



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22ND DAY OF JULY, 2009** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Fritz, Presiding; Commissioners Fish and Leonard, 3.

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

<b>COMMUNICATIONS</b>	<b>Disposition:</b>
<b>989</b> Request of Kasey Goltra to address Council regarding single-use plastic bags (Communication)	<b>PLACED ON FILE</b>
<b>990</b> Request of Kelly M. Bryan to address Council regarding single-use plastic bags (Communication)	<b>PLACED ON FILE</b>
<b>991</b> Request of Cheryl Lohrmann to address Council regarding single-use plastic bags (Communication)	<b>PLACED ON FILE</b>
<b>992</b> Request of Art Lewellan to address Council regarding opposing Sunday meter parking (Communication)	<b>PLACED ON FILE</b>
<b>DUE TO THE ABSENCE OF TWO COUNCIL MEMBERS AT THE 9:30 SESSION, THE CONSENT AGENDA AND EMERGENCY ORDINANCES WERE HEARD AT THE WEDNESDAY 2:00 PM SESSION</b>	
<b>REGULAR AGENDA</b>	
<b>Mayor Sam Adams</b>	
<b>Bureau of Transportation</b>	
<b>993</b> Vacate a portion of SE 104th Ave between SE Cherry Blossom Dr and SE Main St subject to certain conditions and reservations (Second Reading Agenda 964; Ordinance; VAC-10046)  (Y-3)	<b>183012</b>

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<p><b>994</b> Authorize Intergovernmental Agreement with Tri County Metropolitan Transportation District to provide enhanced maintenance of the Portland Transit Mall and the Light Rail Transit Loop segment (Second Reading Agenda 968)  (Y-3)</p>	<p><b>183013</b></p>
<p><b>Office of Management and Finance – Purchases</b></p>	
<p><b>995</b> Accept bid of Triad Mechanical, Inc. for the Columbia Boulevard Wastewater Treatment Plant Wet Weather Screening Facility Project for \$6,401,667 (Purchasing Report - Bid No. 110263)  (Y-3)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>996</b> Accept bid of Pioneer Waterproofing Company, Inc. for the repair and recoat of concrete drive surfaces at SmartPark Garages Project for \$1,234,100 (Purchasing Report - Bid No. 110267)  (Y-3)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>997</b> Accept bid of Nutter Corporation for the E. Burnside: NE 3rd Avenue to NE 14th Avenue Project for \$6,800,300 (Purchasing Report - Bid No. 110269)  (Y-3)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>998</b> Accept bid of Stellar J Corporation for the Columbia Boulevard Wastewater Treatment Plant Digester Expansion Project for \$15,703,918 (Purchasing Report – Bid No. 110310 )  (Y-3)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>

At 9:54 a.m., Council recessed.

July 22, 2009

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22ND DAY OF JULY, 2009** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz and Leonard, 4.

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

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

<p><b>999 TIME CERTAIN: 2:00 PM</b> – Commend the Governor of Oregon, State Legislators and local partners for success providing Health Care Insurance for Portland’s Children (Resolution introduced by Commissioner Fritz)</p> <p>(Y-4)</p>	<p><b>Disposition:</b></p> <p><b>36715</b></p>
<p><b>1000 TIME CERTAIN: 2:15 PM</b> – Adopt and implement the Hayden Island Plan and amend Comprehensive Plan Map (Previous Agenda 982; Ordinance introduced by Mayor Adams)</p> <p><b>Motion to accept Substitute Exhibit A:</b> Moved by Mayor Adams and seconded by Commissioner Fish. (Y-4)</p>	<p><b>PASSED TO SECOND READING AS AMENDED JULY 29, 2009 AT 9:30 AM</b></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>1001</b> Accept a grant in the amount of \$13,070 from the State of Oregon Department of Environmental Quality and authorize a grant agreement with Skyline School to support, promote and expand existing conservation efforts at the school (Ordinance)</p>	
<p><b>Bureau of Transportation</b></p> <p><b>*1002</b> Grant revocable permit to Good Sport Promotion to close NW Davis St between NW Park Ave and NW 8th Ave from noon until 9:00 p.m. on August 7, 2009 (Ordinance)</p> <p>(Y-4)</p>	
<p><b>1003</b> Grant revocable permit to Jake's Famous Crawfish to close SW Stark St between SW 12th Ave and SW 13th Ave from 6:00 a.m. until midnight on August 23, 2009 (Ordinance)</p>	<p><b>PASSED TO SECOND READING JULY 29, 2009 AT 9:30 AM</b></p>

