars to rename a street? Is this a time to risk the loss of business on 39th avenue and the city of Portland? I ask you, mayor Adams and commissioners, to oppose the renaming of the significant in its own right

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historical 39th avenue. And I don't have time to say what I prepared to back up the significance. Thank you.

**Adams:** Very well said. Thank you, ms. Martin. Sir.

**Ryan Vanderzanden:** My name is ryan van der van deny. I am a resident of 39th avenue. I prepared a great deal more but I don't want to rehash what's been said. The one of the only thing I really did want to point out was that 39th, particularly in the area I live near, is both, has large section ever unimproved and just disjointed sections so it is not in any way north of i-84 a major throughfare of any kind. It seems to me the big question is, is it truly a fitting tribute?

**Leonard:** I thought just as we were changing witnesses, respond to an editorial in "the Oregonian." mr. Martin, you mentioned the sequential numbered streets.

**John Martin:** Numbered streets, yes.

**Leonard:** I actually grew up in inner northeast Portland.

**John Martin:** Yes.

**Leonard:** And grand avenue is actually where sixth is. Garfield is where 4th street, rodney is where second is, cleveland is where first is. So essentially the numbered system one through six are named streets.

**John Martin:** But initially they were numbered streets because of the order that it gave to the city.

**Leonard:** 56 years I can swear to the fact they were those names. I don't know what happened before I was born.

**Adams:** Ryan, did you take this picture of on the front?

**Vanderzanden:** No, I did not. That was one that I found.

**Adams:** It's very well done in your packet. Thank you for your testimony. Really appreciate it. Karla.

**Adams:** Thank you for waiting. We are glad you are here. Is the pastor here? Making your way down? Why don't you call -- i'm sure she's on her way. He. Why don't we begin.

**Rory Thorpe:** Hi. My name is rory thorp. I am here in support of the street renaming. I wanted to just speak to as a person who lived in Portland who is gay, I guess I wanted to just speak to what it means to not be represented and not see yourself anywhere. I remember back in the early '80s when I first was trying to figure myself out, there was nothing but silence all around. And there was no reflection of myself or any possibilities around me. And I think that that's something that, you know, that makes me empathize with what it's like to not feel yourself represented by any of the monuments or the names of streets or any of the landmarks around the city. I can what it does is it not only gives young people an opportunity to think about what they could be but also says what kind of city we are. Ism really proud to live in a city where we would have martin luther king boulevard or rosa parks way, and I would be proud if I lived on 39th, I live nearby, to have my street named after cesar chavez. I also want to say that despite the fact that I learned tonight that cesar chavez is a vegan, I still think it would be fitting to honor him. [laughter]

**Adams:** Thank you, ms. Thorp. Ok.

**Magda Flores:** My name is magda flores and I would like the council and mayor to please consider the significance that your vote and your decision will have in the Portland community. As a whole not only to those that have the fanciest signs and the loudest voices. Please be conscious of how Portland has changed in the last few years not only in demographic bus in the progress of philosophy of acceptance, and a philosophy of all communities. This is your opportunity to honor an american hero whose life goal was not to, was to unite and not divide communities. It's very heart breaking to have to overhear the opposition to feel fast we have to validate why is it a street. It's just as rory mentioned it's an honor to be seen to have future generations see that street and feel as if they also a significant part of the community where you have lived.



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**Adams:** Thank you both very much for your testimony. Karla? How are you? Part 6 your testimony?

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

**Adams:** It's not rotten?

**\*\*\*\*\*:** It's edible, actually.

**\*\*\*\*\*:** Could I take an extra minute?

**Adams:** Yes.

**Ron Swaren:** My name is ron. I will live on southeast umatilla street. There seems to be an idea that naming a street after an indigenous american is path breaking choice. That's not really true. I live on umatilla street which was named after umatilla indians. I am close to the willamette river, I live in Multnomah county close to tacoma street. Ochoco street and nehalem street. I live in Oregon. We have a lot of place names that are come from indigenous people. I appreciate what mr. Chavez did in some of his efforts at labor. I am a union member. And I appreciate union leaders. However, there's something, another side of that story that I think people should be aware of. In this city, we have invested quite a bit in ohsu and trying to develop a bioscience program that we think will be beneficially economically in the central valley of california, taxpayers invested a lot in the u.c. Davis agricultural program. This little item, a roma tomato was a product of collaboration of mechanical engineering and genetic engineering, or genetic science. Came out with a way that something could be machine harvested and so the labor requirement be drastically lower. What most people don't know about cesar chavez is that his organization initiated a lawsuit against the university of california at davis in 1979, and the upshot of the lawsuit was that the federal support for agricultural and mechanization was diminished, and it was kind of left up to individual state universities to pursue that. So what we have developed in our country then that's kind of increasing dependence on human labor in agricultural harvesting. Now, the problem with that is the united states agricultural industry is in competition with --

**Adams:** I'm sorry. I need you to wrap up.

**Swaren:** Ok. We are losing out to cheap labor in brazil. So that's one of the unfortunate upshots of mr. Chavez, and I don't think it's appropriate to name anything after him.

**Adams:** Thank you for your testimony. Mr. Stoll?

**\*\*\*\*\*:** Boy, excuse me for having difficulty rising to the occasion.

**Adams:** Good to have you here.

**Norm Stoll:** As a lazarus said to his undertaker when he rose from the dead, you're damned right I want my money back: [laughter] well, i'm bewitch \$, bothered and bewildered by the overwhelming and deep rooted obsession with the people who are proposing the name change. They seem intractable, unyielding and unbending and considering some other option such as a park, delta park would be wonderful. Or the new bridge over the willamette s or more aptly appropriately a farmer's market. And this all flies in the face of an audit conducted by your city auditor, questioning the residents and people in business on 39th, the results were staggering. Almost eight to one opposed to renaming 39th. And here we are, in this situation, even paul chavez as will says, when asked what his dad would think about the situation, he says, well, it's a waste of time and energy. We have other things to do. He would scold people for getting involved in it. Just out of curiosity, if you are going to be involved, how many people here are in favor of raise your handled? Favor of change?

**Adams:** Oh, mr. Stoll, I am the presiding officer of this bunch. [laughter] I do appreciate your desire to communicate. But how would you like to conclude your remarks, sir?

**Stoll:** Ok, sam, you have it within your power and people on the council to make a standard, to bring us together: We need that. Not to divide us with vitriol.

**Adams:** It is great to have you in the council, sir, and thank you for your testimony. Ma'am.

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**Gayle Schneider:** My name is gayle schneider. I am a resident of Portland. And talk about location, location, and in the case of my husband and i, it's timing. My husband is very thorough and methodical, and he was looking for a location for his business. And after a very extensive and thorough search, we selected a property in large part because of its location on 39th avenue last summer. We have incurred a huge debt. We will be working very hard for a long time to pay off this building. And there has been some flippant comments, I know you don't want to get into discourse but I apologize but I am getting tired, too. It's just about business cards. For both the businesses and the residents, it's not about business cards. It's not about going to the post office and putting in a new name change or a address change. There's some really significant costs that will be borne by the people on this street. And one of the planning commission members said, well, sacrifices have to be made. But my question is why do there have to be sacrifices? We want to honor mr. Chavez who many of us see as a saintly man who would want his supporters to model his behavior. And that behavior would be about compromise, not about making someone sacrifice. So I would encourage you to please help us find another solution.

**Adams:** Thank you all for your testimony. Really appreciated it.

**Fritz:** Ms. Snyder, there's a lot of people watching. What is your business?

**Schneider:** I feel a little awkward about a conflict of interest because as the gentleman from the post office said, I am not affiliated with the organization but I am a fundraiser for Portland state university.

**Fritz:** Thank you.

**Adams:** Karla.

**\*\*\*\*\*:** She's gone.

**Adams:** Another name. We are glad you are hire. Who would like to begin?

**Molly Little:** Thank you for giving us this opportunity to speak. My name is molly little. I am a 20-year resident of southeast Portland. I work in a bilingual school where half of the student population are latino students. They have few public latino role models beyond shakira and sports figures to look up to. Most of the teachers, most of the administrators, politicians, c.e.o.'s are white in Oregon. Most tv shows, books, and movies don't reflect the experiences or lives of latino youth and families. Our latino students need tangible proof that their story and culture is valued and recognized. Cesar chavez is a hero for many latinos and many non-latino. Naming 39th for cesar chavez is a small step in recognizing the achievements of cesar chavez and will be a source of pride and recognition for many latino youth. I ask you to please consider renaming 39th for cesar chavez and think of our youth. Thank you.

**Adams:** Thank you for your testimony. Sir?

**Erick Flores:** My name is erick flores and I am now part of the cesar chavez committee. But I am they're offer my support. And well, I would like to name 39th avenue after cesar chavez. That's one of my personal heros. I see this is an investment for the future in the unity of Portland. As you can see the cultural lands we present today a lot of people are in favor of this even though there's not mexican. They don't have to be. We all consider cesar chavez a great mere row of ours. As far as your position I know it's going to take money. I know it's going to be expensive but change is good and change sometimes is needed. This is a great investment for the future of Portland. I agree with the planning commission. And in the future if somebody wants to rename a bridge or school or a library, I would be happy to recruit mr. Stoll to come along once we have a street name after cesar chavez. Thank you.

**Adams:** Thanks for your testimony.

**Marta O. Perez:** Hi. Flip a coin and then just decide which way you should go. Good luck with your decision. I don't envy you. I'm martha perez. I originally stated we could have had a park and then honor him that way but tonight, I unanimously support renaming the boulevard or the street to cesar chavez. But be aware, sam, I think it's going to matter on how you personally vote. The other

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commissioners, however they vote, but the way you vote will matter because if you vote for cesar chavez, you know that recall petition will affect you negatively. I will hurry. I'm sorry. But then if you vote against it, you know, the mexican, well, not the mexican all communities of color will thank you. So it's you are in a tough position. So thank you all commissioners. Thank you and have a good evening. Thank you.

**Adams:** Thanks for your political advice.

**Perez:** You are welcome: Just a guesstimate. [laughter]

**Leonard:** Maybe you could just stay home that night.

**Adams:** Who's next? Good evening and thanks for hanging in there.

**\*\*\*\*\*:** You are welcome.

**Adams:** We are glad you are here. Who would like to go first?

**Susan Schaffner:** I'll go first.

**Adams:** All right.

**Schaffner:** I had to shorten it so I hope it's not confusing. My name is susan and I oppose the renaming of 39th. I have worked really hard in the last couple months with the committee. I know about the interstate, how bad that was and I didn't have anything to do with that. I only came into the fray when someone wrote "the Oregonian" suggesting changing the name of burnside or glisan. These right surrounding arteries of my childhood home that my dad built where he built our house for my mom before I was born and we still live there. Residents on 39th, many for generations, have paid property taxes and purposely chose 39th to live on or place their businesses on. I have pondered what would be the key thing to say to you, mayor, and commissioners, to have you just say no to the changing the name of 39th. Just today it being june 23rd, I read proverbs 23 so I don't sound like god but I did consider him.

**Adams:** I think your voice also has the quality of god.

**Schaffner:** Ok.

**Adams:** Just to be ecumenical.

**Schaffner:** Proverbs 23:10 states, do not move an ancient boundary stone or encroach on the field of the fatherless for their defender is strong. He will take up their case against you. My thoughts and prayers will be with each of you as you make this very difficult decision.

**Adams:** Very well said. Thank you. Hi.

**Virginia Wilkinson:** Hi. Mayor Adams and commissioners, thanks for your time this evening my name is virginia wilkinson. I have owned and lived in a house on northeast 39th avenue for 30 years. I don't feel it is right to rename any street. There's, it gets confusing. There's a cost to the residents, the businesses and the taxpayers that costs are incurred and during these difficult economic times, I don't think that we need to have this extra burden on us. I also have concern about the process. I question why the city sent out a survey asking our opinion when 87% of us voted no, and it seems to have been ignored. That feeling seems to have been ignored. I don't feel it is appropriate to honor this great man by naming -- renaming a street. There have been several options mentioned. And I would like to see both sides come together to find a solution acceptable to all that will not hurt so many. Thank you very how much for your time.

**Adams:** Thank you for your testimony. Hi.

**Yvonne Pea:** My name is yvonne pea and I cut this down so I hope it makes sense. My concern is with the process. It was my understanding that the people on the panels were to be neutral and unbiased. And it's a concern to me when I found that paul, the head of the historian committee, possibly cannot be totally neutral considering he wrote a book called "every day law for latinos" that was endorsed by dolores, who is the sister-in-law of cesar chavez who also blatantly stated he was throwing out the significant in its own right when making recommendations to the planning commission and I don't believe he was given the authority to pick and choose which parts of the code to follow. Also dina marshal, the owner of the mediation group, has strong ties to the hispanic

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community. It may not be intentional but her affiliation with the hispanic chamber of commerce should have been addressed in at least disclosed to those that were testifying. Thank you.

**Adams:** Thank you all very much for your comments tonight. How many more do we have?

**Moore-Love:** About 81.

**\*\*\*\*\*:** There's not 81 people here.

**Adams:** Are there really 81 signed up?

**Moore-Love:** Some may have left.

**Adams:** We are going to take a quick five-minute break and figure out up here what we want to do. So it is now 9:14. We will be back at 9:19.

At 9:15 p.m., Council recessed.

At 9:20 p.m., Council reconvened.

**Adams:** Upper tier of the balcony that wishes to testify, i'd ask you make your way down to the first floor. And we want to make sure your servants on the city council, we're hearing all the issues and all the perspectives that exist on this issue. So how many people wish to testify because you have not -- because what you have to say has not yet been aired out? Raise your hand. Ok, one, two, three -- 25. Ok. Thank you. So if she calls your name and your issue has already been aired out, i'd ask you to let someone else go who's going to be raising a unique issue. So we can -- it's important to us that we hear all the perspectives out there in terms of point of view.

**Fish:** Could I add something?

**Adams:** Yeah.

**Fish:** You know, each of us have received hundreds of emails and we've had a chance to read those prior to this hearing and we'll have a chance to have that as part the record going forward. So when the mayor says is there something that hasn't been said, please remember lots of the themes have been reflected in emails and testimony and if we've received it from one person or 10 persons, it doesn't have any greater weight if it's a valid point. Economy here is good.

**Fritz:** I'd like to add that i'm 800 emails behind in reading emails but I will read them before the vote.

**Leonard:** Slacker.

**Fritz:** Calling me a slacker. So thank you very much for sending them ahead of time and we have read as many as we could.

**Adams:** Next three. Glad you're here. Call one more. Next on the list. All right. Thank you for waiting. We look forward to your testimony. Would you like to begin?

**Teresa Alonso:** Thank you. I'm honored to have this opportunity to speak before mayor Adams and the city commissioners. My name is alonzo and live on 39th avenue and i'm here hoping you will -- i'm a former migrant worker and having a street named after someone so significant to my culture and history allows me to know that the migrant workers are acknowledged for their contributions to this community. Cesar Chávez is not just a historical figure but a man who believed in social justice and equality for everyone. Portland is a cultural growing community with latinos being the fastest-growing community. I feel that our city should reflect it by leaving a legacy for future young people, future generations. Thank you.

**Adams:** Thank you. Hi.

**Claire Oliveros:** Hi, good evening, commissioners and mayor sam Adams. Thank you for the opportunity to give testimony. I'm here in solidarity and on behalf of the Portland committee for human rights in the philippines and of sylvania multicultural center. As a life long resident, living in north Portland, I think of the renaming will have on the city of Portland. My schooling took place on the nearby -- if the street that I was attending school on was called cesar e. Chávez then as it can be today. Children of color like myself along with low-income white students experienced

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racism and classism and sexism and we find this comes into play by students and peers and city climate. My children still experience forms of institutional oppression every day. A street named after the cesar Chávez is a move forward equality. Relevant today with the growing numbers of children and families of color in the Portland metro area who experience unjust as workers --

**Adams:** Can you wrap up?

**Oliveros:** Yes. As elected officials you're instrumental in helping to claim a piece of history in our city that is left out of the historical narratives of Portland. Let's move beyond food, festivals and fashion and in the big picture, a street name change is just one aspect of racial justice work before us today. By supporting the street naming now, this is one concrete way you can make change happen that will impact our communities today and beyond. You have the responsibility to take the lead in moving the city toward becoming a more racially and just town. It's the just thing to do. I urge you to vote yes for the street naming and support the commission.

**Robert Gross:** I live in southeast Portland. For several seasons during the early 1970s, my brother worked picking fruit. He was exposed to chemical pesticide while working there. In april 2006, he was diagnosed with an extremely aggressive and rare form of lymphoma. In july of '06, he died. His doctors in new york, a noted cancer research center could not say with certainty that pesticides were the cause, but they strongly believed this to be the case. What we do know with certainty is that farmworkers do suffer from high levels of cancer from pesticides. And I can give numerous studies but I won't go into that now. What we also know with certainty is that before cesar Chávez, organized united farmworkers union, no one advocated for farmworkers and their families and spoke about pesticide poisoning and its effect on our food supply.

**Adams:** I need you to wrap up.

**Gross:** Yeah. Before cesar Chávez organized the u.f.w., farmworkers were a forgotten workforce. Today the city council has the chance to do the right thing. To honor a great man who dedicated his life to improving all of our lives and renaming 39th avenue to cesar e. Chávez boulevard will serve as a reminder and his legacy is carried on by the united farmworkers and by pecune here in Oregon and I would be proud to do business on 39th avenue and this would have been three days after what would have been my brother's 63rd birthday. Do the right thing and honor us all.

**Adams:** Thank you for your testimony. Appreciate it. Karla. Thank you for waiting and we're glad you're here. Would you like to begin?

**Charles Rummel:** Yes, my name is gene rummel. I live in laurelhurst for the past 45 years. I think that we're going about this the wrong way. As elected officials and elected by your constituents, I think you ought to be a little more concerned about the whole city, not just a group, not just a side of the city or the -- you need the whole city. All of you represent all of us. I do not like the idea of 39th street change. I wouldn't go along with the bridge name. But also I think it would be honorable to name a school after Chávez, so they can learn how to speak english. You'll be just amazed at how many do not speak english.

**Adams:** Sir, i'd like to keep -- if you wouldn't mind, keep your comments on the issue of 39th and whether you support it or otherwise.

**Rummel:** Right, I do not support it, sir.

**Adams:** Thank you for your testimony.

**Mary Devlin:** I'm mary devlin. You've heard concerns about the process this evening and i'd like to add a couple points to that. I think it's inherently flawed. For example, no voter requirement that people be voters to sign the petitions. I believe there were people as young as 16 in high school recruited to sign the petitions for the name change. And then the member of the planning commission, ms. Valdez, made it clear that it was her personal opinion that 39th should be changed as opposed to taking the testimony into account. This divisive process is not and will not have a positive effect on the city. As our elected representatives, please listen to the wishes of those of us who live on or near -- work on or near 39th. The only real win for Portland and I do think for the

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council, is your no vote on changing the name of historic 39th and to move forward to honor cesar Chávez in a way we can all support. Thank you.

**Adams:** Thank you for your testimony. Sir?

**Joshi Alumkal:** Good evening, mayor and commissioners. I'm Joshi. I've lived in several other cities in the U.S., and many had Cesar Chávez avenues but that didn't make them tolerant cities. Portland is tolerant, but I don't have that sense tonight. I think no one would argue that Cesar Chávez was not a hero and argue that there hasn't been discrimination in this country. The issue is how do we move forward? How do we honor Cesar Chávez and all of the citizens in our city tonight? Your planning commission has acknowledged the disruption of the street naming process. I believe we can honor Cesar Chávez and all of our citizens by promoting tolerance and diversity and bringing all concerned parties together to find a solution. One example for -- what an example for our kids. Isn't that what President Obama who many have channeled tonight did in 2008? Isn't that what Cesar Chávez did? We can make a lasting and worthy impact by honoring both parties. This is not a black and white issue and brown and white issue. And there is other issues. Be bold and make an impact by literally building and naming something new. A bridge, a school, I don't know, but put your heads together and do something with the whole community in mind. Unite activism and democracy. Isn't that what Cesar Chávez wanted and what both parties don't want?

**Adams:** Thank you for your testimony. Thank you all for being here. Karla. Good evening.

\*\*\*\*\*: Evening.

**Adams:** Thanks for sticking with us. Glad you're here and look forward to your testimony. Why don't you begin?

**Miguel Elias:** My name is Miguel and dear mayor and city council, thank you for the opportunity to express my thoughts on renaming 39th to Cesar Chávez boulevard. Time and time again throughout the process we've heard from the supporters and the opposition that this man, Cesar e. Chávez is, in fact, someone who should be ordinance but time and time again, the opposition has expressed not on my street. Followed by maybe a bridge, a park, a statue. But the current process doesn't have a checklist. It's not the extra value menu at your favorite restaurant but if it was, I would choose one of each. It's a process and the process to rename the city street is specific to the rules and regulations established by you, the city council. It's these codes and regulations that allow citizens of Portland to voice their wants and needs and participate in the civic process. I ask you this: Did you not establish rules as far as the content of this testimony tonight and haven't we heard time and time again that tossed to the wayside over emotions of not on my street? Let me end by saying I applaud you all for coming here and participating in the civic process but I urge you, city council, to vote for renaming 39th as Cesar Chávez boulevard. Thank you.

**Adams:** Thanks for your testimony.

**Antonio Lopez:** Mayor and city council, my name is Antonio López. We're here today to observe the process to name a street after our hero Cesar Chávez. We're in a common struggle for justice and recognition of what American hero of Latino descent and family celebrating our unity. It is an attempt to find a place for our hero and at the same time to find a place for ourselves. Our struggle has not been easy. We are not powerful or connected but we have justice as our moral ground. It is our belief that a standard for justice and believing in the goodness of humanity that we gain our courage. According to Cesar, the strongest act of humanity is to sacrifice ourselves in a non-violent struggle for justice and to be a man or woman is to stand for other. I know that all of you will have the moral and the ethical temperament to stand with us. Thank you.

**Adams:** Thank you, Mr. López. Sir?

**Ray DeMarco:** I'm from Portland public schools. A survey we did with Spanish speaking parents learning English at our Portland site says they had a strong want to know about Cesar Chávez but their general knowledge is very weak. His influence on American economy and the American

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experience is significant. He will provide a -- an important model for our students in the area of economy and political leadership.

**Adams:** Thank you for your testimony. Thank you all. Mr. Larson. Mr. Parker, glad you waited. Looking forward to your testimony.

**Terry Parker:** Thank you, a native Portlander. Just like the controversy that played out in lents, a street should not be renamed without the consent of property owners located on that street. The street renaming process is divisive and allows special interest groups to move forward without any sponsorship from the people with addresses located on the street. By insisting only a street be renamed purpose is lost to an agenda. 39th is significant because it runs through a diversity of historically significant neighborhoods that people identify with and have more many decades. A compromise is needed that requires respect of street names already in place. Finally, I also feel like mr. Chávez should be honored and I think a bridge is probably one of the best things he can be honored by, because it connects two sides of the river together instead of being contentious.

**Adams:** Thank you.

**Alfred Novachk:** My name is alfred novavik. I'm quoting from the metro section of the may 31st "oregonian." the road to the former headquarters isn't named after him, what would paul Chávez think of Portland's two-year controversy to rename a street in his honor? He would scold everybody for wasting so much time on it. Said his son. He would remind us there's work to be done. And granted naming something after cesar e. Chávez is an important recognition, but his father would want it to go hand in hand with education and action. Thank you.

**Adams:** Thank you.

**Cassie Schreiber:** My name is cassie schreiber. A 30-year-old second generation native Portlander and is what defines me. I come from lots of cultural backgrounds and I think after hearing both sides today, I was against the renaming of 39th. I live on 39th myself and what defines my culture personally is living in a city that's easily navigable. I'm so proud of Portland and the way it's set up and the numbers going this way and I know that doesn't apply to the entire city. But I think at least a compromise is -- for the calling it boulevard, calling it avenue. I think that cesar Chávez is a great man, we've heard lots of testimony on that fact and deserves a street named after him or additional items named after him, but if I could just be neutral and compromise, at least keep it an avenue. Because avenues run north to south.

**Adams:** Thank you for your testimony. Thank you all of you for your testimony. Good evening, welcome to the city council. Thanks for waiting. We have somebody else? Mr. Lee. Somebody else?

**\*\*\*\*\*:** I don't think he's here.

**Adams:** Mr. Herbert, please come forward. Thanks for waiting.

**Shelli Romero:** Thank you, mayor and council members. I had other testimony written which i'll submit but based on tonight's testimony I want to reframe my comments and that is, why a street? Well, why not a street? Streets connect not only our infrastructure, they connect our community. People bike walk, take transit and skateboard and drive our streets every day. Streets and arterials are deliberate destinations as opposed to visiting a statue. Streets are permanent structures in our community. We know they're there even when we don't drive them. Treats like people make up the rich fabric of our community and this is why I support a street. Not a bridge, a park or a statue or anything other than a street at this time. I also want to say that the city's capital improvement program should consider an investment in our human capital. Please rename 39th in honor of cesar e. Chávez because this will make us feel truly represented and a part of the infrastructure of our city. Thank you.

**Adams:** Thank you. Sir?

**Caleb Romero:** Yes, my name is caleb romero and here to support renaming 39th street in honor of cesar Chávez. I have a list right here of 25 cities in 15 different states that have renamed city

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streets in honor of cesar Chávez. They go from arizona, california, texas, idaho, michigan, missouri, minnesota ohio, indiana, and this list i'm going to submit to the city council and the mayor, I would like to see Portland, Oregon on this list right here as being the city that has renamed one of its streets in honor of cesar Chávez. Also would like to thank the -- dina and the planning commission, the historical commission and the city council, the mayor and everybody involved in this long process and like I said, i'd just like to see Portland, Oregon on this list as the city that has renamed a city street in honor of cesar Chávez. Thank you.

**Adams:** Thank you, mr. Romero.

**Jack Herbert:** My name is jack herbert. I heard [inaudible] face the american political experiment is failing. We're heading to killing our children and grandchildren with what we're doing with our environment. Our local members of congress are failing us. You can also look at the economy, we're losing the kind of economic life that we've all -- who manages to have a good career in the future is going to be insecure. The nice neighborhoods along 39th are not going to be as nice. You know, what cesar Chávez's name on a major part of the city does is calls us to be a community where we all participate, we all work together for all of us. And we don't have anybody high and mighty, we have the kind of community we're going to need to to survive in the future. I -- I hope you understand what i'm talking about. And so that -- you know, naming delta park after him isn't going to cut it. Forest park is the only park that really is of major significance. If I were you, I would name burnside after him. Either burnside or broadway.

**Adams:** Thank you for your testimony. Thank you all. [laughter] Good evening, thanks for hanging on. One more? Somebody else? Oh, that's mr. López. Thanks for hanging on. Look forward to hearing your testimony. Want it begin?

**Rees Lloyd:** My name is reece lloyd. I was an attorney for cesar Chávez for about 20 years. Somewhat familiar with him. Personally, i've known paul Chávez for 35 years. If paul Chávez says his father would scold us for wasting time, I hope you give credence to it. I'm very, very much opposed to the name change and this entire process. Cesar was a man who brought us all together. He would never ever dream of trying to have his celebrity on people who are opposing it as is happening here. I urge you to reject this and work toward a compromise in which everybody can agree. That's what cesar would do. Let him define himself. He defined himself as an american labor leader. He never in 20 years I was with him, ever identified him as a latino, a chicano. He brought us together, this is dividing us and I urge you to reject it and go for the compromise that ought to be able to be reached by reasonable people.

**Adams:** Thank you, sir. Sir?

**Dave Bybee:** I'm dave bybee. Served three terms on the -- having spoken with my constituents, if you will, I think you have a flaw in your process, which not wanting to be harsh, where one-tenth of the population of the larger community can steal the heritage of the rest by renaming a street. I don't know why the people promoting the change are so intractable.

**Adams:** Why do you support or oppose the naming of the street? As the hour grows later, i'm going to be more vigilant, any testimony focused on the other side, whatever. Why do you oppose the renaming?

**Bybee:** Because it's a form of theft.

**Adams:** Thank you. Ma'am?

\*\*\*\*\*: I'm debbie --

\*\*\*\*\*: Can I offer a suggestion? That's why I stayed.

**Adams:** Ok. But I really -- that kind of inflammatory language, I appreciate that's a genuine feeling on your part, but I would ask you be a little more compassionate and productive in your language.

**Bybee:** I would like to suggest that we use some city ground, use the front lawn out here as a starting point and come up with a system of neighborhood gardens and call it the cesar Chávez neighborhood garden system.



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**Adams:** Thank you very much. I appreciate your testimony. Ma'am?

**Debbie vanHoomissen-Hushbeck:** I'm debbie van humanson and would like to focus on the history of 39th. I grew up on -- the area of hawthorne. My family had a brick yard in the area of 39th. Actually a little ways down from there. Down the street and around the corner, stands the linus pauling home where he -- the linus pauling home. He was one of the most influential chemists in history and the only person to have been awarded two unshared nobel prizes and on the other side of that is the beverly cleary home. She's our -- the beverly cleary. And lived on 32nd -- and the most distinguished contribution to american literature for children and I brought her books. Please do not rename 39th. Let us have more respect for linus pauling and beverly cleary, who were recognized as respected in their fields and the neighborhoods that gave them their roots. Thank you.

**Adams:** Thank you for your testimony.

**Lloyd:** Mr. Mayor, I did submit written testimony. I do -- I swear it's me.

**Adams:** You kept your hair, i'm impressed. [laughter] I think we have a match going on here.

**Adams:** Thanks for waiting for as long as you have. Glad you're here. Look forward to your testimony. Who would like to begin?

**Lise Gervais:** My name is lee gervai. I was standing at a bus stop a few weeks ago when I woman walked up to me and asked me if I wanted to save 39th. Should I panic? And she testified, so it's good to know you're still at it. The reason against the change gave -- stationery. Who buys more than five years of stationery? Isn't mapquest going to figure it out? Did businesses in san francisco lose business when it became cesar Chávez. He did do great things for all of us and we should honor him. A major north-south route can start conversations. Parents driving with their kids may be asked, who was cesar Chávez and that can be a start of a conversation about history and labor rights and consumer rights and fairness. Let's evolve and embrace change.

**Adams:** Thank you. Ms. Cruz.

**Serena Cruz Walsh:** Good evening, mayor Adams and commissioners. It's my honor to be with you here today. I'm serena cruz walsh. There's been a lot of discussion on why not a bridge, a statue, etc. And really that comes off as a question of why won't you be willing to accept what we're willing to give you? And that might be something to discuss if there's never been a street renamed in Portland. But, in fact, Portland has renamed streets. Many before our time and some in more recent times martin luther king boulevard. And rosa parks. How would it feel not to have a martin luther king boulevard? People will look back and say we can't imagine that there was a time we would have lived without a cesar Chávez boulevard. It will be so integrated into our city and into the backbone of our lives that that's -- that's what I hope you're going to do today. You know, frequently I reflect on the life that my daughter is having. She's 22 months old. Sees obama on the newspaper and says, obama, obama: And gets to grow up, I believe, with a latina on the supreme court very soon. That's a radically different world than the one I grew up in. And renaming Chávez is a part of that picture of who's included in this city and you have a great opportunity in a couple of weeks it make that choice that will make us the city that brings people together instead of divides us.