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<p><b>1004</b> Grant revocable permit to Bridgeport Brewing Company to close NW 13th Ave between NW Marshall and NW Lovejoy St from noon until 11:00 p.m. on August 15, 2009 (Second Reading Agenda 946) (Y-4) <b>Motion to reconsider Consent Agenda vote and remove item 1004:</b> Moved by Mayor Adams and seconded by Commissioner Fish. (Y-4)</p>	<p align="center"><b>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</b></p>	
<p align="center"><b>Office of City Attorney</b></p>		
<p><b>*1005</b> Amend contract with Miller &amp; Van Eaton (Ordinance; amend Contract No. 35646) (Y-4)</p>	<p align="center"><b>183015</b></p>	
<p><b>*1006</b> Amend contract with Beery Elsner Hammond, LLP for outside legal counsel (Ordinance; amend Contract No. C36468) (Y-4)</p>	<p align="center"><b>183016</b></p>	
<p align="center"><b>Office of Government Relations</b></p>		
<p><b>*1007</b> Extend contract with Ball Janik LLP and increase funds for representation in Washington, D.C. (Ordinance; amend Contract No. 37302) (Y-4)</p>	<p align="center"><b>183017</b></p>	
<p align="center"><b>Office of Management and Finance – Business Operations</b></p>		
<p><b>*1008</b> Amend contract with Michael L. Webb, Inc. for \$15,970 to provide additional track inspection services for Union Station (Ordinance; amend Contract No. 36167) (Y-4)</p>	<p align="center"><b>183018</b></p>	
<p align="center"><b>Office of Management and Finance – Purchases</b></p>		
<p><b>*1009</b> Authorize an Intergovernmental Agreement with the Housing Authority of Portland for the City Workforce Training &amp; Hiring Program (Ordinance)</p>	<p align="center"><b>183019</b></p>	
<p align="center"><b>Commissioner Randy Leonard Position No. 4</b></p> <p align="center"><b>Bureau of Water</b></p> <p><b>1010</b> Authorize a Net Metering Agreement with PacifiCorp, dba Pacific Power, for the Portland Water Bureau Meter Shop Solar Energy System (Ordinance)</p>		<p align="center"><b>PASSED TO SECOND READING JULY 29, 2009 AT 9:30 AM</b></p>
<p align="center"><b>Portland Fire &amp; Rescue</b></p>		
<p><b>*1011</b> Authorize contract with Burlington Water District for fire prevention, suppression and emergency response services for FY 2009-10 (Ordinance) (Y-4)</p>	<p align="center"><b>183020</b></p>	
<p><b>*1012</b> Authorize application to Federal Emergency Management Agency for a grant in the amount of \$1,857,543 for Station 31 replacement (Ordinance) (Y-4)</p>	<p align="center"><b>183021</b></p>	

<p style="text-align: center;"><b>Commissioner Amanda Fritz</b> <b>Position No. 1</b></p> <p style="text-align: center;"><b>Office of Cable Communications and Franchise Management</b></p> <p><b>1013</b> Authorize modification in the manner of performance of Comcast provision of FM radio signals in West Portland franchise area (Ordinance)</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING JULY 29, 2009 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish</b> <b>Position No. 2</b></p> <p style="text-align: center;"><b>Bureau of Housing and Community Development</b></p> <p><b>*1014</b> Authorize nine subrecipient contracts totaling \$2,433,911 for services to support affordable housing for low-income households and provide for payment (Ordinance)  (Y-4)</p>	<p style="text-align: center;"><b>183022</b></p>
<p style="text-align: center;"><b>Portland Parks &amp; Recreation</b></p> <p><b>1015</b> Accept a grant from Multnomah County in the amount of \$234,255 for operation of an integration program for senior citizens who have developmental disabilities (Ordinance)</p>	<p style="text-align: center;"><b>PASSED TO SECOND READING JULY 29, 2009 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>City Auditor LaVonne Griffin-Valade</b></p> <p><b>*1016</b> Assess property for system development charge contracts and private plumbing loan contracts (Ordinance; Z0772, K0112, T0125, W0004, K0113, T0126, Z1177, P0088, P0089)  (Y-4)</p>	<p style="text-align: center;"><b>183023</b></p>
<p style="text-align: center;"><b>REGULAR AGENDA</b></p> <p style="text-align: center;"><b>Mayor Sam Adams</b></p> <p style="text-align: center;"><b>Bureau of Transportation</b></p> <p><b>*1017</b> Amend contract with Portland Streetcar, Inc. to provide additional professional services for project management and financial planning services related to the construction of the Portland Streetcar Loop Project (Ordinance; amend Contract No. 37251)  (Y-4)</p>	<p style="text-align: center;"><b>183024</b></p>

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<p><b>1018</b> Declare intent to initiate local improvement district formation proceedings to construct multi-modal improvements for the Northrup Loop Streetcar Alignment (Resolution) (Y-4)</p>	<p align="center"><b>36716</b></p>
<p align="center"><b>Office of Emergency Management</b></p>	
<p><b>*1019</b> Accept a grant of \$172,164 from Oregon Emergency Management for FY 2008 State Homeland Security Grant for security strategies (Ordinance) (Y-4)</p>	<p align="center"><b>183025</b></p>
<p align="center"><b>Office of Management and Finance – Business Operations</b></p>	
<p><b>*1020</b> Amend contract with Architectural Resources Group, Inc. for \$240,102 to provide additional architectural and engineering services for Union Station Phase II Facility Improvements (Ordinance; amend Contract No. 30000091) (Y-4)</p>	<p align="center"><b>183026</b></p>
<p align="center"><b>Office of Management and Finance – Human Resources</b></p>	
<p><b>*1021</b> Authorize application to CPS Human Resource Services and IPMA-HR for a grant in the amount of \$25,000 for Recruitment Process Improvement Project in the Bureau of Human Resources (Ordinance) (Y-4)</p>	<p align="center"><b>183027</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>*1022</b> Authorize acquisition of one lot from Margaret A. Brannen as a component of the Grey to Green Initiative (Ordinance) (Y-4)</p>	<p align="center"><b>183028</b></p>
<p><b>*1023</b> Authorize a contract with Michael Feves dba Earth Dynamics and provide for payment for pressure sewer locating and marking services (Ordinance) (Y-4)</p>	<p align="center"><b>183029</b></p>
<p><b>*1024</b> Authorize financial incentives and partnership agreements for implementation of stormwater retrofits within targeted areas of the Tabor to the River Program (Ordinance) (Y-4)</p>	<p align="center"><b>183030</b></p>
<p><b>*1025</b> Authorize Intergovernmental Agreement with Portland Community College for construction of stormwater retrofits (Ordinance) (Y-4)</p>	<p align="center"><b>183031</b></p>
<p><b>*1026</b> Authorize contracts for hauling and disposal of non-hazardous contaminated media and hazardous waste (Ordinance) <b>Continued to July 23, 2009 at 2:00 p.m.</b> (Y-5)</p>	<p align="center"><b>183033</b></p>

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**Commissioner Amanda Fritz**  
**Position No. 1**

**Office of Neighborhood Involvement**

**\*1027** Authorize grant agreement with Youth Employment Institute for graffiti  
abatement services in FY 2009-2010 (Ordinance)

(Y-4)

**183032**

At 3:49 p.m., Council recessed.

**July 23, 2009**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23RD DAY OF JULY, 2009** AT 2:00 P.M.

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

At 3:30 p.m., Council recessed.  
At 3:39 p.m., Council reconvened.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Jim Van Dyke, Chief Deputy City Attorney; and Wayne Dyke, Sergeant at Arms.

<p><b>1028 TIME CERTAIN: 2:00 PM</b> – Authorize Intergovernmental Agreement with Metro for ongoing Parks &amp; Recreation management of Metro-acquired natural area properties (Ordinance introduced by Commissioner Fish)</p>	<p><b>Disposition:</b> <b>PASSED TO SECOND READING JULY 29, 2009 AT 9:30 AM</b></p>
<p><b>1029 TIME CERTAIN: 2:30 PM</b> – Accept 2009 Use of Force by the Portland Police Bureau Follow-up Report (Report introduced by Auditor Griffin-Valade)  (Y-5)</p>	<p><b>ACCEPTED</b></p>
<p><b>*1030 TIME CERTAIN: 3:00 PM</b> – Approve the 30-year tax exemption under the City’s New Multiple-Unit Housing program requested by Nurture 247 Limited Partnership for the residential portion of Pearl Family Housing project as recommended by the Planning Commission (Ordinance introduced by Mayor Adams)  <b>Motion to accept amendments from Commissioner Fish’s Office:</b> Moved by Commissioner Fish and seconded by Commissioner Leonard (Y-5)  (Y-5)</p>	<p><b>183034 AS AMENDED</b></p>
<p style="text-align: center;"><b>REGULAR AGENDA</b></p>	



**July 23, 2009**

**1031** Authorize financial terms and conditions between the City of Portland and Peregrine LLC for improvements necessary to accommodate Major League Soccer at PGE Park (Resolution introduced by Mayor Adams and Commissioner Leonard)

**Motion to accept Substitute Exhibits A, B and C:** Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-5)

**Motion to accept amendment to Exhibit A-9. Sustainability - Peregrine will be responsible, per the City’s Green Building Policy, for the MLS Stadium meeting LEED Silver Certification for Existing Buildings Operation and Maintenance, and will obtain certification from the United States Green Building Council:** Moved by Commissioner Saltzman and seconded by Commissioner Fritz. (Y-5)

**Motion to accept amendment to Exhibit A-11. Neighborhood Parking - The City will use its best efforts to work with the Goose Hollow Foothills League and the Goose Hollow Business Association, Peregrine, Lincoln High School and the Multnomah Athletic Club to develop a mixed use parking facility to serve the parking needs of the area around the MLS Stadium”:** Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-5)

**Motion to accept amendment to Exhibit A-10 City-Directed Wages - instead of “the City agrees to continue” it will read “Peregrine agrees to pay a fair wage as defined by City Code Chapter 3.99 to all employees including any contracted employees throughout the term of the operating agreement with no subsidy by the City. Peregrine agrees to provide a neutral setting for employees should they choose to attempt to organize”:** Moved by Commissioner Fritz and seconded by Commissioner Fish. (Y-1, Fritz; N-4)

**add Motion to accept amendment to Exhibit A-10 City-Directed Wages - to**  
**“Peregrine agrees to provide a neutral setting for employees should they choose to attempt to organize”:** Moved by Commissioner Fritz and seconded by Commissioner Saltzman. (Y-5)

**Motion to accept amendment to amend the previous amendment to say “Peregrine be required to comply with all applicable Federal, State and local laws with respect to organizing”:** Moved by Commissioner Leonard and seconded by Commissioner Fish and voted on before the previous Commissioner Fritz amendment. (Y-3; N-2, Fritz, Saltzman)  
 (Y-4; N-1, Fritz)

**36717**  
AS AMENDED

**Mayor Sam Adams**

**1032** Adopt findings and authorize an exemption to the competitive bidding process for development of a Major League Soccer Stadium, pursuant to ORS 279C.330 and City Code Sections 5.34.810 and 5.34.820 (Second Reading Agenda 987)  
 (Y-4; N-1, Fritz)

**183035**

**1033** Authorize sole source acquisition and execution of a contract with Peregrine Sports, LLC for a Predevelopment Agreement and Operating Agreement for a Major League Soccer Stadium (Second Reading Agenda 988)  
 (Y-4; N-1, Fritz)

**183036**

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At 6:00 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.

**July 22, 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.

**JULY 22, 2009      9:30 AM**

**Fritz:** Professionals from the field of financial analysis, management analysis, program management, and project management have volunteered to serve as mentors for the job shadow day. Each student will have the opportunity to spend time with at least two professionals, one in the morning and one in the afternoon. The students participated in one of five programs this summer within the Oregon institute. The programs are e-government, public sector financial management, and performance management, or sustainable. Students are completing a 10-week internship at public agencies throughout the Portland area. Welcome interns and mentor, would you please stand? She's shaking her head in the back. [laughter] we have other folks here, too, would somebody come forward and tell me who else is here. We have a lot of visitors. Come and give us Your name so that we can recognize her name.

**Kathryn Morrow, Portland State University:** Hello, good morning, I am kathyn, and I work at Portland state university in the international affairs office. Is there are 23 visiting students this morning from korea. They are high school juniors, and they are here visiting Portland for three weeks. They are doing an american cultural experience. They are our sister city so we thought we would visit city hall and see was government is like here in Portland. Thank you very much.

**Fritz:** Thank you. With that we can start our regular morning meeting at 9:30, July 22, 2009. Would you call the roll.

[roll call]

**Fritz:** Thank you. We always start with communications from citizens and any citizen can sign up for three minutes to talk about any subject that he or she wishes to, and the instructions for doing that are on Portland online, and would you please read the title for 989.