**Adams:** Thank you very much for your testimony. Mr. Montez.

**Sonny Montes:** I'm a member of the cesar Chávez boulevard committee. I'm one of the lucky ones because I knew cesar Chávez and I worked with him and I marched with him many times. I'm here for three very special people in my life. Two is -- two passed away. The last one that passed away was in february of this year and to this day, I know that both of them died from pesticide poisoning because of working in the fields all their lives. The third one is my seven-year-old son, who asked me a few weeks ago, papa, are we going to lose or are we going to win? And I said why are you asking me that. He said because if we win, I think i'm going to cry. That's why i'm here tonight. The other thing that I want to mention is something that cesar Chávez, and I quote him. This is

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cesar chávez: "once social change begins, it cannot be reversed. You cannot uneducate the person who has begun to learn. You cannot oppress the people who are not afraid anymore." please, I ask you to embrace by a 5-0 vote the renaming of 39th avenue in honor of cesar chávez. It has to happen. Thank you.

**Adams:** Thank you all for your testimony. Thank you. Mr. Hood. Ms. Tolman, mr. Maze. Thanks for waiting. Look forward to your testimony.

**John Hood:** Mr. Mayor, commissioners, the one thing that was briefly mentioned, I think, was the -- starting and ending of the street within the city. Now the city attorney has deemed that it stops before it gets to milwaukie. If you look at the maps beyond johnson creek and the park, there's 39th avenue in alignment just as though it were all the same thing. Alder street starts over here on the west side, is interrupted by waterfront park. The river. Stops and starts all the way. But it's still alder street when it hits 217th out in gresham. So just because it stops here and there, it's in alignment. Same as 39th street is in alignment. So I just want to comment that identity is the key here. And it's the identity where we live. Thank you.

**Adams:** Thank you, mr. Hood. Go ahead.

**Jan Tolman:** Hi, i'm jan tolman and I am the president of the hollywood boosters and as president and part of that community, you know that this is going to impact -- 39th is going to impact our community as much as any of them along the avenue. Our people that are in our neighborhood are invested, have money and the value that they have, the financial outcome that they will incur if this is changed, we worry about. We also have the fact that we know if you go from sandy boulevard to milwaukie on 39th, you can go anywhere on the east side. We need to keep 39th part of our community and our city.

**Adams:** Thank you very much for your testimony. Mr. Maze.

**Ron Maize:** My name is ron maze. And mr. Adams, I do appreciate your humor in this type of atmosphere. I own a business on 39th. Called the hobby smith. And I have two points i'd like to make from a business aspect. One is I deal with about 50 different vendors with the change of the name of the street means i'm paying employees and my accountant to change bank accounts and deal with all of my different vendors and it's going it take time and obviously money out of the business pocket. The second aspect is i'm on northeast 39th, which is about two blocks north of Broadway and sandy. And that's a terrible intersection because of the one-way parts to it and when customers call up and I try to explain where it is, and we're on 39th north of sandy, they get it. We're tough blocks north. But if they call and say, well, there's the intersection -- we're at the intersection of chávez, and sandy and Broadway, especially if they're from other parts of Portland, I worry that they might not even try to find me anymore. There's competition out there.

**Adams:** Thank you for your testimony. Appreciate it. Did you want to add anything to the -- ok.

**Fritz:** Carolyn spoke before.

**Adams:** We have --

**Fish:** I know it's late. Mr. Bender, in anticipation of this hearing, I felt I needed to learn a little bit more about mr. Chávez and so I bought a book called "one night in america" featured at powell's by a man named steven bender. I think you're the author.

\*\*\*\*\*: Same one.

**Adams:** Mr. Bender, you get to go first.

**Steven Bender:** Thanks for the opportunity. In the interests of time, I want to identify perhaps the richest legacy of this poor but powerful labor organizer. A legacy that leads me to support the petition. And that legacy is hope. Interviewed by david frost in the heyday of his life-long activism, cesar chávez responded to the question whether he was an optimist or pessimist. I'm an optimist. I have confidence in people. His optimism matters now more than ever as we look to hard work to guide us in the current economic crisis. He believed regardless of economic class or color deserved a chance of the american dream through hard work. 39th street may be a

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navigational beacon. But his life lessons are a roadmap to a better life for our workers and our families.

**Adams:** Thank you, mr. Bender. Hi.

**Juan Baez:** Good evening, mayor Adams and commissioners. My name is Juan. We've heard a great deal of testimony tonight in favor and against renaming 39th street. I'm here to encourage you to take a courageous vote in favor of renaming 39th street for Cesar Chávez. I think we all agree regardless of what side we're on in terms of opinion, that we need to honor Cesar Chávez and it's time that this community honor Cesar Chávez. As an elementary school principal I have just one point to highlight, to add to what everybody has said today. And that is, our youth. Our children today have very few positive role models. By adding a beacon, a street to highlight, a point to refer to, on the books that our children read and, yes, today in America children read in their school books about Cesar Chávez. Please give him that opportunity.

**Adams:** Thank you for your testimony. Sir.

**Vadim Riskin:** Hello. My name is [inaudible] president of the East European Coalition and planning community member. I wish to express the opportunity for supporting the name change. I've been a resident of Portland for almost 20 years and love it very much and feel it's my city. I appreciate the work of the Cesar Chávez committee and support their effort and believe all of you do as well. Portland is a very liberal and progressive but some feel it's not liberal and progressive for them. The street renaming is not just for Latinos, it's beneficial for Portland. It's the right thing to do and will send a clear message to all that everyone is welcome there Portland and show how we Portlanders are embracing the culture of the world. Thank you.

**Adams:** Thank you all very much for your testimony. The next three. How many of you wish to testify with a perspective that hasn't been given? One, two, three -- they just keep growing, don't they? [laughter] We're going to take two more panels and then we're going to call it a night. And written testimony and by email, obviously, that remains open over the next two weeks. So thank you for being here. Thank you for waiting. Two more panels, one on each side. Who would like to begin? Why don't you begin.

**Susan Gress:** Sure. My name is Susan Gress. Several speakers tonight have talked about the importance that name changes like Martin Luther King and Naito Boulevard have brought to Portland. There's a big difference, though, in those cases the people who lived on those streets supported the name change. At least a large portion of the people supported it. Not all of them. Whereas, on 39th street, very, very few people support the name change and I think it's disrespectful of the people who have lived there all their lives to force it on them. One lady working on her thesis even talked about Castro changing the street names when he came into power. That's what dictators do. And that's what happens when the powers that be think they know more than the people who elected them. My second comment had to do with a lady who spoke in favor of the name change earlier tonight and I haven't heard anyone else comment on it, she said this is about power. I think she called it a change in power. And I think that's exactly what it's about. It has nothing to do with Cesar Chávez. It's about this group and honoring them. If they were interested in honoring Cesar Chávez, wonderful suggestions have been made tonight and there would be some effort at compromise --

**Adams:** I need you to.

**Gress:** -- make everybody happy.

**Adams:** That point has been well made and thank you. Ma'am?

**Susan Carter:** Thank you for spending the evening here. My name is Susan Carter. I live in southeast Portland close to 39th. My son lives on 39th but he couldn't be here. And I'm concerned that there doesn't seem to be much concern for the people who live on there. I'm concerned in these economic times when we have the second highest unemployment, we're one of the highest for hunger, and wonder what's going on behind those doors when they may be hanging on by their

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thumbs sort of to speak, and the extra cost of making changes with their businesses. The elderly that find stress in change very difficult. And the expense of maybe changing your license, trying to figure out your checking account. Everything else they're going to have to do that is very stressful for them. There's a lot of people that may be affected by this. When there's stress in a family, the children are many times the ones that suffer for it. And all of these things are creating a stress and I really don't have the feeling from what's been said that the gentleman they're hoping to name the street for would really be for this.

**Adams:** Thank you. Sir?

**Murray Koodish:** I'm requesting two, maybe two and a half minutes to discuss the process and how it's occurred. Which I don't think anyone has covered.

**Adams:** You got it.

**Koodish:** I'm the land use planning chair of the northeast broadway business association. Obviously we oppose the renaming of broadway and over 6,000 customers signed the petition opposed. And all of the neighborhood groups along broadway up to rose city park, opposed to renaming 39th and renaming the existing streets for anyone because the process is re-really flawed and we'd like to see it changed at some point. Mostly because the people directly affected have no vote in the matter but suffer the consequences which seems wrong. Anyone can pay \$1,000 for a street and collect signatures from outside of area to be renamed which makes no sense. The city is forced to respond and waste valuable time and money. And spending time and money and emotional energy dealing with the renaming and when it goes through, broadway would have been millions of dollars and expenses to the businesses and if we're doing street renaming, really you should have the majority of the businesses and residents approve the effort which would be fair and democratic. Personally, I have a lot of respect for the Chávez committee and supporters. I haven't heard anything that I disagree with. Everybody's heart is in the same place. I'm concerned about the transparency of the process. Mayor Adams, you said in August of '08, while controversy appears inevitable, it's the city council responsibility to ensure a fair process has been followed. Based on media reports and discussion with folks at city hall, it appears from day one, there's been a collaborative effort between the scenes and Chávez committee and folks at city hall which began with Mayor Potter's effort to rename Interstate. Both Mayor Potter and the council at the time propose promised the city a street and attempting to rename it.

**Adams:** I need you to wrap up.

**Koodish:** And then we had meetings a year ago. It seems that the entire way the process has come together was that people were trying to help the committee along and didn't seem like it was out there in public and here's a case --

**Adams:** I need you to wrap up.

**Koodish:** Ok, no one has stepped forward with a solution in trying to bring everybody together which seems unusual.

**Adams:** I've heard that before too.

**Koodish:** Ok, seems like with everybody opposed seems like we could find a way to get the process out there.

**Adams:** Appreciate the testimony. These are the last two panels. That was the last panel. Anyone else? You're our last panel tonight. Thank you for your hanging tough and hanging with us. Sir, would you like to go first?

**Oswaldo Garcia:** Sure. Good evening, commissioners and the mayor. Good evening to everybody. My name is -- one of the directors for the [inaudible] academy. Serves over 9 students most migrants throughout my career as a teacher, I've tried my hardest to teach not only mathematics but citizenship and leadership. Which are essential qualities in shaping the character of future generations. There's no doubt that the Latino community will have a decisive role to play as the fastest growing community and minority in this country. Like Martin Luther King, there's a

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place there history for cesar Chávez of the question is why not to rename a street after him? I believe it's our responsibility as citizens to ensure equity and name 39th after cesar Chávez would immortalize a leader and an inspiration to many to pursue his legacy. Naming a street is not the right way but it's a significant first step. It's not a question about money. It's our moral responsibility to ensure equity. I really appreciate the gifts as a sign of respect and artifacts but the thousands of students I have in my classrooms will not allow me to settle for anything but equal rights.

**Linda McKim-Bell:** I'm a native Portlander and property owner and retired english as a second language and migrant teacher. I thought -- migrant teacher. I taught them the history of Portland and take pride in our city, our government, our parks, our festivals, our history and our planning and architecture. I taught them our tradition of accessible government. I said people here are active in government and when you grow up, you can make a difference. You'll grow up and it'll be your turn to take care of our city and make decisions and I taught them that immigrants are honored and appreciated in our america. And I want them to feel that they belong. I hope you can make my words true for them. And uphold your end of this social contract by naming 39th for cesar Chávez.

**Adams:** Thank you for your testimony. Sir.

**Jaime Limon Guzman:** Good evening. I'm here to say in recognition to our american, not just mexican or latino, but mexican american, latino american, and i'm a men -- mentor for youth and likes to serve our community like cesar Chávez served his community and I would like to see more diversity not just in the Portland area, I live in Portland for almost 12 years, moved from a big city called mexico city and seen a lot of changes in Portland, but I would like to see a lot of diversity not just in the Portland area, and -- a lot of diversity and see myself but also the youth that's coming and also my kids that are going to stay -- plan to stay here in Portland and for them to see the different diversity here in Portland. And [speaks spanish]

**Adams:** Thank you. I want to thank -- and that concludes our hearing tonight. But before we gavel adjournment, I want to thank you all for your thoughtful testimony. We'll continue to accept testimony at [www.Portlandonline.com](http://www.Portlandonline.com). That was four hours and 15 minutes and I appreciate the way we held the hearing tonight. Thank you very much. We're recessed. [gavel pounded]

At 10:15 p.m., Council recessed.

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**Closed Caption File of Portland City Council Meeting**

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

Key: \*\*\*\*\* means unidentified speaker.

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**Adams:** And in doing so, honors the national juneteenth movement that has a 37-year history here in Portland and is an important community building event that has not received enough attention and recognition and the good folks behind promoting its ideals haven't received enough attention as well and I was proud to be the grant marshall of the juneteenth celebration, mrs. Clare people and welcome to city council. [applause] and I would like to thank in addition to ms. Peoples, ms. Orna lee green and mr. Bruce bassard and the entire juneteenth committee chair. The mission and meaning is one of freedom and equality are important now more than ever and we need to embrace this annual celebration and I encourage all Portlanders to mark their calendars for next year, for next year's juneteenth celebration and he want to give each of you a chance to make brief remarks and maybe tim, you could give a little more explanation of what this annual event and celebration is all about.

**Tim Hall, Portland Water Bureau:** Good morning, my name is tim hall. I work for the city of Portland with the Portland water bureau and asked by the Oregon lincoln bicentennial committee and to have the Oregon lincoln participate with this group. This is the first time this happened and mayor Adams was gracious enough to being the first city mayor to actually participate in any of the juneteenth events. [applause] his presence, therefore, raised the profile of this community parade and festival and we had a very successful parade and successful festival. As many of you may not know, juneteenth chemical rates the emancipation of all the slaves in 1965 when lincoln freed the slaves in galveston, texas, more than 250 cities people celebrate juneteenth and in 21 states it's an actual official state hole did I and we're going to work with the governor to see that it's recognized. [applause]

**Adams:** Ms. Peoples, could you tell us a little bit about your efforts to get this recognition, this annual event started?

**Clair Peoples:** I'm sorry, I --

**Adams:** Would you mind -- you told me a great story about how you -- to get this celebration started and i'd like you to share that if you wouldn't mind.

**Peoples:** All right. I'm an okie from musgokee and that's oklahoma and when I got here, we were working and trying to -- we had people overseas and needing ships and I said, we need to have two and then somebody he said there's the 19th of june and I screamed out loud. I said, did you say -- juneteenth is what I called it. Yeah, what are you jumping up and down for? I said we've got to do more than one ship. We've got people from my own city and across the united states, not just one black. I said they're black and white and blended together and with that. And they said, you're not playing? Playing for freedom and to have all of our people back? So he said, what are you going to do? And I said, now hear this, now hear this, you all. And they started screaming and hollering and guess how many ships returned that night? Three. And with that, I was thankful and we kept home seven and we've been doing that ever since and I thank you for nudging us all on so we can get on down with the situation. Thank you very much. [applause]

**Adams:** Ms. Green, could you please tell us what this celebration and event, juneteenth.

**Ms. Green:** I always give greetings in the name of my lord jesus christ. I met clara people about 1970, I guess, and we got together in 1972, and had our first celebration in the park in the lloyd

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center right across the empty part across from the lloyd center. My husband, the elder, reverend sylvester green iii, got with her -- sylvester green iii and we did our different celebrations in the park and didn't have media coverage but a lot of our people knew what it was about and they came out and he told me, work with this woman because she's done so much. If you looked at her history on the computer, you will see all the things she has done in Portland, Oregon. Not only bring the juneteenth here, but this woman, whether you know it or not, she started the food bank in her backyard. Under tom mccall. Tom mccall sent her everywhere to get that started. That's another story. But she's worked very faithfully since '72. I've worked with her. And she didn't tell you that she got her lunchtime plus 15 minutes more when her boss -- she told her boss they were going to put out more than one ship, she said she wanted everyone to celebrate juneteenth and that's when they put out more than one and I was impressed by all the things she has done and vowed to work with her as long as breath is within me. It's been a wonderful privilege.

**Adams:** Thank you very much. Ms. Daily.

**Ms. Daily:** I give great -- I thank the lord for being here and it's always a blessing and a privilege to meet new faces and see new faces and I give great honor to mrs. Peoples and mrs. Clay and to green and to I came here in 1995 with -- to establish [inaudible] crusade, a nonprofit organization and to meet my family, so I established saint jude service center at 503 prescott. And on the 19th of june, I decided to march with the parade and came from church and just jumped out with my robe on and started singing. And sister clay came from the front of the parade and said, here. What are you giving me a bullhorn for? And ever since that day, i'll been coming back from hattiesburg, mississippi, acting and carrying out harriet tubman. They called me harriet tubman and it's a pleasure and I enjoy working with the brothers and sisters at all times and thank the lord for being here.

**Adams:** Well, thank you for being here. Thank you. [applause] would you like to say something, ms. Clay?

**Ms. Clay:** Sister, in 1994, we had started something with the support of the e-minors and honoring the ancestors who made the middle passage and we called it the passage over, in 1994, I ran -- and we were going to celebrate it on juneteenth and I ran into her and she said we've been doing that for years. Next year we'll get together. 1995, the passage over committee and juneteenth and we got together and it exploded into having the parade and harriet tubman and the buffalo soldiers and green supporting us so I praise the creator and the city and thank you, mr. Mayor for giving honor.

**Adams:** Thank you. [applause] mr. Broussard.

**Bruce Broussard:** Thank you very much. Mayor and council folks. I got involved about seven years ago, you can't say no to clara. And it was kind of like a enlightenment, I had learned -- i'm a veteran of the vietnam war and the marine corps and I thought it very important we educate the community as well as our young people about the inclusiveness and contribution that african americans played in this country back during the civil war days and knowing the fact it was president lincoln that sent major granger to galveston, texas, after the proclamation that the south did not recognize this and so he went to galveston, texas, and let the slave owners know that these slaves were free. What we've been doing over the last several years, my job was to portray that reenactment. The parade part is the reenactment. The military is up front carrying the flag and also the juneteenth flag. We've been working closely with general mike caldwell. I'm sure you know mike. Brother of bob caldwell of the Oregonian and he's provided me with -- excuse the french -- a white officer. And if you saw the "glory" movie with denzel Washington, that would tell you a lot about that. The mayor has joined notable grand marshalls in the past. Federal judge ancer haggerty and the first african american general in the air national guard here, also part of this deal. And on and on. And again, that's what we're doing and as talked about the activities we had, I think that's great, but again, we want to thank the city of Portland via the mayor because I think it's very, very

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important to get our officials involved in this process, to get folks involved, get our kids to understand what this is all about. Because hopefully that will solve the civil rights problems we have today. Thank you very much, mayor.

**Adams:** Thank you, appreciate you all for being here. And ms. People -- [applause] -- give you one copy and we wanted to give you a framed copy of the proclamation declaring June 19th, Juneteenth independence day.

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

\*\*\*\*\*: A memento of the Buffalo soldiers and hopefully [inaudible] --

**Adams:** Thank you all very much.

**Fish:** While their disassembling, on the same day, that morning, there was a rededication of the Lincoln statue in the South Parks blocks and a gentleman dressed as Abraham Lincoln read the second inaugural and you were one of the organizers of that too.

\*\*\*\*\*: That was beautiful.

**Fish:** Congratulations. [gavel pounded]

**Adams:** City council will come to order. Karla, please call the roll.

[roll call]

**Adams:** Can you please read the first communication item council calendar no. 861.

**Item 861.**

**Adams:** Mr. Nadal. Good morning and welcome to the city council.

**Dave Nadal:** Good morning. This will be in plain spoken vernacular, because I was sitting at the table downstairs to say what I thought but I think you'll understand what I'm saying. I view -- I want Sam Adams to struggle vigorously to stay as mayor because I view him very positively as halfway between an establishment politician and a person with real local knowledge. This means he's more likely to understand the realities and craft solutions that will stand the test of time. Only Amanda Fritz also fits this need on the current council. I will give Randy Leonard one third of this kinky credit. Sam, I think, needs to smell the roses. The extra 20% in time and attention that type A personalities spend is usually counterproductive. We'll often seek compensatory destructive outlets.

Sam, you have the experience and knowledge to do the job. Start acting like a relaxed executive. Maybe wear relaxed African print shirts to council meetings. You're a valuable treasure trove of knowledge with a commitment on legislative matters to open public processes. Finally, no one else but Vera Katz and Amanda Fritz care as much about the land use areas. Baseball and Memorial Coliseum. I can't understand how a group of architects in what is essentially an interdisciplinary matter can blow up plans to blow up Memorial Coliseum. It's like an artist talks to other artists musicians within the history of their disciplines, it may provide zero guidance for what should take place in the public realm. I think way beyond baseball and the central city area. Third topic is also very different. Buildings setbacks and land use. As many of the best local buildings show, we have made a great mistake by adopting Florida for buildings along transportation corridors. Wide lawns which transportation corridors provide areas for gatherings and displaying goods and plantings. Wide setbacks often put the parking in the rear and creating sheltered areas for crime and unsafe areas at night of and take energy for light. You have to have a whole separate set of lights. Our travelways in the future will be more and more pedestrians and bikes need broad views and open field. More area also provides for future development flexibility. And finally, broad setbacks are compatible with gradual wise increases in density. I would offer to provide the council or planning department a series of photos I've taken of buildings were wide setback corridors.

**Adams:** Thank you for your testimony. Appreciate it. Karla, please read the title for council calendar 862.

**Item 862.**

**Adams:** Good morning, Ms. Penrose.

**Pamela Penrose:** Thank you for having me.



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**Adams:** Welcome to city council.

**Penrose:** Thank you.

**Adams:** You just need to give us your first and last name and that clock will help you count down three minutes.

**Penrose:** My name is Pamela Penrose. I'm a development director and helping a nonprofit -- they bought an old building on 82nd and Russell that should have been blown up instead of trying to remodel it and we started bringing our construction partners together about March. And I'm here asking support from all of you and the mayor and city and also just to know what's going on on this project. I -- we started -- we brought the construction team together and I've given you some packets and we also emailed them to you so you have them electronically plus a power point. And I wanted to show the pride of momentum and that -- and that we have as far as partners. Our preconstruction, even though we just started in March, we have almost \$200,000 that were in-kind gifts to get us to this point. We're now where we need seed money and I'm asking help with that so we can move it to our next level. On the second page you'll see we have on the construction budget, a lot of partners already. And they can't give us the value of their gift until we go to the next step in design. So pretty much that's our -- I would love to meet with each of you, with our team. To discuss how we can help -- or how we can partner together. It's going to not only just be an Olympic training center. There's a great business plan, the membership of the club, that will pay for the overhead so we don't have to charge you for training. There's another part where we want to bring youth into structural programs that are positive to help present some of our youth violence and asking partnerships with that. Until we get the building redone, we need to do the first step and so ask please to help us with that, the seed, that I can meet with all of you with our team.

**Fish:** Is the site that you currently own, is that directly across the street on 82nd from Madison High School?

**Penrose:** It is.

**Fish:** And there's another parcel adjacent to your structure, correct?

**Penrose:** Right.

**Fish:** And there's been some talk of a park there or something down the road. But you -- you own -- you own this particular property?

**Penrose:** Right.

**Fish:** Ok. And it's -- there's no urban renewal district there. There's no city park adjacent, so -- well, there has been -- you know, the neighborhood has long term been thinking about some park and recreation opportunity adjacent to where you are.

**Penrose:** Ok.

**Fish:** I don't know how your plan fits in with that, but certainly as parks commissioner we'd be happy to have you have visit and lay out your visit.

**Penrose:** I would love that. The annual fee, the amount of partnerships and the people involved.

**Fish:** It's impressive.

**Adams:** Thank you for your work and we'll look to commissioner Fish to follow up on our behalf.

**Penrose:** Thank you very much.

**Adams:** Thank you. Karla, please read the title for communications council calendar 863.

**Item 863.**

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

**Charles Deemer:** Good morning.

**Adams:** Give us your first and last name and the clock in front of you will help you keep track of time.

**Deemer:** Ok, I'm Charles Deemer. Lived in Portland over 30 years. I teach in the graduate writing program at Portland State. Mayor Adams, despite the a.g.'s report I'm concerned with your relationship, not with Mr. Breedlove, but the people of Portland. I'm concerned that you lied in

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order to get elected and concerned about your orchestration. The coverup to hide facts from the electorate and your code of ethics has been ignored by council who haven't even given you a slap on the wrist. The mind set, unethical behavior? What unethical behavior? Many of us have not gotten over it and, however, it's not too late for you, mr. Mayor, and only you, to save the city the financial and divisional and emotional stresses that will result in improving you from -- removing you from office. A character says this, sometimes you have to go a long distance out of your way in order to come back a short distance correctly. Mayor Adams, I ask you to come back a short distance correctly now and resign. Members of council, I ask you to come back a short distance correctly and officially, finally, reprimand the mayor for unethical behavior. Let's look at the bottom line. What does it mean to lie to get elected? That means the election was a fraud. We have a mayor-elected by fraud. Think about that. We have a mayor-elected by fraud. Fortunately, the citizens of Portland are not the citizens of tehran. We have ways to deal with fraudulent elections and we can overturn it through an orderly process and hundreds of volunteers are going to make sure this is done. Only your resignation can stop the process, mr. Mayor. Sometimes you have to go a long distance out of your way in order to come back a short distance correctly. Thank you for the opportunity to speak to you.

**Adams:** Thank you for your testimony, sir. [applause] Karla, can you please read the title for council calendar communications 864.

**Item 864.**

**Adams:** Good morning and welcome to the city council. Glad your here. Just need to give us your first and last name and you'll have three minutes.

**Nancy Matela:** Thank you. I'm nancy matela, resident of Portland. If you don't know, or maybe the audience doesn't know, hanford nuclear reservation is about 180-miles on the columbia river in the tri-cities area of the state of Washington. In 1989, the u.s. Department of energy, Washington state department of ecology and the u.s. Department of environmental quality came it an agreement that hanford nuclear reservation would be cleaned up so that the radioactive material did not contaminate the environment. Milestones were set in what was called the tri-party agreement. The t.p.a., it stated that no new waste was to be shipped to hanford until all existing waste was dealt with. After decades and tens of billions of dollars, some cleanup has occurred. However, for years, the funding needed to keep up with the key milestones has fallen further and further behind and dates of completion have continually slipped. Even with a windfall of \$2 billion of stimulus money doubling the hanford budget, the usdoe says critical milestones will have to again be pushed back by years. The most noticeable is the permanent containment of the high level liquid radioactive waste from world war 2. That's in 177 underground tanks. Over a million gallons of high-level nuclear waste has leaked from at least 67 of these tanks but only seven of them have been contained to date. New expected completion date of these tanks is now 2040. The radioactive contaminants from hanford, most specifically, tm90, are currently seeping into the columbia river. The tests indicate that the plume is 1200 times more concentrated than allowed by e.p.a. Now the usdoe wants to add more waste to hanford before the cleanup is completed. For energy producing reactors as well as the nuclear weapons production. In Portland, year at risk from the plume in the columbia river. If hanford becomes a national radioactive waste dump we'll be at even greater risk. This september, the public will be asked to give input on a plan to begin truck shipments of mixed radioactive and other waste to hanford. These trucks will use major road, including i84 and i-5 to cities and towns to the southeast Washington site. I see my time is up. Do I have another 30 seconds?

**Adams:** Yes. By asking you a question. And then you can finish. I think david mentioned this issue to me, and -- before, I think it was november, and I asked the city attorney to contact governor gregoire's office, who filed a series of legal actions on behalf of the state of Washington it see if we could be a partner, or file an amicus brief in the matter. The typing they said was not quite right yet

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but they appreciated our interest and I absolutely share your concern. They have failed to manage their responsibilities they have now and giving them more responsibilities for the storage of more nuclear waste is unthinkable and unacceptable. What are your final thoughts?

**Matela:** We specifically, the city of Portland, can say no nuclear waste trucks through Portland. The study has shown that 800 deaths would be attributable to these trucks traveling on our roads and stopping at our rest stops. That's just incidental cancer deaths. That's the usdeo report. The heart of the northwest also did a study to say what happened if a truck had an accident or terrorists at 205 and 8 4. 300 square miles would be inhabitable if a truck accident occurred. We're asking that the city of Portland council pass a resolution, number one, to oppose what you've already said. Thank you very much. But secondly, to pass a resolution to prohibit the trucks from coming through the city of Portland.

**Fish:** Can I ask a question on that point? Commissioner Fritz has been leading an effort on the health effect of cellphone towers and as you may know, that's been preempted by federal law and commissioner Fritz is using other avenues to try and get relief there. Do we have authority at the city to regulate who does or does not use an interstate highway?

**Adams:** I can answer that. No. But we can do everything, as you're suggesting and we've been gearing up for the september, sort of window of opportunity for comment. We can do everything we possibly can within the law to make sure that our concerns are out there and I have deep and grave concerns as you do. The federal government has not raised the gas tax since the early 1990s, and starved the freeway system of the resources necessary to keep it safe and now they want to seek to potentially, you know, drive through the most toxic, as you've described, we all know, some of the most toxic materials on a system that's inherently dangerous and I really appreciate your early flagging of this to us and look forward to working with you in the weeks and months ahead to let our community concerns be heard.

**Matela:** Excellent. And after this, perhaps, someone could tell us who we might work with on the council.

**Adams:** Shoshana, the transportation commissioner and shoshana or katherine up in my office is working on this.

**Matela:** Excellent. Thank you very much.

**Adams:** Thanks for being here. Really appreciate it. [applause] all right. Can you please -- Karla, please read the title for communications council calendar item 865.

**Item 865.**

**William Schneider:** I'm back. By happy accident, I might add. I signed up for this a month ago and it handed to be the morning after. The night before. I'm ready to go. So I think I do have something new to add. One, i've sat through, as you did, four hours and 15 minutes of passionate testimony last night. My talk was written on a napkin, as they say. I was up half the night with the emotions of that meeting. It occurred to me, you and I have something -- excuse me -- in common. I'm a doctor. I spend my life trying to heal people. Or bring them out of pain and suffering. That's what i've been doing for 25 years, 17 in Portland. You've, as the city leaders, elected leaders, you were in effect the doctors for this city. Your patient is a living, thriving community. Hundreds of thousands of people. So when you make decisions that affect the health of this entire city. Right now there's a serious health problem in the city. A disease. Dis-ease. The spanish community feels they're being wronged I heard that last night. I believe it's a real disease. They feel their heros have not been honored in this city. There's no tangible evidence they've been honored. No schools or parks or no nothing, that I know of. Your job is to try and heal this problem and take care of this disease. But what you heard from the planning commission and many people last night and thousands of emails, the system is flawed. The instrument you have to use, which is not your fault is horribly flawed. Almost everyone agrees with this. I would submit as a doctor who has worked with patients for years, if I used a technique that is wrong, I can maim people. I can cause them to

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be paraplegic. It's a flawed technique. Even though I may do it with the best intentions and flawlessly, it's the wrong technique. The process is flawed. I think you all suspect or know that. And you've heard the problems with the -- with implementing a flawed system. Pain to the people on the street. I think if you implement the change of 39th avenue, even with the best of intentions to heal the disease and to help the hispanic people and honor their hero, cesar chávez, you will cause such outrage on the street and the people who live around the street, these people feel passionate about their street, the businesses feel passionately. You will cause irreparable damage to the city of Portland. I feel this passionately after studying these issues for many, many months as you've been studying. So I beg you, implore, you do what is best for your patient. As I'm a doctor, you're collectively a doctor, and I respect that. Don't step on the people on 39th avenue and the people surrounding that street. And cause irreparable damage not only now but into the future. Future generations. I think there'll be anger and hatred and future lawsuits. You've heard me. Thank you very much.