**Item 989.**

**Fritz:** Is Mrs. Kasey here? Good morning and thank you for coming to the Portland city council, as you state your name, have a seat and you have three minutes, and the clock in front of you counsels down.

**Kasey Goltra:** Ok. Good morning, I am kasey goltra. And thank you for joining us to speak. I'm a member of leave no plastic behind, which is an environmental arts group, and I support a ban, gradual phaseout of the plastic bags because I believe that, that, that their destructiveness and impact on the environment outweigh, far outweigh the usefulness and utility and the intended use. The bags are not durable, and, and they are, they are used as Trash liners after you take them from the store. 90 billion bags go unrecycled in the United States every year. They are difficult to recycle, and, and, and impossible in most areas. They might not be able to afford a hybrid or, or a solar panels but they can do this. This is something that anyone can do, and it's a unifying element. Everyone, everyone shops, and I think that this is something that, that, that everyone, everyone can participate in. Not just, just certain groups and, and that's about all that I have to say. Thank you very much.

**Fritz:** You are welcome. Thank you. 990.

**Item 990.**

**Fritz:** Is Kelly here?

**Moore-Love:** She was not able to make it.

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**Fritz:** Item 991.

**Item 991.**

**Fritz:** Welcome to the Portland city council, if you will have a seat. You have three minutes.

**Cheryl Lohrmann:** My name is Cheryl Lohrmann, and I am here to ask you to support a ban on, on single use plastic bags in Portland. In solidarity with the surf rider foundation and their campaign. And, and as you are probably aware, there are many grim facts accompanying this issue, including toxicity to humans, as a result of the manufacture and the decomposition of the materials. Let alone, the fact that, that it is far removed from land. It was these facts combined with An instinct that creativity could be a major, a major solution to this issue. And a few years ago, I started the group, leave no plastic behind. For more than two years, leave no plastic behind, has invited people to live in observance of, of the use of plastic in their lifestyle for three months. And, and while also trying to reduce the use, they save it and integrate it, integrate the plastic into their art pieces. To attract more participants in march, we began the plastic quilt project. Participants create 12-by-12-inch square quilt patches to add to the project. We have since deemed national, in hopes it can create a unified statement of the growing awareness of the challenges we face as a result of this perceived convenience. 43 artists have participated in this project since it began. And we hope to double that number for the fall episode. So, Portland, Oregon is, is viewed as, as a very green and progressive city, and I am surprised that we have not surpassed the banning of the scholastic bag into other, other single use items. Like, like the, the clam shells at carts and, and, and plastic forks and, and how, and beer cups at festivals. I believe that that would, that creativity and education be we can be a leader for other cities and countries. We need to, to help people to take off the blinders of seeing past, just the use of plastic and, and considering the Manufacture, as well as the end life of the materials. Most of us have developed, developed a new conscience from sorting our waste for recycling, perhaps feeling a sense of guilt about our consumption but feeling redeemed, sometimes literally, with a five or 10 cent return on, on the deposits. In her book, the ethics of waste, Gay Hockins observes that inducing guilt or fee is not the answer to changing habits, but, rather, cultivating a sense of wonder about, about, about finding and seeking out alternatives, perhaps, inventing them ourselves in some form of a circular economy, and this is what I experienced with leave no plastic behind, a huge receptiveness when they are given this challenge and, and challenged with, with finding ways to, to, to, you know, circumvent plastic's use.

**Fritz:** Thank you.

**Lohrmann:** Thank you.

**Fritz:** Do you have a website that people can find out more?

**Lohrmann:** We do. It's [www.lnpb.org](http://www.lnpb.org).

**Fritz:** Great, thank you very much.

**Lohrmann:** Thank you.

**Fritz:** Please read the title for 992.

**Item 992.**

**Fritz:** Opposing Sunday meter parking. You can change that if you will like to talk about something else. You have three minutes. State your name and then the clock counts down in front of you.

**Art Lewellan:** I am Art Lewellan. As a title of my, my, my Communication, I oppose what the city has done to decide to, to charge people to park on Sunday. And, and I'm rather upset about it. So, I want to, to try to get through a few notes here and explain my position. First of all, I don't come here to, to testify just for myself. I think that I represent a demographics of, of probably many thousand people. Probably. And I live downtown. I'm in that senior, senior ages, and I count on, on friends and, and, friends and family, as many people do, who live downtown to come downtown. And for visits. And, and adding a charge to, to, for people who live outside of the city to come down and then, and that's going to, to reduce the, the amount of visits I get, and thousands of

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people, like me, who live downtown. And, and, and because they fear or they consider the cost, and they also fear, fear the, the possibility of getting a tick in case they missed paying that meter. And I feel a that you have, what you have done is discriminated against people and I am hurt and i'm, i'm upset. I feel heartbroken that, that, that, for myself and for, for, i'm speaking for others, as well. I want to, to, also, talk about accountability from, from the council. Commissioner Fish I went to our office and left a comment while the process was going on, and instead of, of get something kind of reply, all I got was, Was a media announcement that the council has decided to charge for parking on sunday, and that's not enough for me. I don't think that's enough for the public to learn the city has handed down a decree. We want to know why. As I came before your office and I gave you my reasonings for opposing the idea, I didn't get a reply. Not getting a reply from the media so we don't understand why, I think. Not just speaking for myself, this is for many people. And so, lastly, I want to, to say, to me, it seemed a better, a better way to raise funds, I suppose, that's the main reason for charging, is raising funds, that, that, to increase the, the period during the weekdays to eight. Would have been smarter reason, and I don't know what your reasoning was, why you didn't go with that. But, just seemed like the very opposite way that I left to come, so you could understand what the people were thinking, you went the opposite way. So, I want an answer. And you can give it to me now or to the media. I appreciate coming down here to explain this, but I want an answer. Sometime. If not now, sometime. Thank you.

**Fritz:** Thank you for coming down, mr. Lewellan. The absence of two council members, the consent agenda and emergency ordinances will be heard at the wednesday, 2:00 in the afternoon session. Would you please read the title for item 993.