**Adams:** Thank you, doctor, for your testimony. Appreciate it. All right. We're ready to consider the consent agenda. Does anyone wish to pull any items from the consent agenda? Hearing none, Karla, please call the roll on the consent agenda.

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

**Adams:** Aye. [gavel pounded] consent agenda is approved the we're at the 9:30 time certain and we're 45 minutes late. Can you please read the title for the emergency ordinance time certain council item 866.

**Item 866.**

**Barbara Sack, Bureau of Planning and Sustainability:** Hi, I'm Barbara from the bureau of planning and sustainability and here to present the planning commission's recommendation on a request for a 10-year t.o.d. Tax exemption for the Albert mixed use apartments. Rujax 1 is requesting the tax exemption for the residential portion only the t.o.d. Is one of two of the city's designated outside of the central city planned for transit oriented development. It's authorized by the statement statutes that authorize our central city program. It provides a 10-year tax exemption located within a quarter mile of light rail stations and other public transit corridors and this is located within a quarter mile designated by metro and added to the program when the council changed the boundaries and some program regulations. East side of north Williams street south of the intersection with Beech and a four-story building, three stories of workforce housing and 72 rental housing units. Three studios, 24 two-bedrooms. Of these, 18 will be kept affordable to low-income households and the rest rented from market rates which the applicant projects will be affordable to households under the median income. The ground floor will contain approximately 5,430 square feet of ground floor retail space designed for neighborhood commercial use and also contain the residential lobby and parking spaces. There will be 15 parking spaces on the surface behind the building. The project also includes motorcycle and bicycle parking and a dedicated car share space. Planters installed and dedicated to the city and the entire project will be constructed to LEED silver standards. Currently, the site is vacant and zoned central employment. With a design overlay. The most recent land use case on the property, a design review case with modifications is currently under appeal, but one of the conditions of approval for this tax exemption, if you choose to approve it, is that the project will meet all conditions of the design review case whenever it's decided. The review process of this project entails the Portland Development Commission reviewing the project for the financial necessity of the tax exemption to the economic feasibility of the project. April 16, 2009, after reviewing the application, p.d.c.'s loan committee found the project meets the financial necessity test because it's estimate that the internal rate of return on the project is 6.21% for the first 10 years after the completion of the project. The city code chapter that contains the t.o.d. Regulations requires it be under 10%. The planning commission is required to review the tax exemption requests for consistency with the public benefits requirements of the t.o.d. Chapter.

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May 26th they held a hearing and unanimously approved recommending approval of this project to city council. Projects for which a tax exemption is requested are required to meet an affordability requirement. This applicant -- required that 20% of the units be affordable and reserved for low-income households at 60% median family income. There's a chart in the report that shows the total number of units, the required affordable units in each size category and the number of affordable units provided. This project is actually providing 25% of the units affordable to low income households, 18 units, they've added two additional studios and one-bedroom to the affordable housing mix. The project is also required to provide three other public benefit options. The three they provide are ground floor commercial space, a dedicated car share and constructed to lead silver standards. Planning commission feels this project will provide 72 mixed income rental housing units within a quarter mile of the martin luther king jr. Boulevard designated as a main street. This is located on williams avenue, which is a neighborhood collector, a major bike travel lane, there's a striped bicycle path on the street. This project provides housing that will be affordable to people who perhaps work at emmanuel hospital or the lloyd district and there's transit service near the -- that runs on m.l.k. The no. 4 bus route on fremont street, which is less than a block from the project and tri-met no. 44 runs past the project on williams avenue. This project will be built in a area that has experienced gentrification in the last decade so the provision of more than the minimum number of lincoln county units is retaining affordable housing in the area. And the planning commission recommends approval of this project, on the conditions that the affordable units, as specified in the application be provided for the length of the tax exemption and that all building permit requirements including compliance with the design review case when it's decided be met. Jack, the applicant is here, if you have questions about the project and Neal from the p.d.c. Is also here.

**Leonard:** What's the 10 year tax abatement is worth how much? -- tax abatement.

**Sack:** P.d.c. Staff said that the exempted tax review for 10 years would be \$1,169,000 and that the net present value of that would be \$523,000.

**Leonard:** Per year or --

**Sack:** No, no, for the 10 years.

**Leonard:** So over 10 years, approximately we're estimating \$55,000 a year in present value of property taxes are being waived?

**Sack:** Yes.

**Leonard:** In reading the document and listening to your testimony, the only units that are below median family income of a total of 72 units -- is that correct?

**Sack:** Right.

**Leonard:** -- are 18.

**Sack:** 18 have to be kept affordable to low-income households.

**Leonard:** My question is the balance of 54 units --

**Sack:** Right.

**Leonard:** -- are market rate, and looking at the box on -- actually -- I guess page 3 of 5 of the loan review committee document and just some rough calculation because it's kind of hard to discern the monthly rental, for instance, of a two-bedroom unit, which would be at market rate. It says the anticipated net monthly revenue, I'm assuming they're approaches gross, the representative per unit, \$3,000 a month. Is that close?

**Sack:** I should have the applicant come up and talk about the rent.

**Leonard:** Because it's --

**\*\*\*\*\*:** Ok.

**Neal Wyden, Portland Development Commission:** Commissioner, my name is Neal from the Portland development commission.

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**Leonard:** Are you familiar with the document i'm referring to. The loan review committee, page 3 of 5. Are you there at that table?

**Wyden:** Uh-huh.

**Leonard:** So i'm looking at the table that says the two-bedroom units of which there are 18, brings a net monthly income of \$24,511.

**Wyden:** Right.

**Leonard:** What's the actual rent charged on those?

**Wyden:** I have to go to -- see if I have it. For those units for the 89%, go to attachment no. 3, page 207.

**Leonard:** Attachment no. 3.

**Wyden:** Yeah. That's the income and expenses, where it breaks down the unit types and rents.

**Leonard:** Attachment 2, you said?

**Wyden:** Three.

**Leonard:** Sorry? Three? I don't see an attachment 3. Maybe that's it. Attachment 3?

**Wyden:** Right.

**Leonard:** And where are you at?

**Wyden:** Income expense.

**Leonard:** Income expense.

**Wyden:** So we have an unit type and it breaks it down by unit type, number of units, square footage and --

**Leonard:** Where do I find the monthly rent?

**Wyden:** The fourth column over. Small print.

**Leonard:** And maybe you can tell me just what that is.

**Wyden:** For this one, for the 18 units, I took an average. So the average would be between \$916 a month to about -- for the two bedroom, two bath, up to \$1,500.

**Leonard:** So i'm struggling with -- with given a -- giving a tax break for people who can afford market-rate housing. Why didn't we break the tax credit out for those units that were 60% and the other market rate housing would pay the taxes -- what was the reasoning behind that?

**Sack:** This is a t.o.d. Tax exemption. The purpose of the adoption of the t.o.d. Was to support transit. While we want mixed income projects close to transit, there's no requirement that all the units be low income.

**Leonard:** And so I understand that, but there's no requirement that we automatically grant the t.o.d. Credit, is that correct?

**Sack:** Right, but part of the public benefit is that this can provide 25% of the units affordable to low-income households.

**Leonard:** I get that. That's why i'm asking. I'm not suggesting what my position is. But asking why we didn't separate that out and give a credit for that portion and not the other. Because i'm hearing it falls within the t.o.d. Criteria. So again, for me, these issues relate to incenting projects to happen that -- what? -- otherwise would not have happened. If we're giving a tax credit, we're creating an incentive for someone to do something that they would not do otherwise. Do we know that's the case here?

**Wyden:** Based on just the financials, that's what i'm looking at when a project comes in for an unit mix if you want to have units affordable at 60% or below, you would need the abate. All i'm looking at is the financial --

**Leonard:** I'm ok with that part. That's not the focus of my query, those 18 units. It's the 54 units that i'm inquiring about. And I voted for these before but in a different economic environment.

**Adams:** What i'd like to do because of the time and these things should have been well vetted with every member of city council. I'm going to refer this back to my office and ask that commissioner Fish sort of also have an opportunity to review. I don't know that he has -- had an opportunity to

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review. But i'd also like to establish, and this was commissioner Fish's idea and I think a good one, all of these have to go through his office before they come to council so we make sure that -- we're making this change on housing, so this is sort of an in-between, but a good suggestion on his part, all of these issues go through his office before they come to council and also touch bases with all members of council as well. So without objection --

**Leonard:** I want to raise one more --

**Adams:** Get the questions on the table and write down the questions and concerned.

**Leonard:** And that would be helpful if I knew commissioner Fish was reviewing these issues on a case-by-case basis. But I did not find in here, in the ordinance the -- and maybe I missed it. The requirement that an annual financial statement be received by the p.d.c. To review the prospectus that was submitted to you by the developer to justify you giving the abatement. Did I miss that in here?

**Sack:** If you look at the now, therefore, it's before.

**Leonard:** It's before?

**Sack:** Yes.

**Leonard:** Right there.

**Adams:** Let's capture the questions. Do you have anymore, commissioner Leonard.

**Leonard:** No.

**Adams:** Commissioner Fritz.

**Fritz:** Is the leed certification the condition of approval?

**Sack:** Yes.

**Fritz:** It doesn't seem to be in the ordinance. I'm concerned about the appeal which could reduce the size of the building and number of units because it appeals the modifications to the loading space requirements and could result in a smaller building. Analysis is based on the number of units proposed and that would be different if there were fewer units proposed. So I need clarification about how that would work.

**Adams:** Commissioner Saltzman?

**Saltzman:** I would like to know the affordable units, do they mirror the larger number of units in terms of bedroom size. I don't know if there are three bedrooms, but if they are, are they affordable.

**Wyden:** Maximum unit size is two bedroom, two baths.

**Saltzman:** How many of those are in the affordable?

**Wyden:** Six.

**Saltzman:** So six out of the 16.

**Wyden:** So we have three studios are affordable. Nine one-bedrooms, and six two-bedroom.

**Saltzman:** Out of 72 units altogether?

**Sack:** There's a chart that shows the unit mix. What would be required to meet the unit mix.

**Adams:** Commissioner Fish --

**Saltzman:** I'm done.

**Fish:** A couple of other points. In the fall, the first annual report on tax abatements, which was a work project that both the housing bureau, p.d.c. And the planning bureau worked on. What I would say to my colleagues on any of these tax abatement projects, if people at any time feel that the program has outlived its usefulness or if we ought to revisit the public benefit components of some of our programs or if they want a clearer demonstration of a public benefit, in my view, that's part of the ongoing oversight and review process which is healthy to ensure that each of these is meeting some kind of goal. As the housing commissioner, I would welcome a regular review to make sure they're meeting the goals and I appreciate commissioner Leonard's points about distinguishing between units that are affordable and not affordable in any of our projects. The t.o.d.

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Program has a more overarching goal, but that's a good question to ask. If there are ways to improving the program as your housing commissioner, i'm very interested.

**Leonard:** One thing i've recommended over the years, in having the prospectuses prepared, if we can separate the developer from being responsible for preparing that and have the p.d.c. Contract with whoever that is in the private sector that develops those financials and have the developer reimburse you.

**Wyden:** What stage are you speaking of?

**Leonard:** Whatever stage when you give the abatement.

**Wyden:** That's the job of p.d.c. Housing development and finance.

**Leonard:** What i'm suggesting, you actually develop the documents and break the chain --

**Wyden:** Well --

**Leonard:** Let me finish. You've got to hear what I say before you can answer it. What i'm concerned with, when the developer -- this is a long-standing concern i've expressed. When the developer hires the people to do the prospectuses, they suit a prospectus that suits the developer. I would like to have a more objective financial prospectus that you hire as p.d.c., and then the developer reimburse you for the costs so you get a more objective look at --

**Wyden:** I understand your point, but really that's the role of my job, because my job is to take an impartial view of it --

**Leonard:** Of what they give you. And if you're the one asking the questions of the person who develops the prospectus, I suspect the answers may be different --

**Fish:** Sir, I think you want to say, commissioner, take that under advisement and we'll kick it around and get back to you with our thoughts. [laughter] if I can add, barbara, on your list, I got a couple of emails, one from a neighborhood association and one from a concerned citizen, the three primary issues that bubble to the top are the timing of our action, should we be voting to approve a tax abatement when the land use process is not complete. Commissioner Fritz alluded to this, and particularly where the design review process is not complete. Just some guidance as to what we've done in the past and what the potential consequences would be and why in this sequence. Number two, a question has been raised that the lead silver service, somehow cannot -- silver certification can for the be met and the applicant's view is somewhat less than what the building council will certify. And the third is another public benefit selected by the applicant, which is a dedicated car share space. And in the guidelines that you furnish to us, space has an s in parenthesis at the end and I think a question has been raised as to whether a single space meets our guidelines. My understanding is it does. But i'm curious what our history is. How many car share spaces are required in order to qualify for the public benefit and we'd be happy to -- we'll schedule a time to get a briefing in my office and then we'll from there address the concerns raised by my colleagues. And mayor, I appreciate your -- the protocol that you've set forth and we will review and make recommendations to you and my colleagues about proposed action.

**Adams:** Great. I'm going to refer this, unless there's objection to commissioner Fish's office.

**Moore-Love:** We have five people signed up to testify.

**Adams:** Please come forward.

**Adams:** Good morning, welcome to city council. Glad you're here. You need to only give us your name, first and last name, no address. And each have three minutes. Go ahead, sir.

**Robert Hodge:** I'm robert hodge, i'm a resident of the area. And recently found out about this situation happening with the albert apartments and i'm here to voice my concern, along with these folks. So i'll let them -- i'll defer to them.

**Adams:** Great, who would like to go first?

**\*\*\*\*\*:** I will.

**Adams:** Great.



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**Forrest Parsons:** I'm Forrest Parsons, I missed out on the original notices that were sent out and the main concern I have is just that since the tax abatement decision, maybe shouldn't be considered an emergency under the section 2 ordinance no. 866 because there will be no delay in the construction of the transit supported housing in the project and the developer will need to wait for the final land use decision prior to construction similar to the email we sent out and there's no way to process the tax abatement ahead of the land use decision and there's several flaws in the approval, and the emergency ordinance recommends the commentary in the exhibit a planning commission recommendations to the tax exemption request for the Albert mixed use apartment be accepted as legislative intent findings. However, dated June 12th prior to the city receiving the land use appeals. And most of the -- the first speaker we had today and I won't go into the details so that other people have a chance to speak.

**Adams:** Excellent, and if --

**Parsons:** I can submit this for the record. If you would like me to.

**Tracy Olson:** Hi, I'm Tracy Olson. I think you went over a lot of my concerns but I would like to address one that you raised. That was breaking the chain of financial information that's presented because it's concerning. I think everyone knows if you want financials to look a certain way, you can certainly make them look like whatever you want. And as lay people, we have no way to analyze those numbers. To determine whether or not they're accurate or not. In justifying a tax abatement of this magnitude, I think it would be important there's some kind of -- this magnitude in this climate, not necessarily that this magnitude is worthy of our examination, no matter what climate we're in. But in this climate, especially, I think it's important there's some kind of legitimate, objective analysis of the financial information by experts who aren't associated with benefits from the project directly. Additionally, I was concerned about the LEED certification which is different than LEED standard building. You know? You can build something to a standard, but it's different to go get the certification and that has never been on the table as far as I know. And it is objective standards. In justifying the abatement. And lastly, which goes more to the project character, there's extreme concern in the neighborhood about the lack of respect given to the neighbors and the community. The cultural significance of the area. Which is -- which has been neglected with pattern over time. And the general consensus and attitude by neighbors is that nobody cares and that's the way it's just going to be. But we're here to tell you that we do, and that people have lived there -- here their whole lives and built a significant history that's being ignored and steam rolled.

**Fish:** I've lived in the area for --

**Leonard:** I was intrigued by the comment. I frankly haven't read a lot about this project and I was relying on financials I got here today. But the comment about not reflecting the character of the neighborhood and the cultural heritage, what does that exactly mean to you?

**Olson:** That goes to the design guidelines and also the appeal, the project design appeal which is in process. The -- the design overlay that's in the e.x. Zone is supposed to mandate the character of the neighborhood be reflected in some way in the development, and it's not. And the architectural heritage center has written a letter in opposition to the development.

**Leonard:** I guess I'm asking -- trying to figure out what that means. Is there certain pitches to the roof or the size of the windows or color?

**Olson:** There's transitions into the neighborhood and public amenities like open spaces and there's landscaping. Everything they're trying to minimize are considerations to that effect. When something abuts an R residential neighborhood, it's supposed to be compatible with the neighborhood and especially when it's such a drastic use change.

**Leonard:** If you wouldn't mind, emailing specifically those very specific points so I can analyze this.

**Olson:** Sure.

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**Leonard:** That would be helpful.

**Adams:** Something you wanted to add?

**Parsons:** I don't believe any of us are opposed to development in that area. There's a lot of blight, if you will. There's a lot of property that's available for use. But what we'd like to have considered is the sensitivity of the people occurring it. And a tax abatement seems to be a slap in the face to the citizens when we're laying off teachers and the developers are getting a 10-year tax abatement to the tune of something like a million dollars. It seems like not the right way to go for the tax abatement.

**Adams:** Thank you for your testimony. Appreciate it. Anyone else signed up?

**Moore-Love:** Two more people.

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

**Adams:** Thank you for -- good morning and welcome to the city council. Glad you're here.

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

**Adams:** Just give us your first and last name and you'll each have three minutes.

**Theresa Armington:** I'm teresa. A resident of the neighborhood and I live directly behind where the proposed project is. And I don't -- i've live there had for eight years, never been involved in this type of project before so I don't have a lot of technical knowledge. I'm concerned -- have the same concerns that have been discussed here, but also the tax abatement. I'm pro-construction in the area, pro-commerce. I actually benefit from some of the commerce that's gone in on the williams vancouver area and up and down m.l.k. And I appreciate how that's improved the life in the area and brought new life into the area, into our community. But I feel concerned about a tax abate. For a large structure that's not going to match the character of our neighborhood. That is having so many amendments to processes and procedures that have been put in place specifically to help it blend into our neighborhood and to give them -- give them a chance to not pay into the community, to not pay taxes seems -- it seems frustrating to me, especially in this economy. When we need more money coming into the community. We need more money coming into the city to support basic services. I'd like to see construction be able to add that into the community, as well as adding local commerce.

**Adams:** Thank you.

**Tosha Young:** I'm s -- tasha young, I also live in the neighborhood. I'm going to claim ignorance about city code and tax abatement. I'm a second grade teacher who has managed to hold on to her job. Speaking as a person that lives in the neighborhood. I think my main concern is the size of the project and the parking situation. I heard today that part of the reason why it was chosen to be located there is because it's close to mass transit. We don't have the infrastructure in our neighborhood to support just a mass transit population. The closest grocery store is new seasons. And I am a double-income, no child household and we can't afford to shop at new seasons every week. So I don't know if anyone has ever tried to do full blown grocery shopping on the bus, but i'm pretty sure it's not easy to do. So I think putting so many living units into a place that doesn't have the infrastructure and then also, you know, not enough parking to support those -- those units. I with, you know, implore you to take your time and consider this and consider the impact on the neighborhood. My husband and I moved to Oregon a few years ago and chose very carefully where we lived and chose this area, number one, because it was affordable for us, but also because of the diversity that's in the neighborhood and we liked the feel of it and would hate it lose that.

**Fish:** Is this your first time testifying?

**Young:** Yes.

**Fish:** You did a great job and your disclaimer at the front end wasn't necessary. I just want to set some expectations going forward. Because this stuff gets complicated. There's a whole land use process about -- that is now under way, and that goes to the kind of building, the setbacks, there's issue was design review. And those are all issues that maybe some day come to us, but that's

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premature. That's a separate process. And then we have a tax abatement process and we have rules governing when we will give someone that incentive. And the theory, and it's controversial, without it, in some cases, things would not be built and we use tax abatements to generate affordable housing. And people have strong feelings about it, but I want to be sure that what's before us is whether they qualify for an abatement, that's different than whether it's the appropriate building for the site. That issue will be dealt with over here, it may come to us, and on the abatement, i'll take a referral and make sure that the concerns are held at our next meeting.

**Adams:** Thank you, very well done. Unless there's objections, this is referred to commissioner Fish and all future tax abatements will be run through his office before coming for review and we had conditioned this into the overhaul consolidation into the bureau of housing. So we'll do it virtually.

**Fish:** Thank you, mayor.

**Adams:** So referred. [gavel pounded] can you please read the title for council calendar time certain at 10:00 p.m., 867.

**Item 867.**

**Adams:** Good morning, commissioner Saltzman.

**Saltzman:** Thank you, mr. Mayor and members of the council. I'm pleased to bring before you today a stimulus package, a \$36 million over three year investment package that not only invests in our children's future, but also head start, early head start teaching positions and counselors and adult mentors and social workers, nurses and a whole variety of what we would call our human infrastructure as opposed to our physical infrastructure. And we're doing this because the voters in 2002 created the children's investment fund and despite a tough economy, last november, Portlanders said they wanted to keep investing in our children to the tune of about \$13 million per year. And that measure in november passed despite the tough economy with a 70% yes vote. So i'm very pleased to bring these investment recommendations to you from the allocation committee on which i'll serve and you'll hear about that. One major change that the voters agreed to, was to add an additional investment category and that's to invest in programs that will help children in foster care succeed. This is an addition to our existing investments of child abuse prevention and after school and men forking programs. So we went through a long hard process and we had many, many more requests than the funds available. It seems like a lot, but not compared to the requests we've received. Children's investment fund, lisa, will tell you about it. And speaking about the allocation process and finally, shantelle monk here to tell you about the big brother, big sister's program and what it has done for her.

**Lisa Pellegrino, Children's Investment Fund:** Good morning, commissioners. As dan said, I direct the funds and i'll give you a brief overview of the process we went through to make the decisions and the highlighted programs we funded this round. So as dan said, voters approved the levy in the fall. And the programs are after school and mentoring and early childhood programs and we're funding foster care programs this time around as well. Sorry -- oops. I apologize for that. And as you can see, this was the campaign literature that went out in the course of the campaign. After the levy passed, and -- levy passed, we went out for public input on how to construct a request for investment, the funding application that the organization will fill out to get funding from the children investment's fund. So we sought input from a variety of folks on gaps in the system and consulted with 20 policy groups and hosted public meetings in three different quadrants in the city. Need for cull-specific programs. And the committee allocation committee dan referred to divided the funding amongst the different areas we fund and this was based on the public input we received which was recommending we do roughly a third in each of the major areas. Early childhood, after school and mentoring, and child abuse prevention and intervention, foster care. Those were the allocations on the screen before you. We put out a funding application that allowed organizations to come forward and apply for money and had over 100 grant volunteers to come in

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and score the applications and they were forwarded to the allocation committee along with staff recommendations and made recommendation in a public meeting. And organization -- which organizations to fund. The allocation committee dan referred to is composed of [inaudible] directly to my left. Who is the citizen appointee. And adrian who is the county board appointee. And dan Saltzman, ted wheeler. And ron beltz of the Portland business alliance. Give you a sense of the difficult choices before the committee. And then i'll go briefly through the programs that were funded. To give you a sense of the things that the children's investment fund does. We funded albina head start, which will provide early head start services -- that includes early education and parenting support and morrison child and family services, which provides shall including parent education and child development support and provide mental health consultation to 700 to 800 children a year. And neighborhood house located on the west side of Portland, serving 120 children annually and early home start services to 535 children annually and Portland public schools program which provides 83 five year olds in our community and funded the immigrant and refugee community which provides home visiting to 320 asian, african american and latino families. And we funded cares northwest, which provides appropriate referrals for abused children annually and funded lutheran community services, which provides culturally specific outreach. And funded the children's relief nursery. Parent education and respite care to 400 children at risk for abuse and neglect. And provided janus youth program. And funded volunteers of america to provide relief nursery which included therapeutic classrooms and parent education -- oops -- sorry. I missed one. Parent education and support and home visiting services to 85 children at risk for abuse annually. Foster care, as dan said, was a new area of funding, so these are all new programs. We funded the native american youth and family center. And as you may be aware, there's a significant overrepresentation in the foster care of native american and african american children so two the programs we're highlighting are programs to address that issue. We funded self-enhancement" that includes school support, case management, after school, summer programming, foster and biological family support and youth aging out of the foster care system and these services include developmental screening, home visits and group activity as help for biological parents and next juvenile rights project, which provides advocacy services for children annually. And we funded -- sorry, big brothers, big sisters, which provides one-on-one services for foster children and children transitions out of foster care. And mentoring programs, we funded friends of the children to 375 children annually and additional support for adolescent to improve outcomes for at-risk kids. And the services are provided by families and by couples and individuals as well and mentors recruited primarily through faith-based institutions and funded metropolitan family services --

**Adams:** [inaudible]

**Pellegrino:** Sorry, I got to -- don't want to misstate anything here. Metropolitan family services which provides one on one mentoring and tutoring to 200 children annually. You may have seen the articles in the paper and helping -- finally making a reader today which provides mentoring services to 200 children annually and after school -- thank you -- we funded campfire u.s.a., which providing sun school services. And two schools which did not previously have it. And provides before and after school programs and family support and referral services and funded open meadow which is an alternative school that provides school-based services to approximately 300 incoming ninth graders and academic support to tenth graders. Designed to be dropout prevention and includes tutoring and academic support and enrichment support and provided after school music programming and funded northwest family services which provides after-school academic and social support to 30 latinos annually. And enrichment programs to approximately 435 children afterwards and a complete listing was included with your packet but it's too lengthy to go over here. I'll turn it over to folks who will testify.

**Adams:** You're a good fast reader.

**Pellegrino:** I know, I try to slow down.

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**Adams:** Well done.

**Alissa Keny-Guyer:** I'm on the allocation committee. And I know you've been through a grueling process. And particularly in the last 24 hours with the cesar Chávez and other things on your agenda, and I just wanted to say that this is one of the things that you should feel great about. This is something that Portland does right. We're one of the leaders in the country in it. I'm proud to be a part of it and I spend hundreds of hours as I volunteer in it because I so strongly believe in it. That's for a number of reasons. All of the evidence shows when you invest in children early on, particularly at-risk children, you increase graduation rates and decrease their involvement in the judicial system, increase their ability to be part of the economic system which then sends taxes back to our community and we're really putting our public policy and dollars where the research shows that this is important. Secondly, it's set up with county and city and private input on the allocation committee and it's one of the things that taxpayers often say, why is it this division working with that and that division worked with that, and it's so siloed and this is where the city is working with the county to coming to decisions together and I think that kind of coordination on the children's investment fund is exemplary. Thirdly, we really leverage public dollars by working with nonprofits to meet these needs, every one of these nonprofits, many incorporate corporate volunteers and we leverage public dollars. So I'm proud to be a part of it and I want to thank commissioner Saltzman for his original vision in articulating children's investment fund and for gaining the support of the city council who was wise enough in 2002 and 2008 to pass this on to the voters, and then for the taxpayers to pass it by approximately 51% the first time. It was a new tax and then overwhelmingly with 70% in the November election right after the market was crashing. I think that shows the incredible work that children's investment has done. I want to thank the staff, largely responsible for keeping this vision alive and implementing it and monitoring it and keeping the expenses under the mandated 5% cap. And they've done a phenomenal job and setting up the process and gathering input through community review and interviewing and accepting and training 100 volunteer reviewers to look at these scores. What we ended up receiving was a slate which the public also got when they walked in the door with scores on how the proposals rated according to r.s.p. That was the starting point, and one comment we made at every single meeting is it's a starting meeting. It's a starting place. It's how the proposal scored according to the requirements, how well it's written. It's a double-edged sword, because then there's often an expectation that you'll just take the higher ones. It's good that we have that, because it really compels us to say, if we're going to bring one that's lower up, why do we need to do that? Or if we're not going to fund one that's higher, we have to say why. This made me articulate why I thought something should be funded or shouldn't be funded despite a score it might have. One bias we were clear about at the beginning was that we wanted to continue funding programs doing an excellent job in the community and continuing to meet a demonstrated need in the community. We also had a strong bias toward opening up some of the new funding, otherwise we wouldn't have gone through a whole new r.s.p. Process. Number 1 was to look at groups that were serving kids east of 82nd because of the demographic -- demographic shifts where the poverty is really moving east. That was really important to us, not something that we focused on so much six years ago. In so many different areas, there is an overrepresentation of communities of color, particularly in the new area of funding, the foster care, where native-Americans, African-Americans are tremendously overrepresented. We had a strong bias based on evidence that shows that culturally specific groups are better for cultural affected people. I think the initial findings of what we ended up funding show that there was a shift in that direction among all of our grantees. You know, the other thing was just making sure that -- and this is another thing we kept trying to stress with people when we had a list of scores -- we needed -- each of the reviewers were going through proposals. We needed to step back and make sure we had a geographic diversity, groups serving African-Americans and Latinos and poor whites and a variety of different groups across the city. Do we have a balance between the

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different kinds of approaches that have been proven to be effective? That was the job of the allocation committee. Not everyone was of course happy with our results, but i've gotten a lot of feedback that they felt this was very transparent. They at least got to see the thinking behind allocation committee members. I'll close it at that. If you have any questions, i'd be happy to answer.

**Fritz:** How did you evaluate whether the previously funded programs actually produced real results.

**Keny-Guyer:** I'm going to partially turn that over to her, but there's a very strong monitoring program, both quarterly reports and then a study associated with p.s.u.

**Fritz:** That's all I wanted. Thank you very much.

**Shantel Monk:** I'm going to talk about big brothers, big sisters. I got involved in the organization, I believe, 2005. I first got my sister in. The reason I got my sisters because I was placed in foster care. We wanted to make sure we stay successful young children. With that in mind, it did actually work for me. I had someone I could relate to and somebody very beneficial for me and helpful for her. I also have seen a big change in my younger brother. When we first came into the system, it was really difficult for all of us but, for him, it was, too. I seen different behavior changes, but when he got his big brother and got involved in sports, his behavior changed. Now he's in the middle school, but high schools are already looking at him for baseball and basketball. These programs are especially good for children at risk, lacking support at school and at home, but they have someone outside of that that's able to help them and make sure things are going okay for them, ways to advocate for them if they can't advocate for themselves. I've actually been involved with quite a few of these programs. I hope everything works out for funding. I'm also very thankful that we're adding foster care into the investment, because I believe that the system is very, very -- needs a lot of help and is not doing as well as it could do and need as lot of funding. I've been in the system eight years. I can say i'm very thankful i'm almost out just because of the lack of funding you have in the system. I'm glad someone is able to fund the program, looking for ways to help them, things that can be improved, so i'm very thankful for that. I just think this is good. We're having programs that help the children. Without so many programs, I don't think I would have done as good as I have done. When I first came into the system, I was lost and didn't know what to do. When the programs came in place and people were helping me, I did a lot better. I graduated with 4.0 and am going to go to college.

**Fritz:** Congratulations.

**Saltzman:** Thank you, shantel.

**Fish:** I have one question for shantel. You stole my thunder on the first question, which is where you're going to college next year. Will you promise to return to Oregon in the after the next pfau years? [laughter] Thanks for your service as a Multnomah county youth commissioner. I think you've made a big difference.

**Adams:** Thank you all very much. Do anyone signed up?

**Moore-Love:** We have one more person.

**Adams:** Good morning. Welcome to the city council. We're glad you're here.

**Evelyn Ello Hart:** Good morning, mayor.

**Adams:** Give us your first and last name, and you'll have three minutes.

**Hart:** My name is evelyn ello hart. I'm here this morning because first to thank you for the opportunity for us to apply for the Portland achievement and investment fund. The proposal that has high school, we had 76, and we came behind big agencies like mental agency, lutheran community services. Doing that process, we felt we wanted to give a recommendation not only to the advisory group that work on the proposal but also to the city of Portland. Because it's so important to make sure that is really an inclusive process, that all the citizens are part of this, that it's fair during the process that we had the chance to come here and see how they are looking at the

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programs. It was not explained to us. We had an agenda at the door, and we sat here more than four hours to see how they work. For me, if it didn't get funded even if we had the high school, it was explained to us how the work was done. At the end of the day for us is how can we contribute? What can we offer the city to make the process more easy next time? I would like to have a slide show to show everyone how the distribution of the funds were allocated, by geographically, putting the chart up for the entire city to see the agencies that are funded are in one local area. For my community members or immigrant and refugees, we don't want to see that the city only funded big agencies that have, let's say, \$500,000 or \$1 million in budget. The second thing is to also look at how many organizations that got funded that are run by the people. For instance, i'm african immigrant. I would love to see that my organization we've got high profile and good proposal. He help african youth but didn't get funding. We're going to try to work with them, but how do you put that in a balance that is even for everybody? So i'm here today to again encourage the city to continue what you have done so far, to engage all the population in the spectrum and really have big agency, small agency, poor, low income, minority, everyone come together and really do the best with all our tax dollars. Thank you so much.

**Adams:** Thank you for your testimony.

**Fritz:** That's very helpful.

**Adams:** Unless there's someone else that wishes to testify that we get to a vote unless there's council discussion. And it's an emergency ordinance. Please call the roll -- the vote.

**Fish:** First I want to just acknowledge commissioner salts man's leader -- Saltzman's leadership, to thank him for the wonderful work he does in our community. Thank you for all the passion you bring to this work and your service and shantel in particular, I had the great benefit of being the person you were paired with as the Multnomah county youth commissioner. Probably you will be a Multnomah county commissioner someday but the youth commissioner today. I want to thank you for all your service to the city, and good luck at spellman. And I suppose, most important to the voters of Portland who twice have supported this pioneering program, thanks for the continuing confidence in the program, and I think this report gives you even greater reason to feel confident that the money is being spent wisely and prudently. So i'm very pleased to support the recommendation that has been presented to council. Aye.

**Saltzman:** Well, I want to start by thanks, first of all, the voters of the city of Portland who have made this \$36 million worth of investments in kids possible. And the jobs associated with helping thousands of kids in the Portland area keep those jobs going, creating new jobs also. It's our human infrastructure. So it's a good investment, a wise investment, one we take very seriously at the children's investment fund. As was mentioned, we do hold our administrative expenses below 5%. I want to thank the 100 or so volunteers who spent hours looking over the proposals. The children's investment fund staff for doing a great job under very difficult circumstances. And the work continues. We still have to negotiate the final contracts with all of these organizations. I want to thank all the organizations that did apply. Many good programs out there. You just heard one of them. And of course we can't fund all of them. I want to thank alissa kenny-guyer, john schultz, tim geyer, and allison. All did their homework and came to those meetings prepared to -- prepared to do battle, sometimes with each other, on the committee. But we did reach consensus recommendations. Finally I want to thank amy true, in my office, who has done a great job of staffing me through this process. I'm pleased to vote aye.

**Leonard:** One of the benefits of our modern, technological world, is that you can see this process on channel 30. I don't know all the members of the committee, but certainly ted wheeler and ron belts I know well, and I know they are very results-oriented folks. Dan has done an excellent job in having a very effective allocation committee, which really is ultimate stay, I think, what makes this program work so well. They focus on the programs that actually help kids and have the best results, and I think the proof has been in the pudding. I'm pleased to vote aye.

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**Fritz:** The children's investment is a great program benefiting our community's children. I was very glad to hear that we also have outside evaluation from folks at p.s.u., trying to make sure that is so. Even though the process can be improved -- and thank you for coming in to make some very helpful suggestions for the coalition, and I know commissioner Saltzman will take that under advisement and look in the next funding rounds -- I do note this is a three-year allocation program. If voters were to approve another operating levy, this would have to be inspected. Hopefully we can continue these programs in the future and have other programs becoming a part of this important tax so children can build their own productive lives. I know commissioner Saltzman agrees that we want to provide these kinds of programs to every child in every county in Oregon, and i'm certainly committed to working with him when the economy recovers to tell the story of what a great job the children's investment fund has done in Portland so that we can encourage other counties and the entire state to fund these programs. Thank you, commissioner Saltzman, for your leadership on this. Aye.

**Adams:** Well, i've had the opportunity to work in this building from the inception of your idea for this, and there wouldn't be -- clearly we wouldn't be here today without your efforts, but it's worth detailing that you had to overcome some constitutional pushbacks, local government pushback. You've had to raise hundreds of thousands of dollars, get a campaign and get it passed by voters twice. You did it with the requirements of rigorous expectations about accountability and results. And you've changed the lives of tens of thousands of our youth in the process. So I just want to laud you for your leadership and persistence on this, and I couldn't be happier to vote aye.  
Approved.

**Leonard:** Wait a second. Unapproved.

**Adams:** Is there an amendment?

**Saltzman:** I didn't know anything about this amendment.

**Adams:** Do you want an amendment?

**Saltzman:** Do we need an amendment?

**Adams:** Probably could have amended it by now.

**Fish:** So moved.

**\*\*\*\*\*:** Why don't we go ahead and go through the process rather than having us --

**Adams:** We need to vote to reconsider?

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

**Adams:** So I make a motion to reconsider?

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

**\*\*\*\*\*:** The.

**Adams:** So moved and accepted. Anyone wish to testify? Please call the vote on reconsideration of council calendar item 867.

**Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. Do I hear a moment to amend?

**Leonard:** So moved.

**Adams:** Moved and seconded to amend. Per the -- what are we amending?

**\*\*\*\*\*:** Amending as to the memo passed out to the council.

**Adams:** There by not changing the intent. Any other discussion on the amendment? Karla, please call the roll on the amendment.

**Fish:** Aye. **Leonard:** Aye. **Saltzman:** Aye. **Fritz:** Aye. **Adams:** Aye. Amendment is approved. Unless there's additional council discussion, let's vote on the main motion.

**Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. So approved. I believe that gets us to council calendar item 893, which is a resolution. Please read the title, Karla.

**Item 893.**

**Adams:** Commissioner Leonard?



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**Leonard:** Maybe we could have -- I think mayor Adams would like each member of the council to be able to say something. Former mayor katz -- there's probably a book in here somewhere of the last few months of this, of trying to figure out not only how to bring major league soccer to Portland but how to also simultaneously keep the Portland beavers in Portland. But unfortunately the book is not ready to be written, 'cause it's not over yet. If i've learned anything from this issue, it's not over till it's over. But having said that, I really have never been involved in an issue that has been more fascinating because of the highs and even because of the lows. It has been truly the singular most instructive sets of processes i've ever been involved in, and I checked with vera to ask her about her experience, and she agreed that, even for her, this was unique in the world of politics, but it is so because it is such an important issue. So many people argue this from the viewpoint of dollars and cents, and I think that misses the point. You can't argue public education from the point of view of dollars and cents, can't argue a community college or university from the standpoint of dollars and cents. It provides each of those issues, whether it's community college or university or whether it's bringing a professional level sport to our city, provides a quality of life that makes Portland more livable. There are many fortune 500 companies, when searching out places to relocate, want to know what is available for their employees to recreate. It is very important that there are teams like the blazers, that we have baseball, very important that we have professional soccer. It provides even new for a quality of life that each of us has, an aspect of our being. We work. We make money. We have obligations, but we also have a tremendous need to have outlets. For many, many Portlanders, that need is met by soccer. Watch the timbers army. That is a really inspirational experience all by itself in addition to fatigue. I appreciate, mayor Adams, your partnership with me throughout this. We have always worked closely together, but we've worked closer in the last few months on this, and i've really appreciated your thoughtfulness and your creativity and your perseverance on this. Having said that, i'll turn this over.

**Adams:** Thank you. Well, I want to thank you, commissioner Leonard, for your passion and your creativity and your perseverance. These kinds of issues are always controversial, this one more so than most. We have followed a little bit of sort of review of history to sort of get everyone caught up-to-date, put some connection dots, put together which of the separate storylines when the task force issues its recommendation. It asked us to look first at the rose quarter and then at lents. When it became clear after the design review, to place a a.a. Team, when it became clear we couldn't use the coliseum, even an odd-sized stadium in the rose quarter, we started looking at lents. We don't have adequate public support for that site either. So today this resolution delinks the issues, allows us to move forward with pursuing the opportunity of major league soccer at p.g.e. Park -- soccer at p.g.e. Park. I wholeheartedly support this as a co-sponsor. Who would like to go first?

**Greg Peden:** Mayor Adams, commissioners, greg peden on behalf of the paulson family. Good morning. Thank you, commissioner Leonard and mayor Adams on behalf of the city council and the city on all the efforts to date. I think you gave a pretty good history of things, so I won't belabor it. The resolution is to discuss two issues here in the media. We'll push hard on the soccer deal looming. Don is going to talk about some of the criteria for that deadline. We'll continue the search for the proper location for the beavers but, for today, we kind of wanted to get the focus back on soccer. With that in mind, what i've brought along here is just a very quick video to just sort of refresh all of our memories of what we're talking about here with major league soccer and the opportunity before us as a community. This was run on channel 8 monday night. This is a real quick clip on what's going on in seattle, which is the newest addition of mls, the community spirit they have. I don't need to remind you that, in the minor league scenario, we're our number 1 rivalry. In the major league scenario, we'll be the number 1 rival as well. Maybe not. I had a feeling that might happen.

[video - start]

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\*\*\*\*\*: And major league soccer successful in seattle.

\*\*\*\*\*: Portland's working hard to bring major league soccer to the city. We have a great role model and a tough act to follow lee. In seattle, mls is already the city's hottest ticket.

\*\*\*\*\*: Tunes from a marching band, national tv cameras, and packed house at qwest field. It's a perfect recipe for football, even if we call it soccer.

\*\*\*\*\*: Season tickets.

\*\*\*\*\*: I've been to seahawks games, too. This is, by far and away, the best sporting event i've been to.

\*\*\*\*\*: Number 1 in the world.

\*\*\*\*\*: In seattle, the fans have taken notice.

\*\*\*\*\*: When do you start getting amped for the game?

\*\*\*\*\*: When I wake up. Yeah. I've been up since 4:00 today, so i've been looking for ready to this all day long.

\*\*\*\*\*: The sounders lead major league soccer in attendance, the fans requesting expansion of the field several times. Before the season, the plan was to have 24,000 seats. They sold so well, they upped it to 27-plus. They've sold out every single game. Now they're up to 32,000 with their next game, and they're still sold out.

\*\*\*\*\*: We knew the fans would support us, but 30,000 a game sold out, not a ticket to be had, it's a little beyond, I guess, most of our reasonable dreams.

\*\*\*\*\*: Hannouer has been the general manager and is more than happy to offer advice.

\*\*\*\*\*: Merritt and I talk often. Merit is a very smart guy. I have no doubts this will be hugely successful in Portland.

\*\*\*\*\*: So are the will the team beat you?

\*\*\*\*\*: Never.

\*\*\*\*\*: I'm sure on the pitch it will carry over and it will be amazing.

\*\*\*\*\*: Well, the sounders and timbers renew their rivalry july 1st. That game is at p.g.e. Park for the u.s. Open cup tournament.

**[video - end]**

**Peden:** Thank you for indulging us. Just as a reference that joe donelan just -- donlan mentioned, this will be occurring july 1st.

**Don Mazziotti:** Don mazziotti of peregrine -- peregrine. I provide this to you really just to kind of give you a sense of what has to happen between now and september 1st, which is the drop-dead date for mls soccer. The red line that runs through on the left-hand side of 2009, basically the end of june or where we are approaching today, gives you a sense of how much there is to accomplish, as commissioner Leonard has suggested, between now and then, and i'm very hopeful that, starting with today and your action today, that we can get moving expeditiously because, frankly, my job depends upon it. If I don't -- if i'm unable to bring these things to accomplishment, there's no reason for me to continue. I am satisfied that these things can be accomplished especially with the help of bureau of development services and others, the council itself, and so we have about 14 steps that need to be taken between now and september 1, and I believe the issue before you today first of those steps. Thank you.

**Adams:** One aspect of the renovations to p.g.e. Park that has not gotten a lot of media time, and that's the co-location of the vikings.

**Mazziotti:** For the vikings, it's to have 23,000 seats in place for games as a minimum. The plans that we have in place and that we're working on, although they're not -- we haven't even begun schematic design, is the intention to add item thousand seats to the existing 19,980 seats, to take some subset of that number away simply because they're old wooden seats that go back to 1926 in some cases. We will incidentally refinish all of that wood and reclaim it and use it throughout the park for other applications. But it does mean a major step up for the vikings. It means that they'll

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have a venue to play in that will allow them to play at the highest level which some would argue is a kick start for the university involved in terms of fundraising and identification and all of the rest -- identification and the rest all over the country. I should also mention, mr. Mayor, that there are 72 baseball games played, nine football games, standard american football games played. There may be 15 exhibition games up to five concerts under the good neighbor agreement. All the rest of that days are booked for community events, 250 days of use by this facility for things other than commercial activities, most of which are for high schools jr. High schools, girl scouts, and other sorts of community and cultural events.

**Adams:** Other discussion from council?

**Fish:** I have some questions. I don't know whether this is the right panel. Is this our only panel?

**Leonard:** Yes. So if you have questions, this is the group.

**Fish:** First of all, i've had mixed feelings about this, but to know don is possibly losing a job --

**Mazziotti:** Thank you, commissioner.

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

\*\*\*\*\*: It's weighing on me.

**Leonard:** That is the key point.

**Fish:** As someone who is looking forward to hosting his children this summer, I want to stay on his good side. Don made a very generous bid at the children's museum and their auction, and the prize was parking your kids with commissioner Fish's office for a day so that --

**Mazziotti:** They're really looking forward to that.

**Fish:** We are, too. The first question has to do with an issue that, for some, has been put to bed, but I still get e-mails on it so want to just pose it. And that is the question of colocating baseball and -- co-locating baseball and soccer. I got a letter a month ago from commissioner garber explaining why, from mls's point of view, this was not going to work. I'm probably not alone in this room that watch the mls game of the week on cable tv. Last week the game was, I believe, in an oakland stadium. What struck me about the game was there was a baseball diamond. The whole baseball footprint had been covered over, and there was a dual use for baseball and soccer. It was a professional baseball set-up, so they had to put something over the dirt infields, and they had to remove the pitcher's mound. Aesthetically, it wasn't great, but I was struck by the fact that they had a co-location of baseball and soccer, and it didn't look like an ideal stadium the way the seating was configured for soccer generally, but it was working. And then I watched a game between seattle and another mls game of the week, a game between seattle and the red bulls, and it was played in red bulls' home field. That's a football field that's been adapted for soccer and just lined differently.

So I guess my question is: Is this a fundamental barrier that has been presented or is this a question that if we unleashed our engineers and thinkers that we could co-locate.

**Mazziotti:** As you might imagine, this was the first issue we looked at nearly a year ago. In studying the possibility of doing retractable seating, seating on tracks a variety of solutions to co-location, because it would be the ideal circumstance, the problem is, with the size of approximate g.e. Park and the existence of a wall on the east side which cannot be broken -- in other words, it is not possible to break into the east side wall and retract seating. And the reason is because the retaining wall and the material behind it supports two tracks of tri-met trains that are extremely heavy and very close frankly to the edge of that wall. The configuration of the park is such and the minimum requirements of mls that we have too a field of play for pitch. When that configuration is imposed on the existing footprint of p.g.e. Park and mls requires that there be somewhere between 6000 and 10,000 seats on the east side of the field as an mls requirement that they have consistently said we will not vary from that requirement, it means foundations and footings have to be put out in what is now the center field that we can back up against that wall that cannot be broken, but the seating is where additional amenities will be placed. We've looked at a variety of solutions, and apparently we -- ultimately we couldn't resolve that situation. Existing dugouts on both the north

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and west side of the field have to be removed in order to accommodate the 120-yard by 95 or 92-yard requirement of mlb and still have sufficient seating on the east side. So I can assure you that we have looked at this a number of times, our first and most serious investigation. The question has been raised several times by several others suggesting robotic technologies and none of those have shown any promise.

**Fish:** My second question is about the effect of the coupling. I'm trying to keep current with the newspaper stories and blogs, but it gets sometimes a little overwhelming. If the council agrees to decouple, what is the commitment of Mr. Paulson and his company to continue to explore an alternate site of baseball in the state of Oregon?

**Mazziotti:** Well, I think there's no doubt -- Greg, please feel free to speak as well on the subject -- his commitment is to keep the beavers in Portland if at all possible and certainly the Portland area as bottom line. He can only meet that commitment if he can find a location for the team and meet p.c.l. Requirements, but I think he has publicly that he intends to look steadfastly for that opportunity. He certainly has no intention of leaving Portland or Portland area or Oregon. It would mean substantial economic loss to him should he have to exercise that option, but it's not something we've ever discussed.

**Fish:** How many times, if we decouple, can we do a planning process for baseball? What is the time line?

**Mazziotti:** As this time line proceeds, it's greater and greater uncertainty. You will see that the beavers in 2010 cannot begin play until, say, the last week in May. That means they will have to play all of their games outside of Portland at fields of other teams if those teams will allow them to do so. The cost of that alone are substantial because it means all the travel that would have otherwise been in place has to be absorbed by the beavers. We'll have the footings for the seating and other pieces of equipment and other structures in place by that time covered over with safety materials so they can play out that season and then continue phase two of the development with the objective of having it done by April of the following year, 2011.

**Fish:** One last question, Greg, if I could. I want to be clear about what you're asking us to do today and what we're not being asked to do. I have said in the past that the coupling would give us more time. If the council supports a decoupling of these two issues, as I read this particular ordinance, it doesn't commit the council to any particular financing plan, public or private dollars mix, but simply launches negotiations which are a soccer, p.g.e. Park.

**Mazziotti:** That's correct.

**Fish:** The only thing I would ask, since we are on a very tight timeframe, is that all the council be kept up-to-date about those negotiations.

**Adams:** Thank you, gentlemen.

**Fritz:** The resolution refers to financing -- financing. My question is how can we get to a decision by September 1st not knowing where that would come from.

**Adams:** Because it's our side of the ledger responsibility, we've had -- no decisions have been made on whether or not to proceed with the creation of an urban renewal district. The committee has been meeting now for months. We have two members of the Multnomah county board of commissioners, maybe 1600, 1700 other stakeholders. Whether or not there should be a new urban renewal district, that's kind of where that's at, in the midst of evaluating that. So there's no assumption of urban renewal, and we're looking at all other funding sources for our \$15 million gap. We're looking at all the resources.

**Leonard:** Were you done?

**Adams:** No. I was just making one of those dramatic pauses. I nodded off there for a minute. I think it's everybody's goal to try to find another funding source than urban renewal, but urban renewal remains on the table as a last resort. Our commitments on funding will need to happen, and we're working on our time line. Our commitments on funding will be informed by the various

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funding options for that \$15 million by september 1st. We will not have locked down -- I do not believe -- I might be surprised, but I do not believe we'll have figured out how to fill the \$15 million with exact funding sources.

**Leonard:** For future reference, how long does a montana gap last?

**Adams:** Usually 30 seconds.

**Leonard:** I want to correct one thing from commissioner Fritz' question, and dan is certainly capable of speaking for himself on this. I have gone back and reviewed the tape, and dan's concern that he raised was more that we were making a commitment without consulting all of the parties that are impacted by the commitment. And thus wanted us not to include that \$15 million until there was a process that was utilized where all the proper parties were notified. I said it was not my intent that the money not come from the u.r.a. but in fact that we do utilize a process to discuss it fairly first. So I don't want it assumed that we have made a commitment not to take money from the u.r.a. I have always believed that, once that is formed, this is a reasonable and rational request of an u.r.a. To do infrastructure work on a project within that of which p.g.e. Would be and the specific work required would be an appropriate source of money. It would be incorrect to include that.

**Saltzman:** I want this to be perfectly clear that we remove urban renewal as a source for the mls stadium unless and until there is a process where all the community partners, other taxing jurisdictions and others, agree. But the intent of my amendment -- and I think it pretty clear -- is that there is a \$15 million hole. I don't necessarily regard that hole as our side of this. There's a \$15 million hole that has to be plugged, but it's not necessarily our side of the ledger. I just wanted to be clear about that. I absolutely agree with what commissioner Leonard said. If there is a process that leads to a new urban renewal creation, this is one of the investments that comes out of that, but that's going to take some time. We've had legal opinions and financial people say there's no way you can borrow 15 million contingent on an u.r.a. being created. That's clearly outside the parameters of normal financing, and it's not legal. Everything i've seen from our people.

**Leonard:** We all agree on that.

**Adams:** We agree on that.

**Saltzman:** The \$15 million hole is not necessarily on the city's side of the ledger.

**Leonard:** We may not all agree on that. At some point, there has to be some integrity to our negotiations. This is in the interest of being very quick. On one side we don't want to use a particular source of funds, also on merritt's side. On our side, if we've made a commitment -- and I appreciate commissioner Saltzman not being in these intense negotiations -- but we've made agreements based on.

\*\*\*\*\*: Our contributions be, what merritt's contributions would be, and our contributions do not identify specifically where every source of dollars comes from but are clearly our responsibility.

**Adams:** The great thing about democracy is we can move forward with slightly different points of view on some of the details.

**Leonard:** But I don't want on the record --

**Adams:** I got it.

**Leonard:** -- something that misleads people.

**Adams:** You've stated your opinion, commissioner Saltzman stating his. I can sense commissioner Fritz wanting to say something, but today we are passing judgment on the resolution, not the mix of financial financing to fill the mix of funding sources to fill the \$15 million budget gap. We noel have to do that. Those discussions will continue. And we are all united in wanting to get the best possible deal for Portlanders. Is there additional discussion, commissioner Fritz? No. I misread your body language?

**Fritz:** I'll save it.

**Adams:** We've got some people signed up to testify, and i'd like to give them the courtesy of getting their opinions before us.

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**Moore-Love:** There are five people who signed up.

**Adams:** Good morning and welcome to the city council. We're glad you're here. Thanks for sticking around. Please take a seat, sir. Give us your first and last name, and that clock will help you keep the time.

**Henry Kane:** Hairy king. You have my two pages of written testimony challenging the so-called resolution to do nothing that is binding. I point out that the governor has said he will veto the bill to divert revenue to this project. Secondly, according to the "mercury" newspaper, more than 700 residents have signed a petition opposing it. The resolution is not an enforceable agreement. Secondly, there is no obligation on the part of the city, that I can find, that requires the city to put up taxpayer money for a new baseball stadium. What we have in hillsboro is quite adequate. The problem with this document that you have before you is that it refers to peregrine. It should refer to mr. Paulson. The operation is a shell. As you found out with Portland, family entertainment, they walked. I don't believe you should allow mr. Paulson, if this fails, to walk and leave the taxpayers with additional millions of dollars. We are in a sea change where people are staying home more, and they're going to arts events, professional sports events less. And there are various reasons, but the key fact that you should consider is that there are 14 mls franchises. In 2008, only three of the 14 made money. And of course a couple were disbanded earlier. 2009, I doubt anyone -- any one of them, i'm afraid you folks will be shortchanged, but i'm going to do my best to delay it for three years until the dust settles. Thank you.

**Adams:** Thank you. Just to try to clarify, the due diligence was done on the rose quarter and lents, no longer on the table for sites for professional ball. This is a resolution that sits for our direction as a city council, not intended to be a binding agreement on peregrine. We've expressed our desire to have personal guaranties from the paulson family or the equivalent. We're recognizing peregrine in this for identification.

**Bradley Watts:** Bradley walsh. I'm in support of the proposal to decouple the two stadium projects -- decouple the two for an opportunity to pursue updates p.g.e. Park for major league soccer. I think it's a really important development for the city. I am a huge fan of the timbers, would definitely support them. My family supports them. And I also just fear that this is an opportunity that, if we don't make this move, I think it's going to be lost, and I think that would be tragic. As you saw in the video, I think the northwest is very unique in its rivalries, and I think that Portland kind of gets left out in the cold if we can't find a way to make this happen. I would just urge you to decouple the two projects as they stand now, the stadium deals, and to move forward and try to get the financing in place for the upgrades to p.g.e. Park, which think would be a magnificent crowned jewel for soccer.

**John Grisham:** John grisham. Good morning. I'm a Portland resident, a homeowner, and a veteran. I'm also a victim of the current economy. I have been laid off from freightliner trucks. In spite of my circumstances, I recognize what a unique opportunity this is for Portland's future. We have a private owner who is eager to invest in Portland by helping to renovate p.g.e. Park and bring major league soccer to our city. For seven months, this proposal has been discussed in task forces, in the city council, and in the press. It is now time to move forward with the plan to bring major league soccer to Portland. Allow me to paint a picture of the alternative. If you want vote to decouple the stadiums and Portland lose it's chance for a franchise, we will likely lose the timbers as well. Vancouver, seattle, san jose will be in another league. With all of the timbers' opponents on the east coast, it will become prohibitively expensive to operate the current timbers in a minor league. If the timbers fold and the beavers -- fold and the beavers leave, p.g.e. Park will be vacant, and Portlanders will ask, how did this happen? Decoupling baseball from soccer makes the issue smaller and more manageable. It will give more time to look at new locations for baseball while reassuring major league soccer that Portland is a willing market for a new franchise. Please vote to

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decouple the stadiums and invest in Portland by entering into a final agreement to bring major league soccer to the rose city. Thank you.

**Adams:** Thank you all for your testimony. Well done. Does anyone else wish to testify that did not sign up? Come forward now. All right. We've gone from morning to afternoon. Thanks for waiting. I think you both have been here before, so I don't need to go through the protocols. Welcome.

**E'an Todd:** Thank you. Eye name is E'an todd. Thanks for having me again. The thing that struck me as I was listening and I think none of us thought, even people that didn't support it, would think there would be this much friction and moving parts of doing this, so I think this is the right decision to make at this point with both the deadlines that are approaching for mls and then the further-out deadlines and issues related to triple-a baseball. I think it will also allow better education and discussion in gathering information before the siting of a.a.a. When we do make that decision, whether that's blanchard or one of the terminal sites or delta park or something, I think that a longer time line will make the community feel more involved. A lot of time for education, less conflict over that in the long-term, and I think it will work out better for everyone. Last time I was here, I made the metaphor in response to a question mr. Fish had stated about that we weren't - that the city wasn't saving get married to the paulson family. They were shopping for a ring. This will be shopping for an engagement ring and a wedding ring at two different stores because maybe they fit better together. I think that is what should be done and of most benefit to the city. The issue of co-locating, those two game that's you worked, which I watched as well, those are temporary situations for teams in the process of building a soccer-specific stadium. The red bull stadium will be complete later this year and san jose stadium is being built. That baseball siting in oakland was less than ideal for a number of reasons. The ball shifts on the pitch when it hits a change there, injury factory if that happens. The timbers' current situation with the dirt for home plate is an injury factory as it is. That isn't an ideal situation. Plus a soccer-specific and football-specific stadium in downtown Portland does allow Portland state the opportunity to move up to division 1, perhaps join the lack or the w.c.c., and it is a proven fact now that national exposure and -- sports, increases and drives the size of the donations which can then be used for research, minority scholarships. All those things. Duke was a well respected university. Due to success on the athletic field and exposure, it became a well-known national research university, and that was driven by sports. Portland state would get the benefit of that, and also the stadium would allow us to capture things like the gold cup, which Portland missed out on, which starts next week that 14 other american cities get to host. We want to be one of those cities. Thank you very much.

**Jeremy Wright:** My name is jeremy wright. I've had an opportunity to talk to most of you. I represent sent mls to peed. I wore this jersey for a meeting. This is one of the shirts that three of you now possess. The press conference was a day of celebration. 600 people packed into a who tell room or ballroom at the hilton, and my phone blew up with calls from all over the country with people congratulating us that we had land ad mayor league soccer franchise. That, unfortunately has been lost in the loud debate over where we'll site the baseball team. I want to remind what we've been doing. While we've been debating able, there's been a lot of energy and community around our soccer team here in Portland and a lot of energy around going to major league soccer. Since that day in march, the timbers army has been inspired by the form mace of the soccer team -- formation of the soccer team coming organized its own to discuss how we're going to become bigger and go to the timbers army 2.0 to join a may -- join a major league soccer team. We've gathered to support what we're tentatively calling pitch invasion which is to help fix soccer fields and low-income, minority, and areas that don't have the resources to keep them fibbed. We started that inspired by the vote to bring mls to Portland. We're also having a lot of success on the field this year. The timbers haven't lost a game in 11 games, and it's a fun, exciting team which I really encourage you to go out and see. Over 11,000 teddy bears were thrown on the field last night and

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then taken to doernbecher. I've had phone conversations and interviews with people from "newsweek", "wall street journal," nbc news all talking about Portland as a soccer city u.s.a. That would not happen unless you had voted to bring major league soccer to Portland. I urge you to say yes, decouple these two, move forward, and take us to the next level as a city and as a team.

**Adams:** Thank you, gentlemen, very much for your testimony. Unless there's further council discussion, Karla, would you please call the roll on the resolution, council item 893.

**Fish:** Thank you. I particularly appreciate the last two people who testified and the spirit in which they testified. I understand the timbers are playing a team from germany on july 2nd, so I look forward to going there that night with my family. When the original vote came before council, as many of you know, I voted against the two stadium deal because I didn't feel it was the right thing for Portland at the time. I thought the timing could not have been worse. However, I stated then and i'll restate now that I have always been willing to review any financially responsible proposal to bring major league soccer to Portland. If I was any more of a soccer fan, i'd probably have to excuse myself from voting on any of these issues, because i'm as much a soccer fanatic as probably anyone here, but I do think the devil is in the details and that it matters how we spend tax dollars, and that has always been, for me, a primary consideration. I believe that decoupling the stadium deals does provide us with a unique opportunity to pursue a more realistic approach. Commissioner Leonard said that he could write a book on the twists and turns that this has taken, and I think this is a book that should be required reading at any planning school as well as among council members. What I have learned on this body is that, when we have time, we do planning better. Good planning takes time. I always site the concordia plan that, when it was finished after two years, it's a marvelous document, bringing a neighborhood that's been long neglected together. But good planning takes time. For me, the notion of decoupling gives us an opportunity to focus on what i've always thought was the stronger of the two pieces here, which is the mls side, while giving us breathing room to do some long-term planning on baseball. For me, the bar, though, remains very high in terms of how we use taxpayer dollars and the protections that are built in. This resolution, in my judgment, outlines what I believe is already win the city's purview but formalizes the notion that we are going to decouple and move forward. As has been stated in our discussion, it does not commit the city to any mix of public and private dollars. While those remain enormously challenging, I think all of us have positions on what the conditions are. I think it's now up to the negotiating party to see if there's a financially prudent package that can be developed. In sum, I want to say today i'm pleased to support something that relates to soccer, and I support the decoupling, something that I publicly called for a number of months ago and also support the notion that we, as a council, should remain open to good ideas going forward. Aye.