**Item 993.**

**Fritz:** This is the second reading. Please call the roll.

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

**Fritz:** Aye. [gavel pounded] Please read the title for 994.

**Item 994.**

**Fritz:** Second reading, please call the roll.

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

**Fritz:** Aye. [gavel pounded] Read the title for 995.

**Item 995.**

**Fritz:** This is from the office of management and finance. Mr. jeff baer, welcome.

**Jeff Baer, Bureau of Purchases:** Good morning, commissioner Fritz and Leonard and Fish. I'm jeff baer with the bureau of purchases and we are here to request permission to execute a contract with triad mechanical for b.e.s. This is for the columbia boulevard wet weather screening facility project, and the original contractor, or project estimate was 9.4 million. We received the low bid of \$6,401,667. It is to triad mechanical, a local contractor, and we did receive seven bids that ranged from the low bid of \$6.4 million up to \$8.3 million, and we do have 1,824,726 awarded to subcontractors, and which represents 13.2% awarded to minority women and emerging small businesses. Triad mechanical is, is located, is a local contractor, and, and they are in full compliance were with our, our e.e.o., equal benefits and business license. If you have any questions, we have representatives from, from b.e.s. Here and the contractor.

**Fritz:** Any questions from council? Thank you. Does anybody wish to testify on this issue? Seeing none be it passes to second reading.

**\*\*\*\*\*:** These are reports.

**Fritz:** Oh, sorry, do we vote on that?

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

**Fritz:** Please call the roll.

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

**Fritz:** Aye. 996.

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**Item 996.**

**Fritz:** Mr. Baer.

**Baer:** We are here before you to request permission to execute a contract with pioneer waterproofing company for the repair and recoat of the concrete dry surfaces at the smartpark garages. The contract amount is \$1,234, 100, and we did receive four bids that range from, from the low bid of 1.2 million up to 2.47 million, and one thing that I want to note, they do not, they are self performing all the work, so there is 0% participation from, from any subcontractor, including minority women and emerging small businesses, and connie jefferson is here to, to, if you have any questions, really, for the project.

**Fritz:** Questions from council? I note again this is far under the bid. This is about half the estimated price. The previous was a third off. That's great. Good work. Thank you. Anyone wish to testify on this? You can just stay here. Anyone want to testify on this? Then please call the roll.

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

**Fritz:** Aye. Item 997.

**Item 997.**

**Baer:** This is for, for the office of transportation, this is a federal aid project to which we work closely with odot, Oregon department of transportation, and which they established a 2% disadvantage business enterprise goal, and, and the contractor, is located in vancouver, Washington, met that goal, achieving a 2.05% mbesb participation and we have representatives from transportation here if you have any questions.

**Leonard:** Related to the cuplet?

**Baer:** Is chris -- yes. Thank you.

**Fritz:** Any further questions from council? Please call the roll -- i'm sorry, does anyone want to testify on this? Thank you. Please call the roll.

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

**Fritz:** Aye. Please call -- read 998.

**Item 998.**

**Fritz:** Mr. Baer.

**Baer:** There is a b.e.s. Project for the columbia boulevard wastewater treatment plant Digester project. A couple things to point out related to this project, we have, since we file the report with council, we have work with the contractor to increase their participation rate. Of the 21 divisions of work that we identified, they are subcontracting now to \$5,661,000 subcontracts. Of that amount, 24.2% is being awarded to minority women and emerging small business participation, so actually, they have -- we boosted up their participation rate a fair amount. Wanted to point that out.

**Fritz:** Questions from council? I note this comes in nearly \$12 million below the estimate. So what happens to that, those savings?

**Baer:** I believe what they do is they go back to the capital improvement project plan to look at other projects that they can use those funds for.

**Fritz:** Thank you. Does anybody wish to testify on this item? Please call the roll.

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

**Fritz:** Aye. [gavel pounded] So, that concludes our agenda items. We had some folks who came in a little later that I want going back and welcome again. This is the city of Portland office of management finance, 12 graduate students, and I am assuming that's who is waiting at all the contracts we just went over so welcome. You are shadowing city employees in a program with Portland state University's hatfield school of government. And the professionals from the field of financial management analysis, program management, and project management have, are serving as mentors and you are spending time with at least two employees, one in the morning and one in the afternoon. We greatly welcome you and thank you for coming to our city council meeting.

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**Fish:** Amanda, could we ask we're they are from?

**Fritz:** Commissioner Fish would like to know we're each of you are from.

**Fish:** Your school.

**\*\*\*\*\*:** Portland state university. [inaudible]

**Amy Chow:** I am amy, and I am [inaudible]

**Fish:** I am not only honored to have you but I think the collective i.q. Of the city went up during your visit so welcome.

**Fritz:** Thank you for visiting. If there are no further issues, we will be in recess until 2:00 p.m.

**Fritz:** I want to compliment the chair on I believe the shortest meeting on record with council and you set an example for, for future presidents of the council to follow.

**Leonard:** We'll be watching. [laughter]

At 9:54 a.m., Council recessed.

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

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

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

**JULY 22, 2009      2:00 PM**

**Adams:** Good afternoon. Today is wednesday, it's 2:00 p.m., july 22nd, 2009. The city council will come to order in its afternoon session. Please call the roll.

[roll call]

**Adams:** We have two time certain on the agenda. Karla, would you please read the title for time certain resolution council calendar item 999.

**Moore-Love:** Did you want to get rid of the consent agenda first? We put all the consent on to this afternoon when we have four members present.

**Adams:** Ok. Is there anyone in the room that wishes to pull an item from the consent agenda? Karla, please call the roll on the consent agenda.

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

**Adams:** Aye. [gavel pounded] consent agenda is approved. Now would you please read the title for time certain council calendar item 999.