**Saltzman:** Well, I want to thank commissioner Leonard and mayor Adams for all their efforts on our behalf to negotiate deals both around a.a.a. and mls. I think this does, at this point in time, make the most sense for us to focus on the true prize here -- focus on the true prize here, and that is bringing major league soccer to Portland. This recognize -- recognizing that this supports our local clusters, so to speak, in areas, I couldn't come to this as any less of a soccer fan. I hate to say this. Perhaps it's the bad memories I have of standing in miserable weather watching my daughter play soccer at delta park or something about games that have zero to zero or 1-0 outcomes. I just can't get excited about it. I swear i'll give it a try when we get the major league soccer team here.

**Adams:** You need a covered seat. Make a note.

**Saltzman:** What impressed me, motivated me back in march was the enthusiasm of so many people in Portland and particularly the timbers army. My impression of fan clubs in major cities is a bunch of hooligans, but the timbers army goes out and works for habitat for humanity, work at fixing up soccer fields, support one another. They do a lot of great things, and I was impressed at that march hearing and am also impressed today. I think this is in the best interests of the city its citizenry, and i'm pleased to vote aye.



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**Leonard:** I'm sure merritt is kicking himself now watching this, realizing he didn't need me as a third vote as i've used that leverage right along to try to negotiate the best baseball deal of this package as I possibly can, reminding him occasionally that he needed me for this date, but now it turns out he didn't. And that's ok. I do obviously care deeply about bringing major league soccer to Portland, but I do care as deeply about keeping the beavers in Portland, and I refuse to give up the ghost on that. I, better than anybody or nobody better than me is probably the proper way to do it is aware of the challenges of where that place might be, and I can tell you that you will not even begin to anticipate why that might not be a good idea until you're wear into the siting process. But we're going to try, and merritt has promised to work in good faith along with the city until august 1st, at which point all bets are off. I think it's important, although we're decoupling the issues that, we understand both of those sports are tremendous entertainment venues for not only Portlanders but -- Portlanders but also people who come into the region to spend their dollars. I am happy that we are here today finally able to just focus on the soccer piece. I think that the issues that i've heard arise here from commissioner Fish and commissioner Saltzman and i'm looking forward to the observations of commissioner Fritz. I believe we can address those and do them in a responsible way. At the end of the day, like any decision, this is a risk. And when you take risks, you not only have the opportunity of great rewards, you obviously have the opportunity to fail. I'm glad this council isn't focused on the failure part of that equation, that we're focused on winning, doing it right, and we're being very prudent in that process. Appreciate this discussion day. I took forward to more discussions with merritt and his team and my colleagues to get to a place hopefully we can all support, bringing major league soccer to Portland. Aye.

**Fritz:** The resolution doesn't state that the major league soccer task force recommended that baseball remain in the Portland area and the commitment of the city to this goal, doesn't say that we are still committed to keeping the beavers in Portland, and it blames the advisory committee, and I don't think that belong in this resolution. The resolution does seem to state that funding will most likely be coming from an urban renewal district for the gap. I appreciate mayor Adams' explanation of that. I especially appreciate commissioner Saltzman's follow-up. I wanted to state for the record that I was understanding that that gap would not be on our side of the ledger and that should be thoroughly on the table for discussion. I can't support any resolution that indicates that funding is based on public money. It should be from ticket taxes, visitor fees, parking revenues, and private sources. That's the appropriate mechanism to fund something like this in these times. And i'm looking at focusing the audience who are here for other issues, who have been here on issues of homelessness and how we create jobs in our city and how city employees get paid for the work they do and who pays for that, and I am very concerned that we are still spending so much time, effort, and potentially city money on this. I just received a proposed design and construction schedule at 11:25 this morning while commissioner Leonard was making his opening remarks. I appreciate commissioner Saltzman's request that we remain kept up-to-date on this. We don't have an understanding of where that \$15 million is coming from. I appreciate the work done on this. I think, as we go down each step of the way, we have to look back on the previous parts of the process and honor what the task force recommended and where we're going with this. We have to find better solutions. No.

**Adams:** Well, the principles that we set for the -- that we actually set forth to the task force and that they then took then and frankly made even tougher the principles that we seek to adhere to. We, in our negotiations, do not -- will not -- take funding from existing, existing streams of resources that fund basic services, protect any future risk of the general fund, and to maximize the private investment in this public/private deal. This is an amenity for the city that allows us to be more family-friendly, allows us to bring the city together cutting across race and geography and incomes up like most activities that take place in our city, also including arts and culture opportunities as well. And the added benefit of soccer, as i've said many times, is it joins us to a worldwide network

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of sport and language of football or soccer that is spoken all over the world. It helps us with our local targeted industry, efforts on apparel, and it helps make Portland and international city that we seek to be. Not the biggest but the best. I want to thank skip newberry and amy res who is here. Skip is at the hospital having twins. Not him. His spouse is having twins. And since january, that makes for five infants, five newborns in the mayor's office. So apparently soccer is really good for one's fertility, I guess or at least discussion of it. Aye.

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

**Leonard:** Wow.

**Item 894.**

**Adams:** Unless there's objection, we're going to move to council item 894 back to office. Would you read the title?

**Adams:** Moved back to the mayor's audience. Please read 895.

**Item 895.**

**Adams:** Mr. Scott?

**Andrew Scott, Office of Management and Finance:** Good afternoon. Andrew scott with the financial planning division of o.m.f. This is the overexpenditure ordinance, something we used to do routinely in the city at the end of the year every year. We have not done one in a few years. We've asked these to be made to the spring bump. However we decided that there may be a need at the end of the year for an overexpenditure ordinance, so we added it back, and, in fact, there was a need. What bureaus do generally in this ordinance is that they address budgets. If there's going to be an overexpenditure, they move budgets. Just to review what you have before you, the overexpenditure this year results in an overall increase in revenues and expenditures in the city of just over \$9.1 million. Of that amount, 1,062,655 is in the general fund, and mostly that comes from an additional \$1.5 million in past funding for the transit police station. Council has passed these ordinances in the last few weeks. Tri-met pays for the tri-met police, pays the city of Portland. It's mostly funding and also a \$437,000 reduction because of how they're budgeting. There's \$450,000 being taken from the compensation set-aside and given to the fire bureau for pay for retirement payouts this year. The department had planned on 35 but it looks like it could be 45. Bureaus do the best they can throughout the year to estimate, but it is a little higher this year. Each one of those retirements is at significant cost, because they get paid for all their back vacation time. \$450,000 is the largest thing. Also \$63,000 we're taking from contingency. That's what's going on in the general fund. We're adding a million dollars to the grants fund. This is for an office of emergency management grant. We had earlier in the year reduced that, but we reduce it too far. We need to add the million dollars back, but again that's grant funding. And then balances in a number of the internal funds. I'd be happy to answer any questions, but that's sort of a broad overview of the over expenditure ordinance.

**Leonard:** Questions? Thank you, andrew. Anybody wish to testify on this item? Karla, please call the roll.

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

**Item 896.**

**Leonard:** Please read 896. Council item 896 comes to you as a result of what can only be described as a devastating set of circumstances that emanate directly from the condition of the economy and more specifically that part of our economy that is dependent upon construction and development. Beginning last fall denise klein, who is here, paul scarlett, and other members of our staff looked at what was the beginning of a downward trend in receipts from building permits. Revenue was beginning to decline and to decline precipitously. Due to the great work that denise does, specifically at the bureau of development services, we have created a reserve fund that, at that point, was \$13 million. We developed a number of strategies to deal with declining revenue in an effort to avoid layoffs. I've come to the council a couple times asking for authorization to expand

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these strategies that make it easier for employees basically to get off the payroll. From that point till now, those strategies of 351 people who worked at the bureau of development services a year ago -- 52 of those positions have been eliminated before this. Just two weeks ago, Denise and Paul and our staff at down and recognized that the projections we had made in the fall, which were basically to take the \$13 million and am more ties that over about 18 months and use that to supplement the declining revenues we were experiencing to keep everybody working were -- the assumptions were flawed. And the reason assumptions were flawed was that we had assumed that the spring bump and summer bump and building permits that we have consistently historically experienced in the city of Portland in this recession did not hold true. The uptick in permits did not exist. I would only point to you, by way of a graphic example, the "Oregonian" example of a week ago yesterday approach of one's most financially gifted man in our economy is sitting in a hole right now. This discussion points to what has happened to the revenues in the bureau of development services. More specifically, if people don't come in to get a permit to remodel their kitchen, build a house or finish a high-rise project as Mr. Moyer was not able to do, we don't have the revenue and can't keep employees working for long. What can only be described as an avalanche in the drop-off of permits, it became clear, if not sickening clear, what our choices were. They were amongst some of the most difficult decisions I've ever made in my life, not if we were going to lay employees off but how many employees we'd lay off. We came up with a schedule, and the schedule was based on one assumption. The management team and I agreed that, for all nonrepresented employees at the bureau, including myself, it would take two weeks unpaid if your low. The managers at the bureau of development services are required not to work on those days. I am not. I will basically being a two-week reduction in my pay but have no intention of taking the time off now more than ever. The numbers that you see reflected in this ordinance indicates 48 people will be laid off on August 1st, 48 people on September 1st, and 48 people on January 1st. That's assuming that only myself and the nonreps take that two-week unpaid furlough -- furlough. 45, 45, 45 as opposed to 48 on all dates. The savings specifically from my salary savings will go into my office budget. I am going to hire back one of the laid-off employees who you will meet this August when she's laid off at the bureau of development services. He will be my new front desk person that answers the phone and does all those things that folks do in our offices. I cannot say more about the work of Anna Kanwit, Yvonne Deckard in assisting us in what is really a crisis in people's lives and trying to figure out what other city jobs may exist for people impacted by these layoffs as we've gone around the city and worked diligently to identify where people might be able to work at once their layoff takes effect at the bureau of development services. We've identified a number of positions at the water bureau that would otherwise have been folks that would have been contracted out to do dine work for the new emergency communications center, 9-1-1, for the project of Powell Butte. But even with that, these numbers are just a small amount. Any person that can come back to work helps. Therefore, today we're before you seeking authorization to implement some of these unfortunate strategies that we have to -- we have no choice but to do. So, Denise, do you want to add anything or Anna?

**Anna Kanwit, Bureau of Human Resources:** Yeah. Anna Kanwit. Assistant director of bureau of human resources. The ordinance before you has two amendments, one amendment is initially looking at where these mandates, 10 unpaid furlough days for our nonrepresented employees in the bureau of development services. We initially proposed those days be taken by November 30th of this year. The ordinance extends that time to December 31st so they have a little more time to take the days. It is a significant pay reduction. The second amendment authorizes an exception to the administrative rules to ensure that employees who are taking these furlough days do not have an impact on their vacation or sick leave accrual which could happen if they take the furlough. To enter into a memorandum of agreements with the unions who represent employees in the bureau of development services, if they do agree to take the corresponding furlough days for those

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represented employees, this is an efficiency measure, it means we don't have to come back, you're already authorizes us to enter into that the intent we can enter into those agreement the.

**Leonard:** Denise, do you want to add anything?

**Denise Kleim, Bureau of Development Services:** I think you covered all the details for us, but I would extend all of -- our thanks to the commissioner's portfolios, because there's been those who have been tremendously helpful to us and extremely cooperative when we complained what the situation is, helping us with coordination of layoff and being really creative in thinking about what kind of things they contract out and what kind of open recruitments maybe they would look internally. We have a lot of talented and creative and qualified staff that otherwise would not have work. So thank you.

**Adams:** Additional council discussion?

**Fish:** I have a few questions. Of the 150 employees affected, how many are likely, in fact, to remain in city services through applying for vacancies or exercising bumping rights?

**Leonard:** Let me start by answering that this way and then Denise can refine it to the last portion of your question. Of the nearly 150, our strategy is as we identify additional resources, as we -- as we have people who are doing as we speak reconsidering their decision not to retire and now are retire, because that means one less people laid off, the last 48 people that are scheduled to be retired, we start taking the numbers out from that point -- to be retired. We start taking the numbers out from that point. In addition to the layoffs we incur, eliminate -- our hope is if we can be very creative and get a lot of help relocating people, maybe start eating into the second group that would be laid off September 1st, before that happens, so Denise, as far as the other jobs, I know of I think seven in the water bureau that we've identified. One in the fire bureau we've identified. And you may be aware of other bureaus.

**Kleim:** We've also been working with some of the other bureaus about moving programs from our bureau to other bureaus. There is some bumping involved. So at this point, we're really in the middle of exploring all of those options, so in terms -- I hate to hazard a guess on how many people will not actually go out the door. But we'll still have a significant number that will not have jobs at the end of this.

**Fish:** In addition to the human side, what will be the impact on services that you provide to the public with these kinds of reductions?

**Leonard:** Maybe I can take a stab at that. We've brought all the managers together immediately after we decided this, understanding if we provided services in the way the bureau is structured now, with that many layoffs, it would be impossible to perform the tasks. So the managers and I, at this point, led by Denise, are literally restructuring the bureau. Let me give you one example. For today, if you went in with an application for a building permit, the first stage would be to have your plans approved. Actually, that isn't even the first stage, but it's the beginning stages of getting a building permit is have the plans approved. It may be the person that approves the plans may be the one that actually inspects the structure to make sure it was built according to the plans. We're talking to the fire bureau about hazards and nuisances that are normally pursued by the neighborhood inspection team, commonly thought of as housing inspectors. There won't be as many. So asking the fire bureau to consider having their fire inspectors target what would otherwise be hazardous conditions that normally b.e.s. Would pursue. Denise, do you have other examples?

**Kleim:** We're looking at how technology can assist us. There's been a number of projects in the pipeline and we're looking at all of our technology projects to reorganize and resort them priority Wyoming to make sure it's service -- priority wise to make sure it's service oriented. And there will be changes there also.

**Leonard:** But it will be a dramatic organization of the bureau and any of that -- in any event.

**Adams:** Additional council discussion? Commissioner Fritz.

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**Fritz:** This is sad. I know you care about your employees as do we all, and it's evident that the economy has not recovered and we may all be facing tougher times and I respect the fact that you're doing whatever you can to minimize the impact to individual people. We're talking about people. And I appreciate the amendment. I have a question about the part b of the exception to the human resources administrative rules, this is intended to apply to all employees who take furloughs or just in development services?

**Kanwit:** This just applies to the development services right now, we -- what we have is part of our employee transition plan is a mechanism for employees to take voluntary furlough, we have not implemented that, this is just for development services.

**Fritz:** Thank you. I think this does make sense, if employees are take either voluntary or mandatory, allowing it to tack on to a holiday is a good suggestion. I also would like to see an amendment that says that employees can accumulate paid vacation days over their allocation at this time of crisis. If you're taking two weeks unpaid furlough, it may be difficult to maintain services to citizens provided by the staff if you're then also having to take your regular vacation to avoid hitting up into the cap we have. So i'd like to make that suggestion and indeed for employees citywide.

**Kanwit:** Just make sure I understand the amendment, commissioner. This would be right now under the current city administrative rules with the exception of bureau directors and a few other classifications. Employees may not carryover more than two years' worth of their vacation accrual. Again, whatever that amount is is based on the years of service with the city. If i'm understanding you, what you're suggesting by this amendment that the increase --

**Fritz:** Not part of this memo. Just recognizing that we the number of employees go down, it's important to have the employees doing the job.

**Kanwit:** Council has tone that on an exception basis. The employees assigned to the enterprise [inaudible] project unable to take time off. We've come to council to increase -- well, for a certain period of time, the amount of vacation they can carry over. It does have a corresponding cost impact that needs to be carefully looked at as well. Particularly as you look at senior employees in the city. At the time they leave the city, either by retirement or resignation, the bureau is required to pay off the entire amount of that accrued unused vacation and it can be very significant. We're looking at retirements where blows are getting, for example, 35,000 to \$50,000 in vacation payouts.

**Leonard:** I appreciate the suggestion but this is a delicate -- I would like to look at adverse impact. Probably something we should look at.

**Adams:** Additional council discussion? All right. Thank you. Anyone here who wishes to testify on this matter. Karla, please call the roll.

**\*\*\*\*\*:** You need to move the amendment.

**Leonard:** So moved.

**Fish:** Second.

**Adams:** Moved and seconded. All those in favor -- Karla, please call the roll on the amendment.

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

**Adams:** Aye. Would you please call the roll on the item.

**Fish:** You know, it's times like this when we realize there's a family here at city hall of extraordinarily dedicated people that provide exemplary service to the city and whether they work in this bureau or randy's we're served by the thousands of people who have chosen public service and just come out of a budget cycle where a number of bureaus took cuts and it was -- it was extremely difficult in my bureau, the parks bureau, to have to notify people they were being laid off. And that is a situation that has spilled over into other bureaus and circumstances. Obviously, if the new housing bureau and the parks bureau can be part of the coordinated effort to help save jobs, typically for people who have the skills that are transferable, we want to sign up again to be part of

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that process, I think we all hope this economy turns around, but the most conspicuous feature about this current decline is the scarcity of cranes in the skyline and a number of years ago, there was the county index, a proxy for how is our economy doing. There was a crane on almost every corner of our city and now there's precious few and earlier we talked about the tax abatements for our city I would argue that there's never been a better time to create incentives for people to build, because there's too many people out of work and too few construction projects and as a result, having a tremendous impact on the bureau of development services. So this is an unhappy moment, but I will complement the bureau and its commissioner in charge for the creative solution how we weather this storm and hope it turns around soon. Aye.

**Saltzman:** Aye.

**Leonard:** Well, this has been on a number of levels, very troubling, not the least of which is that we have really redefined the bureau of development services and how it does its work in the last nearly seven years. And I can tell you, as I told the managers and employee groups I spoke with, what's most troubling is we're hitting on all cylinders. The public feedback I get from the bureau of development services, service to the community, whether they be single family homeowners who want to get a remodeling permit or large developers who are frequent customers, is that they've never experienced a more proactive building agency that gives them permits, that people are solution-oriented, thoughtful, they care, and that didn't come easily. That has been a really tough road to hoe to get there. So I created the customer services section of the bureau of development services and by this action today, doesn't state it overtly, we're eliminated that section. And it's -- it's very troubling. So although we're reorganizing the bureau, it will only be until we recover because we've been organized and extremely efficient profession way up to when this hit. But I would be row miss if I didn't point out -- remiss if I didn't point out i'm proud to say a management team that includes denise kleim that's among the best i've worked with and i've worked with good managers at the fire bureau, in years past and I would set this group of folks up against anybody. And they are going to be working harder and more diligently and -- than ever and they work pretty hard right now. So I appreciate all that you do, denise, and all the various folks that have been working with us on trying to solve this in the most humane way possible. It's been the light in really a dark room. So thank you. Aye.

**Fritz:** This is a very difficult situation for the employees in the bureau of development services, and I know that commissioner Leonard has tried the best he could to keep people employed in a bureau that reflects the reality of this economy. And i'm sad so many jobs are being lost and that we didn't know about the situation earlier in the budget process. This ordinance provides some relief for some employees whose jobs would have been lost. It's one-time money. Savings from furlough days do not carry over. So we'll be in continued trouble in the 2011 year and we hope the economy picks up. I will be interested to see if the unions choose to join the strategy to save jobs. And I vote aye.

**Adams:** I know commissioner Leonard and his team work as hard as anyone could possibly hope for to save these jobs. My concern and heart-felt compassion go out to the employees that are going to be affected. I'm pleased to vote for this in the sense it will provide as much transition resources and maximize our efforts to find other jobs for the people whose positions are affected. Aye. [gavel pounded] we're going to take a 15-minute break. I see from the agenda we're going to be here on through 2:00. Lost half the council. We'll be back at 1:00. Grab something to eat. (recess)

At 12:47 p.m., Council recessed.

At 1:10 p.m., Council reconvened.

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**Adams:** And just as with our structural improvements on housing, housing issues will go through the commissioner in charge of housing, wellness and healthcare issues from here on out will flow through commissioner Fritz's office, who I've assigned health and welfare, by extension, so in the future, if I have to sign off on it maybe by the charter, but we'll work harder to make sure it goes through your office for approval first. With that --

**Cathy Bless, Bureau of Human Resources:** Good afternoon, mayor Adams and commissioners. My name is Cathy Bless, and today I'll provide some background related to the benefit program, sharing some successes we've had in the last few years and with our self-insured medical plan costs. The ordinance for council action today seeks your approval of five-year contract was established vendors in support of the city's healthcare plan and as well as the flex and account plans to participants. The contract process began last December when we sought council approval for extension on existing contracts to maintain employee benefit levels during the S.A.P. transition. This is the second phase in that process and having updated contracts is essential both to the programs and the requirements of the S.A.P. system. As we are all aware, benefit costs are significant and included within the city annual budget and five year forecast. Funding are collected in three ways. We collect through contributions from each bureau on behalf of its employees. We collect employee premium share which was initiated 2004-05 and from the COBRA retirees. The city made a commitment supported by many unions to reduce medical cost trends increases by 2010. Wellness and preventive care were initiated at the same time. Medical trend indicates the effects of medical price inflation, utilization, advances in technology, and planned design changes to the self-insured medical plan. What we can influence is changes in plan design and in so doing, change utilization patterns. As shown above in the chart or in front of you, we have made significant progress in lowering the medical trend rate down from 14.95% in 2005 to what will be our plan year, beginning July 1st, 2009 at 6.83%.

**Leonard:** That's the rate?

**Bless:** No, that's the medical cost trend. That's an inflationary component we base our rates on. We'll talk a bit about how that's realized in our plan costs in just a moment. We continue to work on this emphasis with the preventive care and other wellness activities. Reducing the medical trend is critical to holding down the cost for the city active employees current and future eligible retirees and factors that attributed both to the city's decrease in the medical trend would be a decrease in our large claims. An increase in generic drug use, and an increased awareness of chronic disease management. The graphs also shown illustrate the monthly plan costs since 2004-05, for a family enrolled in the city's self-insured plan, city core and then the insured plan, Kaiser. Lowering our medical plan trend has made a significant difference in the year-to-year increases in the cost, the medical -- the city core plan has realized. So in the chart, you will see that since 2007-08, we've had very low plan increases for our members on our self-insured plan. 4% in 2007-08. 3% in '08-09 and then again 3% in the plan years that effective July 1st. Kaiser has moved also to a more experience related pricing model. Instead of its previous community rating system. And we had a very favorable increase from Kaiser this year too, of 4%. In comparison to other public entities, the city of Portland rates are favorable. The employee -- the e.e. Designation in the chart in front of you indicates the cost of single conference for an employee. The family rates are also shown directly below it. And the columns shown across indicate the total cost of the plan, the employer contribution, the city's contributions toward those costs, and then the employee's share. And again, by jurisdiction, we look pretty well in our single rate and we look very favorable in our family costs. This also -- this chart also depicts it in a different way. We are -- this is a family rate only, but certainly is a very favorable depiction of our costs. The city's employee premium share contribution is shown to be in the mid range in comparison to other public entities and this chart really depicts the total plan cost and the employer contribution as well as the employee's share in

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the yellow. There's still two local jurisdictions that don't have employee premium share so those -- that's the reason why those bars are even.

**Saltzman:** What is p.e.b.

**Bless:** That's the Portland employee's benefit board. State employees. We will continue to promote healthy lifestyles, look for ways to lower medical trend further and promote preventive care and screenings for all participants. I would like you to consider the adoption of this ordinance providing five-year contracts to the city's benefit plan and do you have any additional questions?

**Adams:** When you gave me the individual briefing, it's coming back to me now. I was impressed with the progress that we have made in terms of trying to reduce the escalation of increase on the costs of our healthcare plans and I thought it would be an useful time as the s.a.p. System requires us to put contracts into the system, an useful time to just check in on that and we've got a lot more work to do, which I look forward to hearing in the months ahead from commissioner Fritz but we've had success and I figured it was good to sort of air it out.

\*\*\*\*\*: [inaudible]

**Adams:** And she actually is trained in healthcare.

**Fritz:** How many of you used your 15 minutes to run around the park blocks?

**Leonard:** Not me. I used it to get food. [laughter]

\*\*\*\*\*: [inaudible]

**Fritz:** That counts too. Technically.

**Fish:** [inaudible] [laughter] off the chart you showed of the comparative costs, our sister jurisdictions --

\*\*\*\*\*: Uh-huh.

**Fish:** And I -- you know, I know there's been for some time a sort of a conversation at a and tract level about what would happen in the city of Portland, metro and the county and all of these governmental parties came together and created a powerhouse of demand? Is that something down the road we're going to take a look at to see whether our collect I have buying power can bring down some costs?

**Bless:** Well, it's an interesting question. I'm going to let yvonne answer that.

**Fish:** I didn't mean it to be a trick question.

**Saltzman:** Do you want me to give the unvarnished assessment?

\*\*\*\*\*: Ok.

**Saltzman:** As long as i've been here, I think someone on council, including myself has asked that question and what I come to realize, what I think stands in the way, it's probably a compelling idea but my impression is the bargaining units have a certain amount of authority that accrues to them by having some say over their health plans and that's my assessment --

**Adams:** That's changing though.

**Yvonne Deckard, Director, Bureau of Human Resources:** Well, the challenge is -- commissioner Saltzman is right. The challenge is getting all of the bureau -- afscome is hitting up to look at those things. And we don't know in the end what agreement.

**Adams:** At least along the afscome bargaining units which are substantial in the city of Portland and metro, there's substantial opportunity. Washington county is mostly aesu.

**Deckard:** It's harder to Washington county. The other issue, as kathy told you, we've made tremendous gains in reducing our trends and made tremendous gains in promoting health and education to reduce those -- our trend costs. And so we don't want to -- we would be very careful and cautious about whether or not we'd be accumulating what type of adverse impact, depending on the ute las vegas and the age and condition of the various workforces.

**Fish:** Building on what the mayor said, last spring when I was a candidate and had a chance to talk to I think about every labor organization that has a public or private role in our community, the one thing I got the sense, they were pretty united on was this notion of creating some powerhouse and



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using the bargaining power -- the buying power of a larger entity. Maybe not realistic in the short term --

**Deckard:** It would be, but we have to figure out what that break point is. We've actually -- let's say, for example, our prescription drugs, the way we do it, we're in a very large pool and if you combine the state and county with the city, we don't get a price break because we're already in a very large pool.

**Adams:** Are we in the national league of cities pool? Or what are we in?

**Bless:** We have the prescription drug coverage through care mark. We have an individual agreement.

**Deckard:** But those are things we're continuing to look at and continuing to look at -- you know, toward other jurisdictions and there'll be an opportunity, something we'll look at and do assessment on as we move toward bargaining so we'll be able to give you recommendations on what we think we should be doing there.

**Adams:** For the first time, we're a pool because the bargaining is all happening at a similar time. Afscome has shown a real interest among its bargaining units. Ironically, we've seen a lot of improvement that's different than the trends in some of the others we might partner with, and so on pieces we might be able to show some pieces -- some improvement in and other areas we might not. It's a real live opportunity in front of us for the first time.

**Deckard:** Sure.

**Fritz:** If I might speak to that point. The other exciting thing that's happening is the legislature where the Oregon health board is being created and in July, we'll be inviting representative Nolan and Greenlick to come and talk about how that provides healthcare for Multnomah county children and -- the potential for looking statewide pooling of resources and making sure we're getting value for money. I want to emphasize, the city's trends are going up and it's a lot less than statewide, the trends in increase in health insurance and not only -- I've been going to the monthly benefit committee meetings and it's the employees helping to manage their benefits and being cost effective, it's a good model for making sure we get value for money and there was one -- one of the first meetings, discussing prescription drug coverage and which vendor, and I'm thinking, I'm going to have to restrain myself, as a registered nurse for 27 years, I'm going to let everybody have their say before I leap in. And I was very, very impressed with the thoroughness of the discussion. I ended up having nothing to say because everything had been delved into in the different options and it's a really good process. I'm excited with working with not only the benefits committee but the wellness committee. And we have decided we're going to meet monthly instead of quarterly and greatly enhancing and including employees in figuring out what are the most cost-effective and desired benefits that increase wellness. Part of the reason that our health costs are down, because we're putting focus on exercise care and other things that reduce the need for services and I'm excited about that process and being involved in it and I thank Mayor Adams for assigning that to me.

**Adams:** Any further discussion? Anyone wishes to testify only the emergency ordinance 898? Karla, call the roll on 897.

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

**Fritz:** I just want to also note we are continuing to work to achieve better communication between the labor management benefit committee, the labor staff and wellness committee and we'll have a work session on this topic to keep you informed on the decisions and thank Kathy for keeping me informed and Nicole has done a great job of making herself available and traveling out to bureaus and these programs decrease the city's healthcare costs and I thank the benefits and wellness staff and all the liaisons in keeping their employees and families healthy. Aye.

**Adams:** Great job, team. Thank you. Aye. [gavel pounded] please call the roll for emergency ordinance 898.

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**Item 898.**

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

**Fritz:** And we will continue to work to decrease the costs. Aye.

**Adams:** Aye. [gavel pounded] 898 is approved. Can you please read the title for purchasing report council item 899.

**Item 899.**

**Adams:** The good news is this came in 29% below the engineer's estimate. The bad news from my perspective is that the mwesb participation is miserable.

**Jeff Baer, Director, Bureau of Purchases:** I'm jeff baer with the bureau of purchases. We defer to the federal d.b.e., the disadvantaged business program. And odot established a 2% -- the low bid from the Oregon state bridge contractor located out of state in Oregon, in their bid response achieved that goal and actually went above it to a 2.42% d.b.e. Participation and the division of work they're going to be working in are electrical, landscaping and flagging.

**Adams:** Could odot raise that?

**Baer:** It's up to them to determine what the goal is.

**Adams:** But it has to be based on the availability.

**Baer:** Type of work.

**Adams:** Other council discussion? Anyone here who wishes to testify on council calendar 899 purchasing report. Do I hear a motion to approve the report.

**Leonard:** Move.

**Fish:** Second.

**Adams:** Moved and seconded to approve the report. Can you call the roll.

**Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Reluctantly aye. 899 is approved. [gavel pounded] can you read the title for council calendar no. 900.

**Item 900.**

**Adams:** Mr. Baer.

**Baer:** We're here to enter into a contract for the global diving and salvage in and there's zero percent -- there was only two divisions of work that we identified as mwesb subcontracting, one in concrete work and one in crane services. There's only one woman-owned business in crane services. The contractor contacted that firm and decided not to use them. The other -- there were five mwesb in concrete and didn't get any bids from any of those five, mostly because the difficulty and complexity of the work they're doing and requiring vertical experience on the surface of the dam. And mayor ann is here from the water bureau in case there's specific questions.

**Saltzman:** If you could follow up. You said there was a woman-owned crane company and the contractor decided not to use them?

**Baer:** Correct, they actually received a lower bid from a different crane operator and mostly because of the costs -- increased costs involved. They're doing in-water work with diving and construction.

**Adams:** Other council discussion? Anyone here wish to testify on council calendar no. 900, purchasing report? Karla, please call the roll.

**Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. [gavel pounded] council calendar item 900 is approved. Unless objection i'd like to move 901 to be the last item we consider this afternoon, after consideration of council calendar item 908. Hearing no objection. So moved. Can you read the title for council calendar item 902.