**Item 999.**

**Adams:** Commissioner Fritz.

**Fritz:** It's wonderful to be here, and it's interesting this item number is 999, which is the emergency number in England where I come from. There's been a lot of jokes in the days of rotary telephones when it should be 1-1-1. It was an emergency that the legislature recognized, that we have about 116,000 uninsured children residing here in Oregon. Most are in working families that cannot afford health insurance or do not qualify for state health programs. Lack of health insurance is not only detrimental to a child's health, but also the child's performance in school. With the child more likely to be absent from school and falling behind in school work. In 2008, two doctors recognize the need to provide children in Portland with health care insurance. In an initiative effort they gathered signatures from Portland residents in the hopes of providing children in Portland public schools with health care insurance. In a response to their efforts, the city council passed a resolution in 2008 declaring it the policy of the city of Portland that children in Portland deserve basic health care coverage. That was resolution number 36614. And that was the -- I was charge in January with fulfilling that pledge should the legislature not come through with health care insurance for children. And indeed the legislature stepped up to the plate in the worst economic crisis that I in my lifetime. The 75th Oregon state legislative assembly in 2009 passed house bill 2116, which will expand health care coverage to 80,000 children up to the age of 19, along with 35,000 low-income adults. As a result, 95% of all Oregon children will have health care insurance coverage. In addition to the passing of house bill 2116, Kaiser Permanente developed a program which offers free health care insurance for its community benefit program for children grades K-6 in Multnomah county. We're here to recognize the efforts of those involved in the creation and passing of the state of Oregon's health care initiative for children, house bill 2116. I'm going to invite some of our honored guests up in groups so we can say thank you to them.

Beginning with representative Mary Nolan, Mitch Greenlick, and Claudia Black from the governor's office, and is Cathy Coughman from the doctor's office here?

**Adams:** We're glad you're here to be recognized. Goodness knows you deserve it.



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**Fritz:** Representative Mary Nolan, house majority leader this session as an advocate on many top priorities, including house bill 2116, Mary should be recognized for the overall success of the legislative session, despite the difficult challenges the legislature faced in trying to pass gunshot good poll any an economic recession. Representative Nolan negotiated with health care providers about the funding mechanisms in house bill 2116 and taking the bill to the house floor. Helped to persuade other representatives to vote for the bill. Representative Mitch Greenlick, as chair of the house health care committee, demonstrated determination and expertise, taking on the major health care challenges at the state. He is to be commended not only for his efforts to pass house bill 2116, but also as a companion to health care reform, house bill 2009. As chair of the house health care committee, Representative Greenlick was the architect of health care reform, held public hearings and work sessions on a bill that will significantly improve the way health care is provided in Oregon. And we know that both of you have worked on this project much in the -- not just in this legislature, but many years. We appreciate that greatly. We also have Claudia Black, the governor's health and human services advisor and is health policy advisor to Governor Kulongoski. Claudia's work on the legislation began before the beginning of the legislative session. Health care for all kids in Oregon have been a priority for Governor Kulongoski for two legislative sessions. Your staff presence was essential in this process. Thank you so much. Cathy Coughman is going to be the manager of the Oregon office of healthy kids beginning August 3rd. Prior to being selected for this position, she was the policy and communications director for Children First for Oregon, an organization that advocates for children and their families by shaking public process -- shaping public policies statewide. She also served on the steering committee for Social Welfare for Action Alliance and volunteered for start making a reader today. And the community alliance. So we're very grateful to you for your work and want to know if you'd like to say a few words.

**Mary Nolan:** Commissioner, if I might, Mary Nolan, state representative for the district in which city hall stands, as well as most of southwest Portland within Multnomah county. I think it's important that we remember that the work we did to extend health care for children in Oregon and begin to expand for low-income adults, we did not make as much headway with adults as we did with kids because kids were our priority, is not only about their current health, their readiness for school, but it is also about protecting Oregon's economy. On two levels. First of all, what we did will provide about 700 million dollars a year in Oregon to provide health care. And we'll be doing that by employing Oregonians doing it. It keeps money here that would otherwise be going to other states, employing people in other states to take care of other states' children. So it's not only about health care, but it's also about employing Oregonians and delivering that health care. And the other way that this is a big boost for our economy here in Oregon is by providing this type of preventive health care. We help contain the costs of private health insurance provided by Oregon employers to their employees in a way that makes it possible for them to continue to do that and stay competitive. So commissioner, while the most urgent motivation for us was around kids and making sure they have access to health care, this is also an enormous step forward on behalf of our economy.

**Fritz:** Thank you.

**Mitch Greenlich:** First, I really like to commend you all for taking a responsibility for health care for kids. It was a tremendously courageous thing. I think stepping out into that void was very important. I very much admire it. The second thing I'd like to say, there are four of us sitting here representing four pieces of the action, but this was a bipartisan effort that included the work of dozens, scores, maybe hundreds of folks putting input into helping keep moving this ball forward. And we always understood it was going to take 36, 18, and one to get the votes, and people like senator -- senator Johnson, senator Bates, were very much involved with us right from the very beginning. Our caucus was universally behind it from the start. The governor's staff was quite incredible, except they continued to let it healthy kids, when I continued to insist it was something

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else. I noticed they've won. I'm a good loser. And certain did I dr. Goldberg was quite extraordinary, being there with us right from the beginning. And the substantive process of pointing out how we could really make these things work, and being active in the negotiations as we move toward fund can. I'm really happy to be here representing, like that television commercial, a great burn of folks back there who were very much involved in this process, especially tom burns, who was the legislative person who at the end when we had a 613-page bill, could tell you what was on page 42 and 355. It was quite amazing. Thank you for noticing.

**Fritz:** Cathy is representing dr. Bruce goldberg, the state of Oregon department of human services director, and wasn't able to be here today, but was a great supporter.