**Item 902.**

**Mark Warrington, Portland Parks and Recreation:** Good afternoon, mayor, commissioners. I'm mark warring ton from Portland parks and recreation. In the ordinance before you is to fund an i.g.a. With Multnomah county animal services for one f.t.e. Animal control officer to enforce animal rules laws in parks. Park visitors, education and rules enforcement have always been a key

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element in the dogs in parks program. Multnomah county animal control officers work with park neighbors and other park staff to educate park users. They bring the ability to write citations when necessary. And can help us deal with other situations such as dog bite incidents and dangerous animals and other things where we need fully qualified and equipped animal control officers. This has proven to be successful since 2003 and we need to continue it in order to keep the parks clean and safe for everyone. Happy to answer questions you have.

**Adams:** And I want to thank you for sitting through the council session thus far. Any council discussion? Anyone wish to testify.

**Fritz:** We have just the one enforcement officer for the whole city?

**Warrington:** Yeah, the parks staff goes for the voluntary compliance. Folks that need a little higher level of customer service that would understand a ticket better, we have that provision through this program.

**Saltzman:** Higher level --

**Fritz:** So in other words, the rangers and the parks employees would page the person?

**Warrington:** They work closely together.

**Fritz:** Thank you very much.

**Adams:** No one wishes to testify. 902 moves to second reading next week. Can you please read the --

**Fish:** Thank you, mark.

**Adams:** -- it's a second reading on council calendar item 903.

**Item 903.**

**Adams:** Please call the roll.

**Fish:** Last week when we heard the staff presentation on this contract amount, each of my colleagues raised I thought very probing questions about the purchasing process in general, and whether the 25% threshold which triggers council review of any contract amendment provides an adequate check on contract increases of mayor Adams, I believe I heard you suggest last week that the bureau of purchases might consider doing a work session in the fall to take a closer look at the city's contracting rules generally, and I would certainly welcome that opportunity. I think commissioner Fritz also expressed an interest. I think that would be welcome. I think that also when you look at this particular situation and we recognize that some of the increases over a multiyear period were driven by a construction contract managed by p.d.c., I think it might be fruitful to include in our work session, people from p.d.c. So we can do it on a joint basis. In any event, i've asked both parks and p.d.c. To debrief both contracts and to look for lessons learned and provide some feedback for me going forward. I want to assure my colleagues on the part that's currently being developed in south waterfront, carruthers park. I have previously and will renew a commitment that we'll come in at or below budget on that park and we have a sufficient protocols in place to make sure that we're using taxpayer monies wisely. I want to thank again doug macy and walker macy for their excellent work on the project. My colleagues for their constructive feedback on this process. The finished project is magnificent and i'm pleased to vote aye.

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

**Fritz:** Thank you, commissioner Fish, that was a great summary and I agree with everything. Aye.

**Adams:** Aye. [gavel pounded] 904 -- i'm sorry, 903 is approved. Can you please read the title for emergency ordinance council calendar item 904.

**Item 904.**

**Adams:** Do we need to -- this is --

**Saltzman:** This is first reading.

**Adams:** It says emergency, right. Thank you, mr. Mayor. This ordinance authorizes the city --

\*\*\*\*\*: Suspended in time there for a minute.

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**Leonard:** It was a montana pause. I was waiting three seconds.

**Adams:** [inaudible] [laughter]

**Fish:** Randy, make a note of that. That's a slight variation on what we've come to expect and we shouldn't jump to any conclusions.

**Adams:** Commissioner Saltzman.

**Saltzman:** This ordinance authorizes the city to purchase three tax lot in the johnson creek floodplain as part of the environmental services willing seller program. The purpose of this program is to help property owners who've been adversely affected by flooding to move out of harm's way and also to reduce damage from flooding. The city's cost for the purchases, closing and reviewing structures and utilities is \$860,000 and is budgeted. I urge approval.

**Adams:** Any discussion from council? Anybody wishes to testify on council 904? Karla, please call the roll.

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

**Adams:** Making progress. Good work. Aye. [gavel pounded] 094 is approved. Can you please read the title for council calendar 905.

**Item 905.**

**Saltzman:** Want to explain this?

**Adams:** Mr. Applegate, welcome.

**Rick Applegate, Bureau of Environmental Services:** Good afternoon. Mayor Adams and members of the city council. One of the real highlights of the superfund has been our --

**Adams:** What's your name.

**Applegate:** I'm sorry, has been our reinvigorated working relationship with tribal governments that have become even more interested in the health of the lower willamette since the listing as a federal superfund site and we've been working with six tribal governments in a -- for a number of years and have had the able assistance of Portland's state university institute for tribal government and working with congresswoman elizabeth furst and this ordinance proposes the extension of that working arrangement at the level of \$30,000 or up to \$40,000 in the next few years and one thing i'd like to be clear about and -- in the future of this contract work, we see some real opportunities to work with the new office of healthy and working rivers. The tribal governments are primarily interested in the superfund for now, but time after time, they say they're interested in green development opportunities having discuss window the bureau, some of the innovative stormwater management programs we have underway now.

**Adams:** That's great.

**Applegate:** It's going very well.

**Adams:** Any questions?

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

**Moore-Love:** This is a non-emergency.

**Leonard:** Passes to a second reading. Read item 906.

**Item 906.**

**Leonard:** Commissioner Fritz.

**Fritz:** Thank you. This resolution recognizes the unprecedented economic challenges we're facing in our country, state and city and calls for freezing merit pay for non-represented employees for the year started -- set aside in special funds in each bureau. If it's -- it saves \$2.7 million to reduce layoffs in non-represented jobs either in this -- in the 2009 or '10 fiscal years. If the economy recovers by the end of the 2009-10 cycle and cuts are proposed in the 2010-11 budget, then they would be eligible for merit increases in june 2010 retroactive to the financial year '09-10. And the global financial crisis is not over. I believe we must prepare for tougher times in the next year, even while hoping for the best. We have currently about 1,475 non-prepared. Of those 977, or approximately 66% would be eligible for merit raise increases in the financial year '09-10. 810

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employees are approximately 5% of the non-represented employees would be eligible for 4.1% pay increases from financial year 2009-10. Based on the analysis, put ago side this merit increase money which is budgeted in the 2009-10 budget would reserve \$2.7 million which I propose for saving the non-represented jobs. The employees would be getting the benefits either by getting the merit pay, if we don't need it or by saving the non-represented jobs. I realize it creates a disparity -- as a 23 year union member, I continue to pay dues to the nursing association and I understand I must honor union contracts and the unions will make their own choices on how they want to manage this crisis and I encourage them to talk with their stewards if they're interested in participating in this strategy. I base part of the way i've set it up on Multnomah county, where afsome stood up and said they wanted to freeze their pay. And the jobs were saved in those categories. Another union decided not to join the strategy and suffered more cuts in this year's budget in Multnomah county. I was elected by the people to make prudent decisions. This resolution takes action on the part of the city budget where we as a city council have responsibility outside of union contracts. Many have been laid off. This morning, we heard about folks in parks and development services. I believe the ongoing financial crisis demands prudent choices in order to avoid more layoffs in 2010-11. We need to continue considering a wide range of cost-cuts measures so i'm presenting this one for discussion.

**Fish:** Mayor, I have a motion i'd like to make. To postpone the resolution indefinitely. It would require a second and is debatable.

**Leonard:** Second.

**Adams:** It's moved and seconded. Open to debate.

**Fish:** It's a motion to postpone indefinitely.

**Adams:** Sorry, a motion to postpone indefinitely.

**Fish:** You want to begin on complementing commissioner Fritz, which is like my mother is a registered nurse, for bringing this resolution forward but I want to question respectfully, it's premature. I've not had a lot of time to review it and it's not the fault of the proponent, but we've been busy is other things at council but i've received a briefing from the city's h.r. Team and scrambled to get as much information as I could. I want to summarize what for me are the concerns. I don't in any way question the intent of this, and I am second to no one on this panel in my desire to look for prudent cost savings. My parks bureau to be a 5% cut which has resulted in layoffs and I declined a cola. For me, why I think this is premature. The first is we just completed a comprehensive budget cycle for '09-10 and there was a lot of time, a lot of energy, multiple hearings and this issue was never placed before us during the normal budget process as something for us to actively consider. If we were to consider something like a fundamental change in our policies with respect to compensation, I would want to do it in the normal budget process. I would want to understand all of the ramifications and details and i'd want it to be applied as broadly as possible. So I guess you could say I have a timing and a procedural concern we're doing this outside of our normal budget. The second concern I have and you've alluded to it, it essentially says to less than 10% of our total workforce. 60% of the 20% of the nonrepresented people are covered by this resolution, that they should be treated differently than everybody else. 20% of our workforce is non-represented. This resolution would apply to only 60% of the 20. It's about 10%. And I think as a matter of basic fairness, when dealing with a policy -- policy questions like this, i'm uncomfortable targeting just a small subset of employees. Third, as a talked to our h.r. People about this, what i've come to appreciate, there's some unintended consequences. And one deals with the retention side of the ledger of people who have not hit the highest rung of the ladder who we would want to reward for exemplary service and at least have the discretion of giving them merit pay increase, as you know, there must be a determination of a compelling reason. But there's another category of people that I can't in my own mind square, which is someone hired a year ago today, and a year ago from july 1st, because the one would get the

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increase, would be eligible for the increase and the second would not. Fourth, i've asked -- i've asked for some clarity in the last 24 hours about the figure of \$2.7 million and what i've been told is that that number is very squishy and the proposed savings could be as little as half of that. In part, merit pay system is for the a entitlement and will not be processed by h.r. Unless accompanied by some recommendation. So it doesn't automatically kick in. Each of us as commissioners in charge have the discretion to decide whether merit pay is awarded within our bureaus. I believe the differential treatment of new hires and but i'm troubled by the differential treatment between represented and non-represented. I'm not sure it's needed. We get to make judgments within our bureaus and we have discretion as to how the merit pay procedure works. Finally, in talking to our h.r. Team about what lies ahead, I have been told that starting in september, october, which roughly corresponds, commissioner Fritz, to the date that you've laid out as the time you'd us to look more broadly as these policy, we'll be briefed on the question of our labor strategy and options on how we deal with any unforeseen further erosion of the economy. I would feel more comfortable as someone who shares your values and intention, but believes it's premature, I would feel more comfortable that have to available this was available in the early fall plus the chance to understand the consequences of changing any of our policies with respect to compensation and the chance to talk to our labor partners about shared sacrifice between represented and non-represented. For those reign reasons, I believe it's premature and made the motion to postpone indefinitely.

**Fritz:** As I know, I started circulating this several weeks ago and I understand you were busy with other things. I modified it with respect to the feedback I received. I had raised it during the budget process. And then we came in and as you remember, as of the end of april, we were looking at a \$8 million hole in our budget, and even after the cuts and that we at that point, were not expecting to get the \$12 million in one-time money. As late at april it was still in play and because we had the one-time money it seemed that the appreciate was offer. But it isn't off. We heard this morning about a hundred or more development staff being laid off. Which is indicative that the economy is not recovering as fast as it could be and we need to plan for tight times next year. Yes, I respect it doesn't apply to everyone and my motion -- resolution recognized that and offers other employees the option of taking the voluntary furlough days. It does apply to the people who are non-represented and who are not covered by a binding union contract. I'm not going to tell the -- I didn't feel it appropriate to make this contingent on other employees doing the same thing, just as commissioner Leonard this morning did his motion on the non-represented employees hoping to see union employees will want the same strategy but not waiting for that, because the needs are now. And in terms of consequences with retention, times are really tough and we had 107 applicants for the river's manager job. I had 300 applicants for a job in my office in january, it's just for one year and there's a lot of benefits as we heard with the city's healthcare policy. Benefits to be a city employee that are above and beyond compensation. You mentioned the -- by a h.r.'s recommendation, it starts july 1 and july 30 -- june 30th of next year, it catches everyone's anniversary date once. Wherever you start the cutoff date, somebody is always going to be the day before and the day after. The human resources was to do this by the fiscal. I can't answer about the number being squishy. That's the number that was given to me. We don't know that's the amount. I'm not promising that. Put it in a line item in each bureau's budget, so if there's cuts needed in the next year, that we've got ongoing money to take care of those employees and continue to employ them. I -- i'm troubled by your mention of the discretion by each commissioner that we can give or not give raises within our bureaus. That's one the reasons i'm proposing this. I don't think it should be based on the allocation that the mayor made as to which commissioners get merit raises and which don't. We should have a policy which designates how sacrifice is made by a group of employees benefit that group of employees. I disagree it's not needed. I think it's highly needed and we should be planning now for savings. If we don't need them, it goes back to the employees and they have -- the loss of that income for a year, a maximum of a year, but eventually go back to

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help those particular employees or to save those particular employees in the next budget year. And as far as waiting for the september-october labor strategy, each group has to be allowed -- has to -- is an entity within itself and it's unfortunate that the non-represented employees don't have a structure that they can talk to me about this proposal. It was generated -- in some measure, the non-represented employees of the office of neighborhood involvement voluntarily suggested a 10% cut in their salaries in the 5% for the o.n.i. Budget in order to be able to save the jobs of their colleagues and he after we gave the cola grease, which I supported doing the cost of living adjustment, I see that as keeping pace with inflation. We all got many emails from citizens saying how can we justify that. I can justify that. I can't justify giving the most lowly paid city employee a 4.1% raise in this employee. I think we should look at other strategies. Mother paid vacations days which would be cost neutral to the city, I asked in my memo I sent to every city employee for suggestions and that was one that came in. To give extra paid vacation days to the younger employees or the newer employees. But I have one of my bureau directors who tells me that bureau director is not yet maxed out in -- maxed out in the salary range because it keeps moving up. I'm proposing it for many of the reasons you're suggesting we should postpone it. For equity and make sure we're making the decision in a prudent manner as possible.

**Saltzman:** I with like to speak in support of the residence. It's tough times and tough to do something like take away merit raises for a year. But I think as commissioner Fritz pointed out, we did finally vote to give all of our employees a 2.8% cost of living adjustment, and we all got a lot of flak on that, and I think the idea that some employees will be getting 6% or 7% increases in their salary, counting the cola and merit raises is something that the public can't countenance right now. It creates a bitter division and we can always talk about tackling these issues in the future, but I do agree these times are upon us now and I am not encouraged what our forecasts are going to look like next year in terms of revenues and I think the unemployment rate I don't think is going to look better than it does now and I think we need to take these actions this fiscal year. And if we have these discussions with our bargaining units one of the first things that comes up, it's the chicken and egg. What are the managers doing? Where's their sacrifice. So let's get the sacrifice going right now. For the managers, that will have a better position to have those discussions with our collective bargaining units as we set the stage for what looks to be an equally dire next fiscal year. So I appreciate commander -- commissioner Fritz for bringing this up. I do support it and I do thing it's a wise investment at this time.

**Adams:** Commissioner Leonard.

**Leonard:** Thank you. There -- there -- commissioner Saltzman's reference to these as managers, I think part of the problem in this debate. This -- I work closely with my bureaus. I've been accused of micromanaging my bureaus. That means i'm -- my bureaus. Maybe i'm more familiar than I should be, but I don't think so with how my bureaus function. These are not managers. The fire bureau, the deputy chief, the division chiefs are all at the top of their range. This does not impact them. It does impact the clerical staff who work below them. Cindy, who an until of you know, this impacts her. She's a manager, but according to her, she manages woman beneath her that are non-rep administrative staff. And as i've done my -- administrative staff. As i've done my research, the administrative staff that are affected by this or by and large women. Some of them single, some married, many of them single parents. Those classifications are not managers. They're non-represented. Home security specialist is a non-rep position affected by this. Record center assistant. Children's fund commissioners support specialist. Legal assistant. Clerk to the city council. Paralegals. Deputy city attorneys. Volunteer program coordinator. And i've talked to the staff at b.d.s. about this, because some of you today are referencing that as justification. Let me tell you their reaction. This adds insult to injury at that bureau. They are watching their colleagues walk out the door, i'm expecting more of non-reps than ever as you saw today. I asked them and they agreed to take two weeks without pay. I've told them that as opposed to working less, they'll

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probably work more than they have and -- and it -- it -- it hits me particularly bad because not represented folks are the most vulnerable employees we have in this city. Three or four courageous ones sent emails back to all of us pointing out the inequities being requested but the mass majority haven't communicated because of the nature of who they are. They're typically non-represented administrative folks who fear for their jobs. I have to tell you, I flirted with voting for this. I thought well, what better organizing tool than to take a whole. The petitioner: Of employees, the most of whom are women, and tell them they take a pay freeze while they're working for men who run the organization that don't. As a former union organizer, that struck me as a fabulous opportunity to good in and organize a bunch of people who I will tell you don't meet the criteria for being exempt employees. They're not managers and there's no legal reason they're not in a union other than they haven't been organized. This is unfair on a number of levels. I've talked with amanda about her goals and heard what she's said here today, and I don't think her intent was to cause the inequity this would inevitably cause. I do think it's appropriate not just because of bad economic times but it doesn't hurt to analyze our compensation system, who is impacted and the whole idea behind merit raises, which by the way, merit raises, I think we ought to change the name of. It's creating all by itself, I think, problems. Merit raises are nothing more than step increases and up to 1992, those not represented got the same that those are represented get by virtue of their service. After a year, the firefighter gets another increase and an annual increase until they top out at five years. That person is represented. The council in 1990 began a process that culminated in 1929 -- 1992. They started calling it merit pay and said when the annual raise comes up we've been automatically giving it to employee, let's sit down and use it as an opportunity to tell the employee how they're doing, do they need to improve. Encouragement or need to tell them they're doing a good job? And at that time, if they meet our criteria as a manager, they'll get the increase. When I came to council in 2002, i'll tell you there was there were a number. Bureaus using those annual opportunities to have violations that weren't taken advantage of and just automatically given the increase. I didn't think that appropriate and as a consequence, a year or two later, we adopted a policy that said if the bureaus do not submit an evaluation of each person that is a non-represented employee that qualifies for a merit increase, they don't get it. B.h.r. requires an evaluation of any employee before they grant the raise. I think it's important if we're going to do something like this, to understand the facts and take the time to understand who it impacts. Because i'm quite certain there's nothing on this -- nobody on this council who wants to create inequities in our workforce. We want our folks to be treated fair and I feel a special obligation and I always have, from the day I got here, to reach out more to the non-represented folks I work with than even the union folks. I feel like it's my responsibility to make sure that people under our -- our -- our bureaus are treated fairly. And my concern, commissioner Fritz, this fails that test.

**Fish:** We have a 2:00 time certain. I would respectfully call the question.

**Fritz:** May I respond to what commissioner Leonard said?

**Leonard:** I think she should be able to.

**Adams:** Commissioner Fish.

**Fritz:** Fritz.

**Adams:** Sorry, commissioner Fritz.

**Fritz:** I'm impressed with the work of city employees and learned a lot from them over the years and since i've been inside city hall for the last six months even more thrilled. And I recognize this is asking for more sacrifice of a particular group of public employees and many have family mens and friends who have lost jobs and may be struggling even more. I've heard from at least a couple employees in response to my direct email. I would say half were supportive and thanks for supporting this. The ones that were not supportive, I wrote back and explained what it is. And they said, oh, we didn't understand. This is designed to save non-represented jobs. And I can certainly make that decision for the employees within my bureau. I certainly don't want disrespect those



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employees, and I -- i'm not going to go there on the agenda issue. I believe that many people understand what dire straits we are in, and that we need to make economies now, just in case. And that's why I propose this.

**Adams:** The question has been called. Karla, please call the vote.

**Fish:** I'm going to support the motion to postpone. The reasons I previously stated. I think commissioner Fritz is well intentioned in bringing this forward but we just voted on a budget for the next fiscal year, which is balanced. This effort I think unfairly targets one in 10 employees of the city to establish potential savings against a potential further erosion of our budget. I think it has unintended consequences. I think something like this needs to be vetted and looked at systemwide, and i'm frankly concerned that it treats people differently for reasons that I can't fully explain. Commissioner Fritz has every right to bring this up, and I have joined with her in supporting a budget which resulted in some tough savings across bureaus and particularly Quite a lot of pain within my bureau of parks. I rejected a cola, and I am prepared to work earnestly across our represented and nonrepresented units this fall to find additional savings. But respectfully I don't think this is the right time or the right approach. So I vote aye on the motion.

**Saltzman:** I appreciate commissioner Fritz bringing this forward. I do think it is an appropriate cautionary step and proven step we should take. And I also think that we can talk about this in all the lofty terms or the gender-based terms we want, the bottom line is we're ok 7% pay raises for certain groups of employees, and I don't think that sets well to the public. I vote no against tabling it.

**Leonard:** I'm not sure I quite understand the characterization of administrative employees who happen to be mostly women as some lofty discussion. That hits me wrong. And it isn't a 7% raise, it's those who happen to be within the salary range and haven't topped out that it impacts. So it's a distinct group of people that aren't nonrepresented people. But let's acknowledge what is accurate. Commissioner Fritz is right, this is a crisis. We're in an economic crisis. It isn't inconsistent that this morning I proposed a resolution wherein I asked the managers along with myself at the bureau of development services to take a two-week unpaid furlough. With my position here. It's not inconsistent at all. I think it's very consistent. We're managing the crisis within that bureau as we are supposed to do. But there's a danger in crises, whether they're fires, e.s, economic crises, to actually react -- overreact to the extent you create more problems than you're solving. And, yes, the school district has problems, and yes Multnomah county has problems, and yes the state of Oregon has problems. And yes, the federal government has problems. But to use those problems to justify what we have to deal with here in the city of Portland is inappropriate. We are balancing our budget. We know what our resources are, and we're spending them prudently and we're taking actions as we did this morning to manage our resources within our means. To use that as a reason, the economic crisis, to unfairly impact a small group of employees is just patently unfair. And it is not something I can or ever will support. Aye.

**Fritz:** I proposed this and I still believe it's a benefit. It's proposed as a benefit to nonrepresented employees to take a little bit from -- or not give the raise so we could save those jobs. One of the reasons we had one-time money this year ask bureaus started cutting at mayor Adams's direction in January. So -- and people started getting laid off as commissioner Leonard Laid out this morning. And so it seems to me, yes, we've balanced the budget and we're pretty sure, o.m.f.'s own managers already know that the funding for next year in business income tax is likely to go down \$10 million. So it seems to me prudent to plan ahead and to put this money aside and if it's not needed, we can award it to eligible employees as it's their money. So i'm very disappointed to hear there isn't support on the council for looking ahead. No.

**Adams:** I want to thank commissioner Fritz for bringing this issue forward again. She did raise it in terms of an -- a potential impact of cost savings in the budget process. We -- the mayor's proposed budget -- and this is less a budget saving proposal than a position saving proposal. So

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let's be clear about that. The rhetoric -- the evaluation of our actions here turns into other types of rhetoric which can easily sort of distort the original intent. We in this budget, the cuts we had to make and in some cases we overcut to expand service offerings among -- to those that are feeling the hardship most, small businesses, our youth folks impact bid homelessness or lack of affordable housing. About 60%, just shy of 60% of our cuts were to administrative costs of the city, according to the bureau of financial planning. We're going to likely be looking at this for the next fiscal year. Because of the nature of the national recession. I hope not, but I think likely we will be. And I would like to take -- and the budget process -- the budget process and the mayor's office begins within the next 45 days. So I think -- and commissioner Fritz has made changes to her original resolution at my request, and I do appreciate those, and for the conversation, but as i've sat with this issue, I have become increasingly aware that because the city has a lot, a lot of administrative staff that are classified as nonrepresented, they're not managers, they're not making a lot of money, and as the commissioner in charge of transportation where we've been cutting for six years, not just this year, i'm mindful that we're asking the folks that are left to work harder and smarter and better and longer hours than ever before. So i'm going to support the measure to postpone, knowing that we will take this up as for consideration in putting together next year's budget, and my goal would be that these kinds of measures would apply to all employees -- employee groups within the city of Portland. So aye. [gavel pounded] motion is approved. That moves us to council calendar item -- the 2:00 certain. 907, which is a nonemergency ordinance. Can you please read the title for item 907.

**Item 907.**

**Adams:** Ok. This is an issue I worked on when I was a staffer to mayor Vera katz. This is another one of those frustrating issues that has had many twist and turns. For those of us who want to see more murals, more public arts and culture in this city, and who want to provide as many opportunities for muralist and artists to be able to do their work within the city, this has been a very frustrating issue that mayor katz worked on, mayor potter worked on, and i'm pleased as the arts commissioner and as the commissioner in charge of planning and sustainability, to help sort of bring it home in terms of the best possible -- providing the best possible solution we collectively have been able to come up with in the midst of a thick it of -- thicket of really difficult legal sort of constraints. I want to thank the regional arts and cultural council for their work in this process. You really picked up the ball and ran with it, and i'm very grateful for that. We -- I want to thank the muralist working group for your patience. I know you're not lawyers. And your patience in dealing with some of the legal issues has been amazing. So we -- we're going to hear some of the details of why we're proposing what we're proposing. This is a nonemergency, we'll take testimony, and move forward. Sir.

**Eric Engstrom, Bureau of Planning and Sustainability:** Thank you, mayor Adams, commissioners. Eric Engstrom, representing the bureau of planning and Sustainability. I'm very pleased to be bringing this legislation forward to create what I think is another pathway for artistic expression in the city. With me here is phil, who is going to give a presentation about the details. We also have in the room tracy reeves from the city attorney's office, who was involved in the details of this given the legal issues surrounding it. Douglas hardy from the bureau of development services also we appreciate their work on working out the logistics of how these things would be permitted and how that would be done, and b.d.s., and as you mentioned, there are folks from the -- from race and the muralists in the room, and we'll be speaking to them as well.

**Phil Nameny, Bureau of Planning and Sustainability:** Phil from bureau of planning and sustainability. Karla needed to go upstairs to get the packet of material for you. But I do have copies of the power point presentation if you guys would like copies. After the 4½-hour hearing last night and today, if you turned off the lights for a power point there might be a number of us who -- we're setting a new record for a 24-hour cycle. Unlike some zoning code legislation, we have a lot

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of pictures. I think Eric went ahead and went over some of the introductory stuff. We do have many other folks that were part of our stakeholder team that will be here and can answer questions if you have. Relative to their expertise. So I'm going to go ahead and go over one of the reasons why we're here. Some of you have been around long enough to know the long history that murals have had in Portland. I'm going to go over the key points and the historical moments to bring it into context. First I'd like to review how we used to regulate murals up until about 10 years ago. As you'll see, the 1998 date does have importance. I'm going to use an existing mural that has been around for a long time to help illustrate how murals have been treated over the years. Some of you may recognize this mural, it's near the corner of Division and 12th on a building just undergoing some remodeling. Prior to 1991 this mural would have been considered as painted wall decoration and exempted from the sign regulations. There wouldn't have been any permit required to put up the mural, and a mural such as this one could be put up without any city oversight at that time. During the time from 1991 to 1998, the zoning code was clarified to enlarge the definition of signs. Signs were -- the definition was extended to include text, logos, trademarks, or numbers, and murals basically were defined by the absence of those items. So without any of those features, a mural would have been still exempt to limitations of the sign code. In context to this particular mural, this actually probably would have been considered a sign between 1991-1998 because it had text in the body of the image. And that is something that's ironic and shows how things have shifted over time. However, if this mural did not have the corresponding text, would it have been considered a painted wall decoration and still exempt and unregulated. So you can probably gather from this that the city relied on a review of the content of the image, and it basically came back to bite the city later. While the city had that definition, there was a mural community that maybe didn't necessarily flourish, but did result in several murals created during that time. This one illustrates the commemoration of the 1948 Vanport flood. Unfortunately the freedom to do these murals was based on a zoning deed that was liberal. And this came to head in 1998. Over the years even back into the late '80s, a lot of the city distinguished between sign and painted wall decorations, a.k.a. Media, now owned by Clear Channel, had questioned the city's regulation and their distinction between images of murals and the images of signs. They claimed the existing was unconstitutional and content based. The courts agreed in 1998 and forced the city to address its unconstitutional sign code. The choice was to abandon the sign regulation or remove the distinction for murals and treat them as signs in the future. Reluctantly the city chose the second path in November of 1998, and so since then murals have been subject to the same size and placement restrictions as signs. Mural and other wall signs that existed at that time were considered nonconforming signs and grandfathered in. So going back to our banana mural, at the point after that decision was made, this was grandfathered in as a nonconforming sign, and any changes to it or increases in size would have been subject to sign permit requirements. One -- I want to give background on the legal basis for the lawsuit. Although the lawsuit at the time invoked the federal and the Oregon constitution, it's worthy to point out the Oregon constitution does have a stricter regulation over speech than the federal constitution. Although the federal constitution does allow some latitude in regulating commercial speech, there can be no distinction between the regulation of commercial and noncommercial speech per Oregon law. I'm going to show a couple of examples of attempts to do murals within the guidelines of the sign ordinance. This was an example off southeast Foster at a restaurant. Under the sign ordinance by right all they could do is that middle panel above. They had to apply for a land use review to ask for an adjustment to do the other two panels. Another example you might be familiar with is the Community Store. A mural was put up, but there was a complaint to the Bureau of Development Services and -- in researching the complaint they were -- they were required to ask them to reduce the size of the mural to fit within the sign regulations. As a result, the area that is behind sort of the yellow painted garage doors is still part of the mural, but has to be covered at this point because it does exceed the sign limitations. In 2005

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mayor katz at the end of the term, who had been involved in a lot of the litigation with this, worked with her staff to try to come up with a partial solution. Through this she worked with the regional arts and culture commission and the bureau of planning to come up with a program where murals could be included in the city's public art program. One of the features of this program is that if a mural was not actually placed on city-owned property, the city would get an easement so that they could have access to the wall. And from that it could be part of the public art collection. -- collection. I want to go over a couple of the features that have been part of the process. The process is a formal way for muralists to achieve city approval to paint a mural. This is something that hadn't been attainable since 1988. The program includes a funding allowance for the murals that's become part of the city's art collection. The murals are reviewed by the public arts commission, who judge it based upon artistic merit, feasibility, and other factors. The program has resulted in over 25 murals created since its implementation at the beginning of 2005, and i've been told there's several still in the pipeline that are probably going to get painted up this summer. I wanted to show a few images of some of the murals that have been able to get approved through this program. In the first ones was a mural done as part of the scrap store on north williams. In this case a blank wall along southeast hawthorne at the hawthorne auto clinic was turned into a mural sort of featuring the hawthorne area. This one is a little different in that it was a series of panels painted and hung on a building in north Portland at the albina press cafe. Other things this program has been used for is for partnering with other groups, in this case racc partnered with homeless youth to create a mural along a retaining wall. And the racc process has been able to get used for community murals. This one is one of the most recently completed murals, and actually commissioner Fritz and representative mayor Adams' office were there at the ribbon cutting. There's also been community murals approved through the racc Process in concordia, wilshire, and sunnyside neighborhoods. Overall the racc process has been a successful program. But it's also the only option for larger murals to be able to legally installed in the city. And because of its -- the way it's laid out, it does lead to some issues. Some are that the racc program is not a regulatory program. It's intent is to provide avenues for city investment and public art and its art collection. The program is not as effective when it's funding isn't required, and the formal racc review and hearing can discourage certain community-based projects. Also some of the standards -- the standards for this have yet to be developed to apply to areas of historic significance, though we're working on that currently. I want to just reiterate sort of the legal landscape we're working under before launching into the proposed mural program. 1998 the court did make it clear that the legal landscape is one where the city cannot regulate content, but the city can regulate the size of murals and signs. Recent court ruling from an appeal of the case provide the opportunity for the city to consider different way to regulate. This could be done based upon the media application and the materials. So, for example, the city could look at something that was painted on the wall by hand differently than something that is mass Produced, and glued on to the wall. In addition as part of this new regulating process could be created. This is what led us to begin considering a new program distinguishable from the other regulatory programs. Some of the things we were considering when we were developing this program, and there was several meetings over 2008 with different bureau staff, and artists, as well as the city attorney and members of racc. Some of the items we looked at was what type of application should we allow. Such as painting and tiling on the wall, versus other methods. It is important to note the mural program could be used to illustrate commercial activities we're looking at ways to potentially determine whether there's certain situations where that's ok or whether that should be further defined. And as a result, we've come up with some regulations, and restrictions in design overlay zone and other sensitive areas. Another item was whether we should control height. As I mentioned before, a lot of the community-based murals are often at a more pedestrian scale lower to the ground and not necessarily high up on a building. The thought was to encourage community-based murals, maybe we should have is a height limit. So balancing all that we've come

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up with a proposed mural process, and in that process we're creating a brand-new title, title iv, and that will be separate from the sign code. And that title will provide basic direction for drawn murals. This will compliment the existing race public art mural program. The code will be supplemented by administrative rules, which i'll describe further. And we are defining rules as hand produced works of art that are tiled or painted directly upon or fixed directly to a wall. And we understand that this may limit certain applications, but we wanted to take a conservative approach to begin with to determine its success.