**Claudia Black:** I'm governor kulongoski's policy advisor. The governor sends his greetings, he wishes he could be here to celebrate with us. As you heard, providing all children in Oregon with access to affordable health care has been a goal of the governor for some time. And we've had setbacks along the way, but he's never let that deter him from the goals. The passage of house bill 2116, that goal has become a reality. By the time the governor leads of leaves office, all children in Oregon will have access to health care. I appreciate your kind words and I would echo those of representative greenlick in recognizing what a supreme effort this was on the behalf of so many people involved, particularly the legislature and the leadership representative Nolan, representative greenlick, and the group of four and then all the other people who took this to heart and really passionately care about kids. So on behalf of the governor I want to thank everyone for their role in it, and i'll just say that we are thrilled this situation, we're looking forward to working with all of you and all of the stakeholders on implementing the healthy kids program in Oregon. You notice I do say healthy kids. I was -- I acknowledge representative greenlick made sure healthy kids was not in statute. The program is called healthy kids, but in statute it has a different term, and I also want to acknowledge cathy coffman who is going to be leading that effort, and we're thrilled to have her part of the team. Thank you.

**Fritz:** Please convey the council's appreciation to the governor. My staff is working -- looking forward to working with cathy in getting families to sign up.

**Adams:** Thank you so much. [applause]

**Fritz:** We do have other folks eyes like to recognize and ask to come up. Multnomah county commissioner jeff cogan, who played a key role in creating the children's investment fund. Commissioner cogan is also a leader in putting Portland ahead on the green building movement and serves as the chair of the city's human rights commission. Representative kotek, house majority, also very committed to The process was not able to be with us today. And neither is state senator betsy johnson or state senator alan bates, but we appreciate their participation. I would also like -- are the doctors here? Oh, good. If you'd like to come up, that's great.

**Adams:** Why don't you have a seat in the middle.

**Fritz:** They won the spirit of Portland award in 2004, as Portland's small business of the year. Fanno creek clinic also exemplifies sustainability, winning the 2005 best award for energy from the city's office of sustainability. They are valued community members in southwest Portland, and they have shown they care about children and health care all over Portland. The fanno creek clinic not only provides excellent health care, but also annual recognition and grants for outstanding teachers, volunteers, and public employees. Thank you so much for all you do for Portland and Portland's children.

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

**Fritz:** Thank you, as the representative said, setting the stage for this successful legislative session. Do you care to say anything?

**Kathy Kaufmann:** I want to briefly say first of all what a terrific accomplishment the representatives and senators and the governor pulled together boy making this happen, and we're -- as a community and as a state, we're grateful. I also want to acknowledge the city council took the

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risk of putting themselves on record saying we're going to do this if they don't. That was a risk, and I think it was an important marker, and it helps the entire debate statewide. And then I just want to say the reason city council did that is because of this man, dr. Greg queuedly, who in my view is a true citizen activist of the very best sort who is a person tacitly passionate enough to spend hundreds and hundreds of hours of his time, gathered signatures, raised money, and worked to put this on the city's agenda. And I think all of us are benefiting from that. Thank you, doctor.

**Adams:** Welcome back.

**Jeff Cogan:** Thank you. I really -- very kind. I know my wife wanted to be here, but we couldn't get child care on short notice. I really appreciate the -- both that the city put themselves on record until support of this, and also the wonderful job that the legislature has done, because so many years we've been waiting for this kind of thing to happen, and it's wonderful to have it happen. Especially in the midst of what's happening economically, and I think that's -- that took a lot of effort on the part of legislature, and I really want to thank them for a wonderful job, and thank you guys for the report.

**Adams:** Thank you both very much. [applause]

**Fritz:** Thanks so much.

**Fritz:** I testified before representative greenlick's committee and we're all committed to helping get all of the children in Multnomah county and Washington and clackamas and every child in the state signed up for this. I want to mention dave hunt, the speaker of the house and our government relations lobbyist were tul absolutely fantastic. Martha pell green 0 is here, and dave, and matt, who cannot be here today, were just splendid and very, very helpful. Finally i'm grateful to the committee to worked on resolution 36614 last year in case the statewide legislation did not pass. They were already making sure there would be things in place. For the children of Portland and the children of the state of Oregon, we're glad this bill did pass. I'd like to call up susan rasmussen and dr. Nancy stevens from kaiser permanente. Susan is the manager for the special relations, and dr. Nancy stevens is director of the community benefits program. And you stepped up even before the legislature passed their bill to say that kaiser permanente was ready to help the children of Multnomah county and public schools. Would you like to tell us about the program?

**Nancy Stevens:** The program has really been one of the legs of the scoo stool of the entire community benefit program. We offered the program in 2004, and helped me with the numbers, with -- we started with nine schools and a thousand children.

**\*\*\*\*\*:** And at that point it was offered in Multnomah county alone. Since then, we expanded to the salem-keizer school district, and I think we're in about 385 schools and about 6,000 students.

**Stevens:** So the reason the kaiser term then take-away is doing this is not just making sure children have insurance, but offering comprehensive care. So that we don't have these children showing up in the emergency rooms, but we are able to treat them just like other dues paying members and we take care of their preventive, their acute, and chronic care needs. So it's been a really successful program, and the partnerships that we've had with the mesd staff and with the salem-keizer school district has just been outstanding.

**Rasmusen:** What i'd like to echo on to what nancy has shared, we started with nine schools, and went to 385. We are now in beaverton school district, hillsboro school district, clackamas school district, and then also Multnomah and salem. I will say that i'd like to echo also on the thanks to everyone for making this happen, and we work for a health plan, but I will tell you that this is one fabulous job that we have. Just the partnerships again that, working with the schools and being able to provide the coverage to these children. It's just been amazing. We do plan on working very closely with the staff and also With the other state staff on continuing that partnership. So it's been a real pleasure.

**Fritz:** Thank you. It's good to have private-partners.

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**Stevens:** I want to mention what a great job this is. Sam Adams was -- you introduced me, it was the opening of the yellow line over there at the interstate campus, and when he introduced me he said, "let's see, director of community benefits. What a great job title, to get upper morning and say, I wonder how i'm going to benefit the community today?" and it's been our pleasure to do that.