**Fritz:** Is there any problem with using the term "work of art" in the definition? Doesn't that enter into the kiss correction or opinion?

**Nameny:** The definition that could then basically as long as it's hand applied, and -- or hand painted, that will be the determining aspect of it. So I don't know. That is something that we worked with our city attorney on quite a bit. And she seemed comfortable with using that term. I don't think it is going to lead to somebody on the permit counter deciding whether something is art or not.

**Adams:** Our city attorney is here. Do you want to answer that?

**Tracy Reeve, City Attorney's Office:** Tracy reeve from the city attorney's office. In terms of the definition, we are really going on objective criteria, and by saying an original work of art we're catching the original element, which is what we were just discussing that it has to be hand produced, or identifying the media that can be used. The intention is not -- I think the intention in using the term an original work of art is to define it as, this is what we want. But then the legally determining whether or not something meets that we're going to look at those objective elements of is it hand created and is it the directly put on to the wall using those media.

**Fritz:** So there could be hand produced painted majorly a big sign that would advertise a business that would count as a work of art?

**Reeve:** Yes.

**Fish:** Something you might create at home, what is not a work of art?

**Reeve:** I don't think the work of art piece of it is going to be the distinguishing characteristic.

**Nameny:** So if you owned a business you could go ahead and paint your own work of art on the side of the wall if you like.

**Adams:** A work of art is illustrative?

**Reeve:** Indicative of -- the originality element is something that we're going to be looking at, it is hand produced, is it an original, it is being originally created, is it not a mass produced vinyl being plastered on the wall. The work of art piece is not going to be a separate approval criteria on -- apart from those other criteria that we've discussed.

**Fritz:** There's a similar large hand painted sign that -- in another place in the City, then it's not an original piece of art?

**Reeve:** No. We're not using -- we've defined original work of art and the way that we've defined it in the code, the originality goes to the method of production at that site. We did actually look quite carefully at whether we could use originality, say, under the copyright law and draw that into the code, and because of how strictly the Oregon supreme court interprets their content, what content base to mean, which is more strictly than the u.s. supreme court interprets it, I frankly felt that was just skirt doing close to the content issue under the supreme court's most recent billboard case. And we determined we were not going to use originality in the sense of distinct from something else, that it's used under copyright law.

**Adams:** Thank you.

**Nameny:** Moving forward, just last the bit on this part. Basically the mural that is approved through this nondiscretionary process would be exempt from the sign and zoning codes. I'm going to try to run through relatively quickly the various mural code requirements and administrative rules. We did create some basic standards for the murals. Some of these include that the mural

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remain in place for five years. This is an -- to encourage permanent installation and discourage rotating advertising.

**Adams:** [inaudible]

**Nameny:** Correct. Also we have a limit that the mural be limited to 30 feet high or potentially could be lower in design overlay zones. This is to encourage murals to relate more to pedestrian and less long distance visibility. We have additional limitations that apply in sense of design areas.

We also have a requirement that the program only be allowed on what is known as noncontributing structures and historic conservation areas and prohibited on any historic or conservation landmarks.

This was something that actually was discussed quite a bit at planning commission and was a recommendation of the planning commission. I do want to note the staff originally had suggested that this not be used at all in the historic areas, but there was testimony of planning commission that it may be ok to be used on non-- but that is some place we may have testimony today on.

**Fritz:** What was the planning commission's reason for overruling the landmark commission on that recommendation?

**Nameny:** The testimony was -- their discussion and their decision was based upon testimony that generally noncontributing structures on their own don't necessarily contribute to the significance of the historic or conservation district. They don't necessarily have a value on their own. Some of the discussion that may occur is how those buildings relate to the overall district. But they were swayed by the argument that as a building on Its own, the idea is alphabet historic district, if there's a les schwab tire center built in 1975, that building of course was -- did not add anything to the historic nature of the historic district.

**Adams:** No offense to les schwab.

**Nameny:** Exactly. Any building built in 1975 is not going to be historic.

**Fish:** Could you explain why there could be no revenue extreme?

**Nameny:** Solely because it's not to keep the idea of if you hire a muralist to paint on your wall, you can obviously compensate them. Probation against the ongoing revenue that a building owner may receive from somebody paying that building owner to in essence advertise on the wall. So it's a way to sort of discourage billboard type advertising. Budweiser couldn't come in and say, i'll give I a thousand dollars a month if you let me paint a budweiser mural on the wall. Will it's something that has also been used at the state level. It was something that was also looked at at the state level in their new regulations for trying to distinguish between billboard offsite advertising and onsite advertising.

**Fish:** I want to paint a mural, but I also want to get some attention. I'm an up and coming artist. You could do lots of things with that particular space. So I throw a thousand bucks a year so I can have my artwork there and I hope to get a lot of attention. It has a picture of obama, it says "hope" and it's going to be broadcast all over the world. Why do we care about that?

**Nameny:** Are you saying a thousand bucks on an ongoing basis -- 401(k) maybe it's a thousand bucks a year because it's space that is maybe a lost opportunity or maybe i'm a -- maybe i'm an artist that's particularly entrepreneurial.

**Adams:** If I could take a crack at it, we are not allowed to regulate content. So if somebody was paid -- the muralist was paid to paint an original mural, that was commercial in nature, that would be allowed as long as the building owner didn't get monthly or regular revenue stream from having that advertisement on the side of their property. So it's a noncontent way -- it's a noncontent tool for the city to legally have some shape to wear murals -- what murals are as we define them. And where they might go or stay.

**Leonard:** But if nick Fish wanted to put an original mural on the side of a building that said "nick Fish for city council" and he's willing to pay somebody to do that, but the owner of the building said "i won't let do you that because the state won't allow me to do and it get money, and I don't want

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your name on the side my building unless I get a lot of money," and -- can nick argue that his freedom of expression has been limited by the state?

**Reeve:** There's certainly always a potential argument --

**Leonard:** Can I find euthanasia thought? The reason I ask that is Tracy, you may be aware that that very issue, the donations to candidates and whatnot have been defined by the supreme court in Oregon as freedom of acts presentation, and limiting that is a violation of our -- what we -- you've acknowledged is the broadest -- you said the supreme court was broader than the U.S. Supreme court -- the constitution of the state of Oregon first amendment freedom of speech provision broader than the U.S. constitution. So is there some chance that provision could be somehow caught up in that restriction?

**Reeve:** You know, this is a difficult area of law, both under Oregon law and under federal law in the amount of time that I've been working on these issues, which I think is about as long as Mayor Adams. There's been a lot of litigation on both the federal front and the state front. So I'm not going to tell you that any regulation in this area is free from legal risk, and this one isn't. We have tried to design it to the best extent possible to meet the dictates of the federal constitution. I think that certainly is an argument that could be made, but because it --

**Leonard:** Why do we care? What is the purpose for that limitation on a property?

**Reeve:** There's two purposes. One is frankly to attend to filter out rotating paid commercial advertising. The state is using this distinction. After the on-premise, off-premise distinction of billboards was declared constitutional, which is what the state used to regulate billboards. They've gone to this same criteria on where they say if you don't pay for the display of the billboards, which means it's basically an on-premise billboard, you don't need a permit. If you do pay, do you need a permit. So the purpose is, one, to try to filter out some of that rotating type, the more frequently changing images of whatever product you can think of. The other purpose is that there was testimony at the last go-round of the trial, and the muralists can speak to this more, but that if the larger walls become a commodity that's paid for, the muralist will be priced out of the market, because the commercial advertisers will buy all of the useful art space that would be desirable for murals, and the muralists can't afford to do that at the rate that the commercial advertisers could. So the secondary purpose of it is to try to have a playing field where muralists aren't priced out of the market of our scheme to allow murals.

**Fish:** From my point of view, I now get it. I understand the argument. And I understand how you're trying to zig and zag through the legal quagmire.

**Nameny:** Back to the power point. The one other item on this that I did want to mention about the Proposed mural code, we have placed neighborhood contact requirement within the code, I have a slide later on to go over that in more detail. In conjunction with the code we've created, the bureau of development services is working to create some administrative rules that will provide the details of the application process. And that was included as the appendix in your exhibit. The administrative rule includes the steps necessary to satisfy the neighborhood involvement process. That will include a posting and informative meet can. Administrative rule also includes a location of -- is also a location of the specific design standards that are applicable design overlay zones in historic areas. Administrative rule provides information on inspections, alterations and the removal process for murals. I want to mention briefly that as part of the application there are going to be fees which are going to be used to cover the costs of processing the mural permit. Currently the fees are set at \$250 for a basic mural permit. If a mural is proposed in a design overlay zone it would be an initial \$1 million 50 to review against those standards. If a mural does involve something that structurally alters the building there would need to be a structural review and there would be a charge to make sure the wall doesn't fall down if they put the structural elements on the side of the wall. I'm going to go over some of the additional design standards.

**Adams:** That only relates to structural elements, right? Not paint?

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**Nameny:** Correct. That would be -- for example, there could be a situation, a certain type of a tiling or if they hang actual physical panels or something that have a weight.

**Adams:** We're making the destines on the application so not everyone has to go through a structural --

**Nameny:** No. So -- and if it's a painted mural and not a design overlay zone, it lab \$250 permit. Quickly go over some of the design standards that apply, design overlay zones. Some of these include being cloi -- base clit mural not obscure architectural details, not be place order unpainted brick or stone or other materials that may have been approved through a design review. It's subject to height and placement standards, and the mural should not -- one other thing, we're only going to allow one mural permit per wall. The mural itself could have multiple parts to it, but we're only going to prove one per wall. I also want to go over the neighborhood outreach. This is something that we've set up to kind of allow the neighborhood to get some information about the mural as it's being proposed. The applicant will have to notify both the negotiation and district coalitions of the Proposal, and invite them to a meeting. This site would also be posted with the information 21 days before the meet can is to be held. One thing to note, though the sceant not required to incorporate a neighborhood comments into the design, our hope with this process is that the neighborhood's input will help especially in the case after business owner or other person who is concerned about the thoughts of this surrounding neighborhood, it would give them the opportunity to incorporate some of their ideas or concerns into that. I just want to reiterate the city cannot impose any restrictions on the mural content, but we feel the community could affect the mural in other ways such as boycotting the 51st and so on if they really felt strongly about that. And then once that neighborhood outreach is done and the other standards are met, then the mural would be approved.

**Fritz:** Where is the neighborhood contact requirement?

**Nameny:** The actual details are in the appendix. Under the administrative rule. I can get you a page number here. It's on page 42 and 43 of the dra.

**Fritz:** Shouldn't there be some reference to it in the code?

**Nameny:** I believe in title iv it's on page 35. There's an establishment of neighborhood involvement process for permits.

**Fritz:** But it's not in the code?

**Nameny:** It's title iv.

**Fritz:** What section?

**Nameny :** 4.30.010. It's neighborhood involvement. Chapter 4.30, which is one item, neighborhood involvement process. Basically that just allows the bureau of development services to adopt through administrative rules and the administrative rules have the detail on that. And it should be on -- there's a couple documents we have, one is the full document, and then there's a smaller -- I guess we're calling it exhibit 1a, a three or four-page document that had some administrative changes that were required by the city auditors, but didn't change necessarily any of the content.

**Fish:** First of all, thank you for an excellent power point.

**Nameny:** I'm not quite done yet.

**Fish:** Oh.

**Nameny:** Would you like -- i've got about two more slides.

**Adams:** Roll on through them quickly.

**Nameny:** I just want to remind the council that this is going to be a nondiscretionary process, and the only requirement will be achieving the -- getting the mural permit. It's not intended to be a land use review. It's based on meeting a set of standards. The permit will be reviewed by planning technicians with b.d.s. And the permit center and the requirements are standard and cannot be



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negotiated. And once again, once the neighborhood involvement can asset permit will be issued.

**Adams:** Okay, why don't do you through all this quickly.

**Nameny:** Planning commission, in their official capacity is only -- can only make a wrem educations on land use titles. So as a result, they do approve -- title 32 and 33, which are the sign code and zoning code. However, they didn't look at the complete program in making the suggestions, and so they also do suggest that the council approve title 3 and the new title four and direct b.d.s. to approve the administrative rules. And also they felt it was important for staff to continue to work with race and the landmarks commission to establish a race public art process in areas of historic significance in addition to this piece. And then finally because this is a new program, they suggested that we monitor the program for effectiveness and to look at the results. So quickly, we're here at city council today. What we're hoping is that there's a second reading on july 1st, provided that happens, b.d.s. Does have an open house and hearing for administrative rules on july 13th, and potentially this could be up and run can, I put august 1st, but it would probably be the month after, which I think is the 3rd or 4th.

**Adams:** Commissioner Fish.

**Fish:** Thank you for an excellent power point. Have we heard any objections from the commercial sign own ?ers.

**Nameny:** We have not heard anything from the commercial sign owners. Or any of the sign companies, actually.

**Fish:** Are they aware of what we're doing?

**Nameny:** We did notify folks involved in the original public art mural process in 2005. That included several of the sign companies and also from what we gathered, I know the -- it was either the portland tribune or Oregonian as part of their reporting actually talked to some of the sign companies and they didn't really have any comment at that time.

**Fish:** I was specifically clear channel I understand still has active litigation. Have they provided us with any comment?

**Nameny:** They have not.

**Fish:** And my second question relates to one of your slides, which I guess is it's the -- relates to the design overlay zones in historic districts. I think the picture you had in the slide was what is now the back half of the new mercy corps building. I understand the landmarks commission objects generally to allowing murals in historic districts. I hope we'll hear from art later, but could you just set up the dispute for us?

**Nameny:** Yeah. And actually, the photo was from a previous power point. I was hoping to find a building in an historic area that was like a tire store with maybe a historic building behind it or something. But was not able to locate that in the amount of time. So actually this building would probably likely, if it's a contributing structure, which i'm pretty sure it is, the skidmore fountain historic district, a mural would not be put on that specific building. What you're probably going to hear is the fact that I think there is amongst folks in the historic community there is a thought that if you're in an historic district or conservation district, and the difference is the conservation district is one with local significance, historic district may have state or national significance. But the feeling is even if you're looking at a mural on a building that doesn't contribute directly to that district, that in the concept of the review entire district, that that mural can have an effect on the surrounding buildings and the atmosphere and so on of that district. So I think that's probably what the context of the argument is going to be.

**Adams:** How many people have signed up?

**Moore-Love:** We have 10 people.

**Adams:** We have a time certain at 3:00. Many of you have waited a decade to get here. So let's begin. I remember sitting down with you a long time ago. I don't think your beard was gray then.

[laughter]

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\*\*\*\*\*: I had more hair up here too.

**Joseph Cotter:** Joseph cotter, i'm a mural artist. I've painted several pieces in Portland, i've -- I live in Eagle creek, but i've worked in the city on and off for almost 30 years. I've been involved in this from the beginning. First of all I want to thank the city council for taking this issue up. It's been a long haul, it's been a really long haul. And I want to thank all the supporters. We got a whole lot of letters from people from around the country. There's a lot of other mural programs and letters from the diego foundation in mexico, the mural arts program, letters from los angeles, just people watching Portland because what's happening here and what happened with the litigation is also possibly happening in other places. It is happening in los angeles. So what we do here is extremely important not just for the city of Portland, but for the state fair Oregon and for the national situation as well. I'm going to urge the -- i'm urging the city council to pass the recommended original art mural project as is, including the provision that murals be allowed on noncontributing buildings in historic districts. As a person who was in the stakeholders meetings and the earlier meetings also in the earlier race process discussions and involved in the trial as well, we didn't actually bring this forward ourselves. We were more or less willing to accept the fact that race was going to negotiate something with the landmarks commission. However, it's been four years since that was actually going on five years -- four years since that was put into effect that they were supposed to negotiate something, and nothing's happened. And I know they're in the process now maybe, but noncontributing buildings do not have historic significance, even though they're contained within an historic district and was felt by on the planning commission the design commission and members of the public, were the ones who made it really clear that -- and we've provided several examples to the stakeholders and others in the city that places such as quebec that are 300-year-old city has murals in their historic district, other places have -- philadelphia a place that has over 2800 murals, many of them in the historic areas. So I would just urge that they consider that. And I also urge race and the landmarks commission work on whatever it is to allow them -- other than, that I just want to thank everybody. I hope that you can pass this and i'm really looking forward to it. And thank you.

**Adams:** You've been great. You've -- I don't know how have you time to paint, you've been so so involved in this issue.

**Cotter:** I don't have as much as i'd like.

**Adams:** Thank you.

**Bruce Fife:** Bruce fife, president of the american federation of musicians. Our building is the proud recipient of a city-owned mural. The side of our building -- under the race granting process. Four muralists came to us, including joe, and worked in conjunction with our membership. They designed and painted the beautiful work of art that is visible to motorists, pedestrians, bicyclists on northeast 20th moving northbound. Not surprisingly it has a musical theme, and I have to tell you our members took great interest in making sure that the muralists got all the instruments and how they were held right. And the muralists were very patient with us as we dealt with our members on that. But it's a beautiful mural that depicts four different separate scenes, each done by a separate muralists with different images and groups of musicians from different cultural backgrounds. It's a beautiful mural if you haven't seen it. These muralists were able to take an ordinary, ugly wall that was tagged on a regular basis, constant source of frustration for us, and turn it into a work of art. It's been there over three years, has never been tagged. The rest of the building continues to be tagged, continues to be a nuisance in that way. This has never happened. I can only assume that even the taggers recognize it as work of art. They stay away from it. I just want to say i'm here to support the proposal. I support the work the muralists have done. There's no doubt in my mind that these are a positive addition to our neighborhoods. And anything that the f.a.a. still makes this process is a step in the right direction.

**Adams:** Thank you, sir.

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**Joanne Oleksink:** My name is joanne, and i've created an informal network of artists that work under the name Portland mural defense, and i'm speak on behalf of myself and those that can't be here today. I do support the original art murals project, and i'm looking forward to commissioners passing that today. I want to address a couple points. One of them goes back to a question that commissioner Leonard raised, and I think several other members of the council. Why do we care about this? Speaking for myself, one of the really important overriding issues comes down to a question of speech. And specifically who can speak in public. And in our city, we have an overwhelm can number of signs. We have a lack of public art. And so a big reason why this is even coming before you is not simply because a lot of white house really like to paint murals, but the larger issue of correcting an imbalance that has existed for decades in Portland, where sign companies and advertisers with impunity can place their billboards on the sidewalk level in a neighborhood where I have to walk by it every day, and yet we don't have that same access to beautiful public art the way other cities do. So hopefully today we'll begin a process of undoing that trend in the commercial direction. And enhance a flowering of public art. The other points I wanted to mention is a little bit of a qualification. And I do hope that you pass it with the proviso that noncontributing buildings in historic districts will be available for painting. Also the many 20-foot set-back restriction, I hope you'll consider that in the central city area. But specifically the idea of the permit fees. 250 dollar flat fee or in a design zone that would go up to \$400 could really be a prohibitive amount of money for a small grass-roots organization. So I would suggest that there be either a waiver or possibly a sliding scale for grass-roots organizations. Thank you.

**Adams:** Those are good suggestions. I recall that meeting over a decade ago at the Oregon art institute, and in addition to joe, you were there too. And so thank you for your persistence, and constantly contributing improvements to our existing sort of thoughts at the time. Thank you.

**Oleksink:** Thank you.

**Adams:** Good afternoon. Welcome to the city council. We're glad you're here.

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

**Adams:** Thanks for waiting. I think you probably all know you have three minutes, and that Countdown clock in front of you helps you mind the time.

**Robin Corbo:** My name is robin, thank you so much for having us here today. This is an issue that I am particularly passionate about for I am a muralist. And with the support through the regional arts and cultural council, i've had the aim to bring forth two murals into Portland and have another one on the way. One of the things about this regulation of which is coming forth really opens it up to past vick individuals work in a community setting rather than going before the city to put up art. It's really important for people to have the ability to not have their art regulated in a way of -- before a panel, but among the community members who are going to be bearing witness to it. I am as an artist one of the murals i've done is on 17th and alberta, about 20½-feet tall. I believe one of the reasons why we don't have murals that are much taller is that we've had somewhat of a mural moratorium for a long time. It suppressed the mural culture within Portland. Had that not been there, would you see murals that would be much taller. After spending a lot of time in philadelphia, and in san francisco, and seeing other pictures throughout the world, large art has a spectacular impact in a very positive way in neighborhoods. So that's something that I feel Very strongly about, is absolutely passing this resolution, but looking towards ways not so much to limit the size or the materials that can be on there, but to really provide more of an opportunity to expand upon it. I think that the public art would do great things for Portland. As we heard earlier, testimony that it really does -- life in a way in a strong way. I've never had a mural that was intact be tagged. As we're look at ways of generating money within Portland and our current energy crisis, staying in local areas. When you have a lot of art in areas that really brings in many people to want to see it. I that I as we have more and more art here, it's going to bring more people to Portland. I think that is going to serve to bring more attention to the businesses that display it.

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Even if it's specifically not the sign, I think it does a lot of things to bring people in a neighborhood that perhaps would not feel as compelled to take, you know, two looks at it. And just as the muralist working on scaffold, i've been able to show people how art is made. Will if you're not an artist, people might not be privy to it. People honk, people give me the thumbs up, people want more murals. I hear it over and over y. Don't we have more? We had a wonderful power point that explained it today. Now we have the opportunity to change that. Please pass this.

**Adams:** Thank you very much for your testimony. Ms. Oliver.

**Kathy Oliver:** Hi. My name is cathy oliver, and i'm -- i'm here today for two reasons. One, I am a big fan of public art. I believe it's important, it makes the city a more exciting livable place to live and to work. But secondly murals have been an important part about the history. Seven years ago when we built the new facility, it was important to us that the building be noninstitutional, that it attract our clients, and be a cheerful place for them. And our clients are primarily homeless youth. We use murals to try to accomplish that goal. We commissioned a local artist and he painted a three-story art pan they'll we hung off the front of the building. We also commissioned five local artists to paint five mural panels that we incorporated into a fencing at the sidewalk level. And the murals did accomplish the goal that we had hoped. The clients love the building. The building also won 10 design awards. One from the governor, and one from the national institute of architects. So it's been successful on many levels, and it's because we were able to use murals. So again, I also urge you to support the recommendation. Thank you.

**Art deMuro:** Good afternoon. Art deMuro, chairman of the landmarks commission. The commission strongly advises against allowing such murals to impact historic districts. Obviously a mural on a national register property would be a significant alteration to an original historic design. Equally clear is that a mural in a protected historic district could be a visual intrusion, it would likely violate historic design review guidelines, regulating that district. Review of new construction within a designated district is within the jurisdiction of the landmarks commission. Because such new elements require oversight to ensure compatibility of design, scale, and other visual traits. New murals would present a threat to such compatibility as well. I want to emphasize in an historic district it is the district that is the resource. So it's really a false differentiation to differentiate between contributing buildings and noncontributing buildings. Either way, what we're discussing are installing murals or content is not restricted. The historic resource. And you will recall it is the council that a few years ago gave landmarks permission purview over any new construction in a district. However, the original art murals regulatory improvements as well as u.s. And Oregon constitutions do not allow landmarks to purview over content, and therefore inhibit its ability in some cases to determine the appropriateness of such public art. Even though the planning Commission voted to allow murals on noncontributing buildings within the district, the visual impact of the mural has as much to do with the image it projects outwards as its character defining impact on its host building. Despite our unanimous recommendation to planning to reject murals within the district, it voted to support them in these sensitive neighborhoods. And we urge you to reject this authorization. Finally there are already provisions in the zoning code to allow murals in historic districts through the racc process. This process affords the opportunity to carefully review and approve the content original art murals in these sensitive districts. It was brought up earlier efforts would be made by racc to work with landmarks. I've been on landmarks since 2001 and I do not have knowledge of racc approaching landmarks commission about the joint discussions about these regulations. We have since suspended our hand to racc and I think those arrangements are being made announcement I want to close by emphasizing that our historic districts represent our most design sensitive neighborhoods, and they carry some of the most sensitive design guidelines to protect those sensitive areas. Our community has already accepted and mandated reasonable design limits within these few areas in order to promote design compatibility. The recommendation of landmarks commission is consistent with this philosophy. Thank you.

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**Adams:** Could you address the question I asked earlier?

**deMuro:** The answer is that when murals were installed, they were signs, primarily, signage was rampant in a lot of historic districts, particularly skidmore, old town, usually advertising.

**Adams:** The picture on your wall. Commissioner Leonard doesn't know, but he has a picture on his office wall that is the of the historic district and there's murals and signage all over the place.

**deMuro:** I think the issue now is that they didn't have design review overlay at that time. That was the natural organic growth of the district, and I think if you were to adopt that philosophy of, well, we didn't restrict it then, I think that would be inconsistent with the fact that we now have landmarks reviewing renovations of old buildings, of additions and new instruction. So I think we have already chosen a path in a different direction to protect the -- that historic fabric that was created years ago.

**Adams:** So your testimony taken in wholly would -- is it fair to summarize that because you support the racc process for murals, that which gives you a fair amount of as landmark commission much more control over what and where, you're supportive of murals but only through that process?

**deMuro:** We think -- that's the only Place that gives us some ruling over content. In the letter we sent to the commission to try to pick maybe a somewhat absurd example, if you had done a mural of a "star trek" episode, that would be incompatible with the district there. Are certainly lots of content you could do which could be very compatible and would be an enhancement of the district.

**Adams:** Other discussion on this issue?

**Fish:** I just wanted to observe at the time those pictures were taken, the buildings were actually new and not historic.

**Adams:** Right. Therefore would not have applied. Thank you all very much.

**deMuro:** The lawyer to the rescue.

**Adams:** Always always -- as always.

**Larry Kangas:** As I see a lot of the beautiful murals they have, I say i'm from Portland, Oregon, and they say, wow, a very artsy town but I tell them, yeah, but if you were to come here you'd probably be hard-pressed to find it visually. And -- so Portland does have this reputation of being very artsy and creative people here, but you just -- there's not much visual art around. But in fact if you look around you see the willamette river, and a lot of the bridges across it, and some distinct buildings, and you see beautiful snow-covered peaks. Beyond that it looks like most of the other cities that have just succumbed to a lot of the corporate big box stores and Coffee companies, and certain kind of businesses that grease your car and so forth. And then taking a step further, it's one of these corporations that wanted to make more money around here and started wanted to start painting the walls, and used the avenues with the murals to perpetuate their incomes and basically many killing it for us, because the city had to protect itself. But now for the last 10 years we've been working on this, thanks to joe cotter and a lot of other people who support it. We're finally coming to a point where we can probably let the artist bring more soul to the world back into Portland, and so basically this is it. I do strongly encourage you as an artist and as a traveler, and Portlander that you pass this.

**Adams:** Thank you, sir. Good afternoon.

**Hector H. Hernandez:** Good afternoon. Thank you very much for having me the opportunity to sit by. My name is hector hernandez, i'm living in Portland, Oregon, and also have the opportunity to paint murals around the region. So basically I just have two concerns about the regulation, and it's basically about the restriction on historical districts. And all there is about the height and the size. I think by -- we'll see some limitations on the way the mural is going to be painted and specific sizes, and the other hand, I think also the -- I think it's important to the -- it will be important to see that the murals and public Art would reach historical districts. I firmly believe

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that public art is an expression of the character of the city and even better we have this expression of art coming from communities that comprise the city's -- define the identity and the uniqueness of the character of the city. So as was mentioned before, basically we seat participation of more corporations, we don't see the voice of the communities and the culture and art of the communities. So it will be a great asset for the city to explore that possibility, and even in economic terms, so -- and in the same way -- developing their own mural art program. And also working in historical districts, it's not only that experience of citizen -- cities around the world, like Mexico City or Europe as well. So there are many examples of -- France and Germany, this they've been doing that as well.

Thank you very much.

**Adams:** Thank you for your testimony.

**Gilly Burlingham:** My name is Gilly Burlingham and the first picture that was shown was the mural that is being done by Joe Cotter at the corner of 12th and Morrison. And if you haven't come to my Buckman neighborhood, come and see it. He keeps saying it's not done. It's gorgeous. And what it does is incorporate the history of the neighborhood. And luckily I think he's been paid almost what he's worth as a top muralist, because this is mitigation money from the Big Pipe project. Because that's not too far away. He has worked very, very closely with our Buckman neighborhood association. He has met with us, he took in all the suggestions we had, he worked on the -- it doesn't -- he says it's not done, but it's gorgeous. And I highly recommend you come. I didn't know anything about this issue until Joanne came to our aid, and when she told me this horror with Clear Channel, I was so upset. Because I come from 15 years of environmental activists and when I found out the multinational corporations run the world and realized you're wasting your time unless you get in for campaign finance reform, get the money out of politics, I'm not too thrilled with Clear Channel in any way, shape, or form, I don't like the billboards, I don't like the fact they own too many stations and too many media around the country, radio stations, so on. By the way, I'm wearing a t-shirt today because I was just marching for single payer, it's just a corporate greed. Stop corporate greed. I really am grateful to those poor muralists and artists who work so hard and have -- having to deal with these legal issues, and this whole lawsuit. I think the interesting thing when it comes to our historical district is, it fits in, why not? And that's exactly what Joe Cotter has done with our new mural, he's put in pictures of the history of our Buckman neighborhood. Thank you.

**Adams:** Thank you. Thank you. Karla? This is your time to come forward. Good afternoon. Welcome to the city council. Glad you're here. You just need to give us your first and last name. You have three minutes.

**Mark Meltzer:** Mark Meltzer, I live at 200 Northeast Thompson Street, Portland. I've been working on murals as a volunteer and also as a professional since 1988. And I'm going to have to read this, because I -- I'm speaking in favor of the original mural arts proposal. And the removal of public art murals from the existing sign code. I'm testifying in favor of recognizing murals as a legal autonomous public form of expression. I'm hopeful that this new proposal will encourage artists to create new public murals. This proposal unfortunately like the race mural program, was born looking over its shoulder in fear of a Clear Channel lawsuit. The definition of public art as free speech in Oregon has always been in question and it remains in question. I do not believe it's in the best interests of artists to have the size and location of their public work regulated by the city, but under the circumstances, I believe legal circumstances, I believe this is the best the city can do. I'm grateful to the city for at least trying to uphold their role as guarantors of free speech under the federal first amendment and article one, section eight of the Oregon constitution. Finally, on a more personal note, I'd like to add that in my experience, the process of creating a mural has had a consistently positive effect on youth through working in a group with artists to create painting in public. It's a very unusual process, and like some of the muralists who spoke before me, if you haven't done it, I would urge you to do it. Thank you.

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**Adams:** Thank you very much for your testimony. Good afternoon.

**Robin Dunitz:** Hi. My name is robin, and i'm not a muralist, though I painted a few mushrooms on a mural recently, my first experience.

**Adams:** Congratulations.

**Dunitz:** But I have written several books on murals, and i've been all over the country interviewing artists and looking at mural projects, and just seeing the impact murals have on communities all over the country. I've only lived in Portland a little over three years, and i've been struggling to understand all these legal issues. And I guess I can't really talk about the legalities and the code issues, but I just want to encourage you to support murals and if this right now is the form that that takes, I think it's really important to Encourage murals in every way. Nobody has brought this up, but that includes funding, I think even just passing a code, new code isn't enough. I think murals should be encouraged because of the things people have said. The impact they can have on different members of the community, different underrepresented groups. There's just so many examples, so many stories could I tell from all over the country where murals have brought people together, brought people from rival gangs who would kill each other anywhere else, where they would work together on a mural project. Prisoners, different prison situations, the city of philadelphia sent a really important heal can wall, bringing victims together with criminals or ex felons. There are many ways that murals can be looked at so much beyond just as a piece of -- we had this conversation, a work of art. There's so much more. It's the whole process of mobilizing a community, of giving identity to people, giving a sense of self-esteem, to communities that don't have a lot of other resources that are visible and that they really feel like that they're appreciated and understood. I think if we take it beyond just passing the code, but really empower the muralists in Portland, there's some real tremendously creative talented caring people involved in doing murals, and really unleash them to connect with different communities. I think we can really do some important change for the better in Portland. So I want to encourage you to go beyond just passing the code, but to also support murals in other ways.

**Adams:** It's been -- over the past decade it's been an interesting sort of process of many mural advocates and muralists sort of pushing back on what our legal shop thought was, legitimate -- realistic constraints. And it's been sort of a -- you're all almost paralegals, or more, on these issues. So we appreciate the -- I want to underscore the acknowledgment of our legal shop to do as much community-based and our planning and sustainability folks as well to do as much community-based legal analysis as possible. And this is the -- not the end, but it's the floor. One issue as we look at the administrative rules is the possibility of how conversation was commissioner Leonard, he has to fund bureau by fees, but the possibility of having lower application fees and we -- you should know in the budget this city council had to cut a lot of different budgets, but we did not cut the budget for the regional arts and cultural center in part for the concerns that you're talk about. So thank you for being here today. Appreciate it. All right. Council, this is a first reading. I'm going to -- I have a scheduled absence post budget Absence next week, so you'll be voting on this without me. Are there any concerns or suggested amendments we need to deal with?

**Fritz:** I'd like to propose an amendment to change the regulations for historic review -- historic design districts. As art said, it seems to met district is the resource, and the issue of whether the mural is on the contributing or noncontributing is is less important than the actual design. So using the regional arts and culture commission current process in the very few areas in the city that we have historic and conservation district seems to me to be a prudent approach.

**Adams:** Is there a second? Motion fails for lack of a second. Anything else?

**Fritz:** Not my day, is it?

**Adams:** When it rains it pours. Anything else? Since you and I will not be here next wednesday, would it be appropriate for us to put our comments on the record shall are?

**Adams:** That would be great.

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**Fish:** I know it's late and we have two other matters, but if I could say a few words. First, I want to just say this is a great day. We're assuming this is next week and question have a vote on this, and it's about to pass. Let me say anticipating good news, this is a great day for muralists and for community-based art and for Portland. And there's a few people I'd like to thank. I'd like to thank phil and tracy and eric for their superb work. Outstanding.

**Adams:** Give them a round of applause. [applause]

**Fish:** I'd like to thank joe cotter, muralist for his tireless effort. [applause] who persuaded the court the city may allow murals without violating the Oregon constitution. And eloise, the director of racc for supporting the creation of 25 public art murals and under the current program. Eloise? [applause] I also want to acknowledge hannah kuhn, she's my senior policy director, and she led mayor katz's effort in 2003-2004 to create the public art mural program administered by racc. I want to acknowledge hannah's good work. [applause] hannah assures me that this proposal is a significant and positive development that will, one, beautify our neighborhoods, two, stimulate the creation of lots of wonderful grass-roots art, and three, liberate our muralists who have suffered too long under the limitations of the city's sign code. It's a happy series of developments, and last but not least, I want to thank the arts champion and chief at city council, and that's mayor Adams, who has put the arts at the forefront of his agenda as the mayor of the city of Portland, and as a member of the Oregon Cultural trust board, I'm grateful for the advocacy and for the leadership that he has shown. [applause] If I was not scheduled to be on vacation next week, I would enthusiastically vote aye.

**Adams:** Do I need to fly back on Wednesday?

**Fritz:** You do not. I thought we were making comments.

**Adams:** We are. I just had to check to see if we had the votes for next week --

**Leonard:** You're just taking me for granted again.

**Adams:** No. I was going to ask you too.

**Leonard:** Well having been in these wars it's a remarkable balance to achieve. I've been in the middle of this fight and it is really good to be at this place so I appreciate all the work and effort. More so than most I think.

**Adams:** Yeah, because you're at the front lines of the --

**Leonard:** When vera was here and trying to find some balance to allow, because I had the bureau of development services and the mirador mural being covered up was one of against every grain inside of me and I had to find out why and I got to talk with tracy, and oh, my god, how can it be this complicated? So it's a tough balance to find.

**Adams:** I want to thank commissioner Fish for his kind words and having you on the cultural trust is -- and then you'll speak last. You'll get the final. So thank you for being, as everyone is on the council, but having such an advocate for arts and culture but having you on the cultural trust is a great resource. I want to thank phil and tracy and hannah back when we worked together at the mayor's office. This has been 10 years and also polly berg and jennifer and the great team I work with at r.a.c.c. And all the muralists and let a thousand beautiful muralists bloom. Aye. I can't vote, but if I could, I would vote aye.

**Fritz:** This is one of my favorite experiences on the planning committee because it brings in so many different elements of what neighborhoods are and what regulations are and what they do and don't do. What the constitution does and doesn't do and freedom of expression is something we care about deeply in Oregon and for all of the right reasons so I recognize tracy and hannah and including mayor Adams. And I'll be voting aye. So you don't need to come back next week. One of the nice things about the way this is structured is that it's reversible and if it turns out we're getting murals attached to wall, we can do something about that and I trust everyone has that desire in mind that we're going to look after the character of our historic and conservation districts. Thank you for your work.



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**Adams:** Council calendar 907 moves to a second reading next week. [applause] because we've been at it for a while, i'm going to ask the council's indulgence for a 12-minute break. See you at 11 till. (recess)

At 3:34 p.m., Council recessed.

At 3:57 p.m., Council reconvened.

**Adams:** City council will -- [gavel pounded] -- come back from recess. So if our colleagues could make their way back to the city council chamber. We have to wait for one more. What's your -- how much time do you think is your presentation?

**Roberta Jortner, Bureau of Planning and Sustainability:** Presentation's probably no more than 10 minutes and you have about three people, I think, testifying.

**Adams:** We have one more council item. We are ready to hear time certain for 3:00, and Karla, can you please read the council calendar title for 3:00.

**Item 908.**

**Adams:** A great introduction, but for the sake of time, we're going to turn it directly over to you and i'm exhausted.

**Jortner:** Ok, good afternoon, mayor Adams and members of the council --

**Adams:** Thank you for your testimony.

**Jortner:** Are we done?

**Adams:** Sorry, we're a little rummy.

**Jortner:** We'll try to be brief. I'm roberta jortner and with me is kimberly, who manages the environmental review section for the bureau of environmental services. This ordinance is to comply with the nature plan and recommend that it's adopted immediately upon passage.

**Adams:** The reason for that is?

**Jortner:** The reason is that the deadline for which the city is supposed to be implementing this program was in may and it's time we get the program in place.

**Adams:** Ok.

**Jortner:** So we'll do a brief overview of title 13 and the ordinance proposal. Metro adopted title 13 in late 2005 and the program is intended to establish minimum regional requirements to protect and restore the region's riparian and habitat and augment metro's title 3 program for water quality. It involved extensive scientific literature review and collaboration with regional and national experts of the cities and counties and states and federal property owners and metro did notify all affected property owners before adopting regional inventory, and a map of the habitat area which is in front of you here on the floor and also in your packet and rules to ensure that these areas were not adversely affected by development and mitigated if impacts occurred. Cities and counties may use regulatory and non-regulatory tools to comply with title 13 and encouraged to adopt area-specific plans that reflect local unique circumstances to comply with title 13 and we'll talk about that in a minute. Metro established roughly 12,000 acres of title 13 habitat conservation areas in Portland representing about a third of these habitat areas in the region. And west hayden island adds another 800 acres of habitat conservation area that the city needs to attend to as we proceed. These areas contain Portland's river, streams, wetlands and vegetative riparian corridors and provide stream flow conveyance and stabilize and prevent landslides and they capture carbon and other greenhouse gas -- the city of Portland was an active critic and supporter during the metro process ranging from staff and technical committees to the mayor's councilmembers participation in the metro policy advisory committee and it's noticeable that the city adopted the first watershed plan about the same time as title 13 was adopted. Both title 13 and Portland's watershed management plan are based on principles that call for protecting these types of areas and in protecting city and community investments. So why do we need this ordinance? In 2007, the Oregon department of land

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conservation and development reviewed the 27,000 pages of ordinance and public record that metro submitted and adopted title 13 as the region's program to meet parts of goal 35 and 6 for water quality. This established a January 2009 deadline for compliance. And currently Portland is largely in compliance with title 13. You can see on the map that the areas crosshatched in green are the city's existing environmental and overlay zones. These apply to more than 80% of the area that metro identified as important under title 13. The city's land acquisition, education and stewardship programs also contribute but still more than 20 miles of the city's rivers and streams, and 1800 acres of wetlands and the habitat areas are outside the city overlay zones and at risk of being developed. The city has asked metro to approve a two-year time extension and phase strategy to achieve compliance with title 13. The steps include updating the city's natural resources which are out of date and completing specific projects that will address title 13, including the river plans for the willamette corridor, the airport future project, the citywide tree project. We're also going to be asking councils to consider later in the year initial baseline standards for streams and wetlands in the city to be in place while Portland is updating the rest of the plans. The grey to green initiative and the climate action plan will also contribute to compliance. Metro council has not taken act officially but we understand they'll be holding a work session later this year. And will consider Portland's request as well as other municipalities. However, until the city can reach full compliance, metro requires a direct application of title 13 requirements during some types of land use reviews and that's what this ordinance is primarily about. Kimberly will talk about the cases that will trigger these. Either applying the code that metro developed to assist local governments, comparative provisions, staff believes the city's existing research overlay programs embody the fundamental components of title 13 and it would be simpler and less costly to apply the city's existing program than metro's model code on top of the city's overlay zone and essentially having two different programs going at once. Metro supports this approach as indicated in the letter of June 12th. by adopting this approach, the council, to meet metro's requirements. What does this mean for property owners? In reality, the ordinance will have limited impact on the ground, which kim will discuss, but it expresses the city's support for the nature in the neighborhoods program and its regional partners and orders the department of planning and sustainability to come back later in the year and report on the compliance with the program. So kimberly, could you like to --

**Kimberly Tallant, Bureau of Development Services:** I'm with development services and I'll briefly tell how we'll implement this plan. We -- implement this plan. So we can provide information to you, customers about the habitat conservation area boundaries and since these regulations only apply when a land use review is proposed for an use not allowed in the base zone, we expect to see relatively few cases where applications will be required. Those are outlined in exhibit g and include things like ozone change, conditional use master plan, a comprehensive plan map amendment, among other reviews related to uses. Proposals triggering this requirement will have the option to meet a set of standards or go through a land use review. These applicants are already going through a larger land use review process so an environmental greenway or pleasant valley resource review would only be part of a larger land use review. We'll process these applications and apply the related land use fees. Some of the reviews may require development to not be located within a habitat conservation area or may require mitigation plantings to offset impacts to those areas. Based on an inquiry from a stakeholder, you should have an amendment and that was intended to clarify that b.d.s. will consider additional information on a site during the land use review. So while b.d.s. cannot make amendments to metro's map and habitat boundaries, they can consider additional information to evaluate the impact analysis and development of mitigation plans and conditions of approval.

**Adams:** Questions from council? Do I hear a motion to submit the amendment?

**Leonard:** So moved.

**Adams:** It's been moved. Is there a second?

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**Fish:** Second.

**Adams:** Moved and seconded. Any discussion? Karla, please call the roll on the amendments submitted by the bureau.

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

**Fritz:** Do we know when we're going to get this back? Will we get to see what those will look like?

\*\*\*\*\*: Which piece?

**Fritz:** The b.d.s., how you're going to consider additional information.

\*\*\*\*\*: Usually how that occurs is an applicant will provide a professional assessment from an appropriate scientist, explaining what the resources present are on the site and then we go down what the resources are on the site and then we would see if the resources were present or not. And if the applicant was proposing development and we found those resources weren't present, we [inaudible] be able to proof development in those locations.

**Fritz:** Ok. Aye.

**Adams:** Aye. Approved. [gavel pounded] any questions from council? Let's go to the sign-up sheets. Good afternoon and welcome to city council. Glad you're here. Thanks for waiting. Are you here to denounce us or serve us with a tort claims notice?

\*\*\*\*\*: Here with good news.

**Adams:** Ms. Johnson, why don't we have you go first.

**Leonard:** [inaudible]

**Adams:** Why don't you go first.

**Dixie Johnston:** I'm dixie johnson and my husband and I are land use chairs of cully neighborhood association and proud volunteers at tryon creek state park and we're nature guides and we wholeheartedly endorse this ordinance. We think the city staff has done a great job putting this together. This has been a project they've been working on for many, many years. I cannot improve at all on the statement ever statements that roberta and kimberly have made but to add more emphasis, that the riparian and wildlife areas do overlap with flood and landslide areas. They have been known in the city for well over 100 years. We're not talking about just saving a few Fish. We're protecting people's property. And we might even protect people's lives. The implementation of title 13 is doable, it's easy. And it works. We have -- dave and I in our own yard have tried to apply these things. We've taken nature in the neighborhoods classes with naturescaping. My age is showing and i'm out there yanking the ivy and it's no problem. And my health has improved because of that. We still have a long way to go, both in my own yard, but citywide. And what it is requires a political will of city council to support this and to also encourage more public education. This ordinance will help our city sustainability goals become reality. We are the nation's leadership in this area and it's a good investment for the future. Please support your staff and out of respect it [inaudible], i'd like to add that wild in the -- wild in the city is a good thing.

**Adams:** Go ahead, sir.

**Jason Howard:** I'm jason howard, a vice chair with the johnson creek council and chair of the land use committee and here today to generally support the interim ordinance in regard to the update of the natural resource inventory as well as adopting the minimum standards for the unprotected streams and wetlands the johnson creek has borne its fair share of development in the last 10 years and being water-quality limited for temperature and turbidity as a legacy of pollutants as well and we appreciate the pleasant valley environmental and greenway overlays but it doesn't go far fluff to meet the minimum requirements of title 13. It goes about 80% of the way so we highly urge the city to go beyond the minimum requirements of title 13 in the future. Beyond the clean water act and also to address the endangered species. My day job, i'm a professional hydrogeologist and the use of these types of programs is a natural extension of the stormwater system. It's how you say,

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penny wise and pound foolish is big pipe alternative. And I can't urge you fast enough to adopt the ordinance and meet the requirements of title 13.

**Adams:** Thank you, sir.

**Steve Pheiffer:** Mayor Adams and members of the council. Steve Pfeiffer. I'm here -- I've a letter into you that requests something similar and it really does benefit both the public and private applicants in the sense that just as we have today, as it works very well to the city's advantage, to b.d.s.'s and so I encourage the amendment. Secondly, this is the second time for me in two weeks where the bureau of planning and b.d.s. have been remarkably responsive concerns we expressed. Earlier, it was the Hayden Island district and earlier day, when I walked in today without having seen my letter, I saw the language in the amendment which with a few word changes was something I would have written myself. I applaud him for that. The third piece would be a process, as I mentioned to Katherine, this puts in the city from my frame of mind, an applicant on a very solid place to implement both chapter 13 and the e-zones. I would urge you to get a letter from Metro that they see this in turn as complying with title 13 as well. The point is when an applicant shows up with a map amendment, there's a requirement they demonstrate compliance and, therefore, the city demonstrate compliance if it's approved with the functional plan. This is a way of ensuring that compliance is in place and not to suggest that Metro would reverse course. I really want to know when you make that finding in reliance on this ordinance, that everybody at Metro knows that this serves it make the case and you don't have to worry whether you've met 13 or not. I think it's clear, but I would love to see it affirmed. With that, that's all I have.

**Fritz:** But the amendment satisfies your concern?

**Pheiffer:** It does, commissioner.

**Adams:** Thank you very much for your testimony. Appreciate it. Karla. Good afternoon, welcome back.

**Jim Labbe:** Good afternoon, Mayor Adams. City Council. My name is Jim Labbe with the Audubon Society of Portland and I'm here to support the ordinance before you and it says that we have -- we've been an active participant in this process for over a decade, myself personally more than a decade, for my colleague Mike Howell and it's been a long process. We've gone on field trips with public officials and been on committees and gone to hearings and I've danced and sung music to the council about the nature program.

**Adams:** Where's our dance? [inaudible]

**Labbe:** I'll do that. I should have brought the guitar. Final decision, we'll do that. So it's just -- it's -- I really urge you to move forward, it would be nice if we were doing it all -- adopting it today, but I think we're on track to come into compliance and reach the city's goals for its watershed plan and goals for livable, dense, urban -- livable, dense urban communities. I'm involved in these issues all across the issue, and what Portland does matters a lot to the other jurisdictions looking to Portland for a model code and ideas of leading in these areas of ecological site design and development that enhances the built natural environment. To emphasize three things, or a few things that I would highlight, and I think the update of the inventory, the inventory is going to be critical, I fully support that. The new baseline protection for unprotected streams and wetlands is absolutely critical. As we start to transition from gray to green, this is about safeguarding those investments in the most basic way. These small streams are critical to a number of the city's goals and I'm going to be suggesting when we get to the point of adopting the baseline stream, we really need to at least meet the standard, those baseline standards for unprotected streams and wetlands need to be at least what we adopted under title 3 in the mid '90s, that would be the standard for the baseline. The interim measures are -- are obviously something you have to do, something we should do. And finally, I think the link to the city wide tree project is important. Thank you, I'll be back. I'll be back with my guitar.

**Adams:** Promises. Thanks.

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**Linda Robinson:** I'm Linda Robinson. As a citizen who lives in outer east Portland, I would like to state my support for the ordinance and for the amendment. If nothing else, we have some small streams and small wetlands, too small to be included in the metro inventory, and that were missed when they did the city's environmental overlay, short segments. Cedar stream to the Columbia slough. And it will at least give under some development situations some consideration to those, but as Jim said, the -- that baseline inventory update is going to be critical to include and put some protection on all those small streams that haven't been protected yet. And I served on the citywide tree code project with Jim as well and I see moving forward with that as a critical part to actually complying with the Title 13 as well. So I just wanted to emphasize those and finished in 2009, but I'm not sure given that the funding was cut back a ways. But hopefully as soon as possible we can get those pieces in place as well.

**Adams:** Thank you, all.

**Saltzman:** I believe it's on track for code adoption this fall.

**Robinson:** Good, we haven't seen a draft yet.

**Saltzman:** Budgetary issues will spill into the next budget, but I'm pretty sure it's on track for fall.

**Adams:** The code will be adopted by the manual will be along later. Thank you. [gavel pounded] unless there's additional council questions of staff, Karla, would you please call the vote.

**Fish:** Thanks for your good work. Aye.

**Saltzman:** Yeah, good work. Pleased to support it. Aye.

**Leonard:** Aye.

**Fritz:** A lot of long time, good work from the bureau of planning. Thank you very much and it's good to see the folks from the community supporting it. I appreciate that very much. Aye.

**Adams:** Roberta and Kimberly, thank you for your great work. Aye [gavel pounded] approved.

That gets us to our last item. Council calendar second reading vote only, 901. Can you please read the title.

**Item 901.**

**Fish:** By my calculation we're in our 11th hour in a 24-hour cycle of council. I think we set something of a record and as my blood sugar is declining, plummeting, I see that the mayor is having lunch and that just doesn't seem fair. I want to begin by saying we had a very good public hearing on this, was it a week or two weeks ago, with a lot of public testimony. And I think we now have a full record. But because of the significance of this issue, I want to make a few comments. The first has to do with the past. I was not on the council when this matter was originally adopted. But it is -- it's now come on an amended -- we're now once again acting on an amendment to the district, and I have been reflecting on some of the history of this exercise and in particular, three criticisms were leveled against the council in the past which I think are relevant to our action today. The first was a criticism that we had not sufficiently established blight within the district as a whole. That was an issue that we've heard from a number of groups, including the League of Women Voters and it was an issue that Luba highlighted in its decision and remand back to the council. After the hearing that we've had on this matter and review of the extensive record of blight, which has been put together in this amended plan, I'm now satisfied that we meet the statutory test of establishing blight in the district as a whole. One of the interesting things that came out of the hearing is that there is no precise formula that's set forth in the statute or any regulation which says this much blight qualifies. So we are -- we're working within sort of the bounds of reasonable interpretation of the statute and based on the hearing we had, the evidence before us, and the record, I'm satisfied we can establish the requisite showing of blight to justify going forward. The second issue that has been brought forward does not directly relate to the act we're taking today, but it has sort of I would call it a policy or a political issue about urban renewal. And I think it breaks into two points. One is checks and balances and two is impact on budgets of sister jurisdictions and the checks and balance issue, as I understand it is that when we do these kind of

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things and amend and expand an existing district some people have felt there needs to be some check on our unilateral authority to do so at a certain point and the argument is that when you take an existing district and expand it, there are consequences to other taxing jurisdictions and there ought to be some mechanism for them to be heard. And the related question is about the extent to which tax increment financing dollars are diverted for projects within a district and the timing by which taxes are returned to jurisdictions that are sharing in the investment in urban renewal. On that issue, I think that the legislative fix that this -- that we authorized and that the city negotiated with special districts and other partners cures those two issues. We have agreed and Keith, I don't know whether it's been enacted into law or just a done deal but either way, there was a reform package that the city endorsed in this current legislative session that in broad brushstrokes says that when you attempt to expand an existing district by more than 20%, you've got to have the consent or involvement of your other jurisdictional partners and provides a mechanism for accelerating the return of tax dollars to jurisdictions that are impacted. We played as a city, a leadership role in crafting that reform package and I think it directly addressed some of the concerns that have been raised in the past about both checks and balances and the impact on the bottom line of school districts, special districts as well as, in fact, our budget. So as I look backward and I think about blight, checks and balances and this notion of the timeline for returning tax dollars to the general funds of all the participating jurisdictions, I believe we have acted responsibly in addressing those concerns and, in fact, I think that a number of broad policy concerns as well as the specific legal questions have been addressed in a responsible fashion. So that's the past. The present is we now have to go through an exercise of adopting the amended and restated plan. And what struck me at our hearing is that with the passage of time, the coalition of voices in favor of us doing this has grown. Now, we heard from at least two neighborhood associations. We heard from the Portland business alliance, we heard from non-profits, we heard from citizen activists, we heard from a very broad coalition and they in general said move forward on this, and the projects which we have identified with Portland development commission as priority projects are critical, absolutely critical to our city's future. The two voices that were dissenting voices that I heard and I think warrant some passing mention were the league of women voters and the so-called friends of urban renewal. What I have come to appreciate about the league of women voters in this debate is that they have some very clear boundaries in their views of urban renewal, some very clearly defined concerns about urban renewal generally, and -- and what they have almost consistently done is argued that if there's a way to accelerate the closure of a district, that's generally where they think we should err as opposed to extending the life of a district and expanding its scope and indebtedness. I respect the position and they have been -- it has been clearly articulated in this fight and in other times. I just don't share it in this case. But I respect where it's coming from. And I think there needs to be a watchdog cautioning us against the potential excesses of how urban renewal is used. The friends of urban renewal -- the so-called friends of urban renewal, in my judgment, present a different situation because the issues that I have heard them consistently articulate were, number one, insufficient findings of blight. Number two, that the city has somehow overreached and it's going to cause the legislature to step in and somehow change the ground rules of urban renewal in a way that's going to hurt us, and number three, what we really need to do is renegotiate this deal and -- and substitute their judgment for the judgment of the Portland development commission, the duly elected members of this body as to where the money is going. On the policy question, I just don't think with all due respect to some of my dear friends who are members of that group, that they have the standing to tell us how we ought to spend the money. We have a community process which has arrived on those conclusions. On the legal issue, I think at this point in time, the friends could actually declare victory. In adopting as I hope we do today, the amended plan, we're in fact adopting comprehensive findings that meet, in my judgment, meet and exceed the statutory requirement of blight and frankly while I don't do land use, I've never been a land use lawyer, -- i'd

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be shocked if luba did not find these satisfactory to the statutory test. And on the question of the claim that we've somehow overreached, I don't think the friends of urban renewal give sufficient credit to this council for joining in a good faith effort in salem to come up with a reform package which has been embraced by all of our jurisdictional partners. So I have to say with all due respect to my friends who are members of this group, i'm not sure what's left to fight over and indeed as a thought about it more I think if they are to continue this fight, I think what they risk is snatching defeat from the jaws of victory. Because I think they have every reason now to declare victory and say some of the concerns they've raised have been addressed by this council in a responsible fashion. For me, that's the past and that's the present, but I want to say a word about the future. These conversations often become kind of arid and dry and we're talking about luba and legal requirements and these -- and -- and statutes and burdens of proof and evidentiary findings and I think we all go a little glassy eyed in the middle of these discussions but what I hope we never do is lose track of what's really at stake here. We're not -- we're not seeking to amend and restate and plan for the sake of going through this exercise. We're seeking to do so because we are responding to a chorus of community needs and desires that would be address with this amendment and they include people in old town chinatown who felt they had been left out of this process. They include people in the nonprofit and social service community who are pleading with us not only to build a resource access center and preserve affordable housing for the lowest income citizens in our community. And our jurisdictional partners who have helped us to step up and help meet some of their needs. We're responding to a set of community needs and concerns which in good times would be compelling. But as i've thought about this in the context of the current economy and the suffering which is occurring in our community, I think it's absolutely irresponsible for us not to act with haste to get this plan adopted and to move forward with the various programs and plans which have been carefully crafted with substantial community input. I read in the paper the other day that there's at least one group, the friends of urban renewal, that have threatened to go and appeal what we do and then regardless of what luba does, has stated they intend they are going to court and by doing so cause this matter to be extended another year and a half. Everybody has the right to use legal mechanisms available to them and I don't as a general matter question people's motives. But I don't want there to be any doubt as to what the consequence would be of someone appealing this simply for the sake of making a point and the consequence in my judgment will be substantial hardship to people who have no voice and will not have opportunities to greatly influence this process but will be greatly hurt if we do not act. And I will tell you that while I appreciate the fact that this mayor has been willing to consider creative ways of financing the resource access center, for an example. A casualty of having to finance the r.a.c. outside of tax increment financing dollars at the front end may very well be compromising on the sustainability values which this council has said must be fundamental to the r.a.c. And I for one am not prepared to see us lose a leed platinum or gold certification simply over what has become largely I think an academic fight over urban renewal. I may be a stranger to some of the past history with respect to this district, but i'm convinced based on the time I have invested as a new member of the Council and working with my colleagues and attending hearings that this is the right thing to do and i'm deeply troubled by those who threaten to carry on a continued fight when really if they pause to reflect, it may be time for them to declare victory and move on. On the question before us, on the adoption of the amended and restated plan i'm confident we have established the requisite showings that have been laid out by luba and I am grateful that our crack team headed by Linda Meng and her counterparts at PDC have worked so hard to come up with what I think are very compelling findings and I think it's time to end this fight and move forward as a community and I hope that in moving forward today, and this sending a strong statement by -- from this council that we as a team understand the importance of this action, that we can prevail upon some of our critics to put down their weapons and join us in moving forward. Aye.

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**Saltzman:** Aye.

**Leonard:** There's a few things that commissioner Fish didn't cover that I want to point out -- just kidding. [laughter] Aye.

**Fritz:** Well, I was not on the council when this expansion and extension was approved and I don't support more than doubling or the borrowing or extending the expiration date. I understand that findings on blight are driven by general state definitions and I appreciate the good work that the city attorney has done on this remand. I don't believe that the intent of urban renewal was to utilize every conceivable type of deterioration as blight in the urban renewal context as these findings suggest. Based on the definitions contained in these findings, practically every corner of the city could be an urban renewal district. I will be very reluctant to approve new urban renewal areas especially in areas that have already had a turn. I realize that new legislation is being adopted by the state which will make it feasible for other taxing jurisdictions to be involved in the proceeds and formations of urban renewal areas however, that does not apply to this district, especially until we can get it resolved. Until this last week, I haven't been involved in the discussion amongst various parties on the resolution of the lawsuit and expansion of the district. I'm saddened that intelligent and good hearted people on all sides of the legal and philosophical issues have not been able to reach agreement based on the principles of urban renewal. Urban renewal to me is a tool that should be used with surgical precision and unfortunately I don't believe these amendments achieves that and so reluctantly I vote no.

**Adams:** Well unless i'm mistaken, it does apply. The state reforms do apply to this expansion. So just to correct the record there.

**Fritz:** Only until -- when it gets adopted.

**Adams:** No it applies. It applies if we prevail which is the only way this gets created, it applies. No it doesn't apply now, because it isn't created. But it applies, just so you know. Commissioner Fish, your summation of the issues before you voted was spot on and compelling and I don't think I can improve upon it much other than to maybe use it as a jumping off point. The part where you talked about this is -- this is a -- this is an issue that sounds bureaucratic and is incredibly complex and has occurred -- decisions have occurred in sort of phases and at different milestones and sometimes we forget about as you pointed out, that there's a human cost to this delay and one of the human costs is that we are unnecessarily starving some of our citizens of job opportunities when they need it most. We have a project, commissioner Fish has a project ready to go, that will put construction workers back on the job in an industry that has around 35% unemployment right now and the development industry constitutes about 30% of our economy, as a percentage of our economy. We are unnecessarily leaving unfulfilled the needs and requests of small businesses in this part of town because of this legal -- these legal issues at a time that they too need the assistance most. They can survive if they had our assistance and access to capital. That would be available if this -- when and if this goes forward. And folks that are being hit with the housing crisis and shelter crisis, we would be able to get more of those off -- more of those good folks off the street when and if this moves forward. I'm very disappointed in my experience of this issue with some of the -- with the group of four that the expanse and ambition of their objection continues to grow with time. And it's unfortunate because it's a very human cost that Portlanders are paying for. So I vote aye. [gavel pounded] approved. We are adjourned. [gavel pounded]

At 4:39 p.m., Council adjourned.