**Fritz:** Thank you very much. [applause] there's already some information on my website about how people can sign up for the kaiser program. There will be more information about how to sign up for the state program. We'll be working with all of our partners to help get families sign up. We greatly thank you very much.

**Adams:** Is there anyone else signed up? Would you please call the vote?

**Leonard:** I certainly appreciate how difficult it is to pass anything in the legislature, so I appreciate the balance and the effort and the fortitude and the long nights and weekends that it took to do this and all the other great things you guys did down in salem. With a little bit of almost wistfulness I watched the majority work so well together. I appreciate all you've done. And the governor as well has been great on this issue. Aye.

**Fritz:** As a new immigrant 30 years ago I was in nursing school and had to go to the emergency room because I didn't know how to find me convenient care, and had a condition that got so bad I had to go to the machine room. Now i've been a registered nurse and a mother, and i'm so happy we're providing health care insurance and preventive coverage for all of Oregon's children. Thank you so much. We continue to be pioneers in health care, and setting the standard for the united states. Aye.

**Fish:** I have a 5-year-old son who in his first five years had two major surgeries, one to restore his eyesight, and the other one to enhance his hearing. And in each instance we had health care through my wife's employer. Portland state university. So I have a particular connection to this issue, and the costs of both were off the map. So it is with great pride that I join in thanking you for your great work. Amanda, thanks for being this forward. We don't frequently enough thank our partners in government for what they do. And to mary and mitch, I would be remiss if I didn't say thanks for the heavy lifting in housing. Historic legislation on Foreclosure, helping homeowners and renters, historic legislation to give us a dedicated fund for housing. New lottery back bonds, so many other things. We could go on and on about all the things that benefit our state and community, but you were doing the heavy lifting, so thank you. Pleased to vote aye.

**Adams:** I too want to thank commissioner Fritz for being forward this resolution, and it's again well deserved. It seems many, many months ago, com commissioner Saltzman, commissioner cogan, and myself met with the doctors and some of his supporters, and if you all recall, he had the signatures. Ready to go. To file. To enact more coverage for more youth in our local area, and he took a flyer and trusted us that we were going to do everything that we could working with our partners in salem to get what he wanted done not just for local youth, but for all youth in the state. And that was a flyer. We did not know if you failed how we were going to fulfill our pledge, but we would have. I'm glad we don't have to. And I really want to laud you all for -- and everyone that commissioner Fritz mentioned and more, for your leadership. Very difficult times to take on what has got to be one of the hardest issues society faces right now as our president is learning on a national level. So thank you. I also want to acknowledge representative tina kotek, who Had agreed to take on the local committee. Assigned it to commissioner Fritz, but we would worked with commissioner Fritz if we had to. I'm happy to recognize your great efforts. Aye. [gavel pounded] it is approved. Could you please read the title for time certain item council calendar item 1000.

**Item 1000.**

**Adams:** All right. Today council is acting to accept the substitute exhibit. We're not voting on the main motion, we're not voting on the underlying ordinance. That will -- the second reading will be in a few weeks, but today we are making the changes that have been identified by commissioner

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Fritz, commissioner Leonard, and myself, and mr. Zinder will go through some of those changes for council consideration and any public testimony that we do have today, but again, we're voting on the substitute and the main motion will be in a couple weeks.

**Joe Zehnder, Bureau of Planning and Sustainability:** Good afternoon, commissioners. If you'll bear with me, i'll lead you through quickly the list of amendments we brought back for your consideration. What we'll be talking from today is mayor Adams said, is the substitute copy of the plan that was filed, and a summary of all the amendments that we'll be discussing is on page 4 of that document. Just actually going through the list, it's at the bottom of page 4. The first item was a change that's been made throughout the Document, but times two, three, and four deal with a similar topic, which is to make clear that the plan itself does not endorse a new bridge or development on west hayden island. That's subject to a separate process. We've added these comments to the text of the plan and reviewed them actually with the parties who raised the issue as -- and also follows the recommendations of commissioner Fritz. Item five in the list was to add the office of healthy and working rivers under the leadership component of the implementation items on pages 34 and 35, we list the different actions, near-term and long-range actions would it take to implement the plan. And we've added that office as an advocate implementor of all of those various actions.

**Fritz:** There's no "and" a. Minor typo.

**Zehnder:** Thank you, commissioner. Item six dealt with the issue related to drive-throughs, restaurants, and drive-through facilities on jantzen beach drive. We've added to the text of the commentary, which explains the legislative intent of the ordinance and to the specific ordinance itself, provisions that make it clear that drive-through facilities are even though the zoning classification is changed to cn-2 and there's the presence of a street classification that might typically not allow this, access of drive-throughs from north jantzen beach drive will Be allowed currently and into the future. And we've discussed this with the testifiers who raised this issue in the past, and they were satisfied with the content -- content of the amendment. Item seven deals with the manufactured home park. There's a number of items here. First was the request from the owners of the manufactured home park that we consider a longer period for reestablishment of the park after a natural disaster. And on page 69 we've made that change toll the code and increase the period of time to reestablish the park to 15 years from five years. And again, this amendment was supported by the testifiers of the owners of the mobile -- of the manufactured home community. Item 8 dealt with ensuring that when mobile homes, individual mobile homes are replaced on the site, it doesn't trigger upgrades that would typically be triggered if you were building a new residence, a new actual home on the facility -- on the location. And here we added language to the commentary which records the legislative intent to make it clear that removing and replacing an individual manufactured home unit is not intended and would not trigger those upgrades. And finally, again with the manufactured home community, there's an issue about when and how additional noise standards, sounds proofing standards need to be implemented in the manufactured homes and with the Agreement of the manufactured home park owners who testified, we're going to address that issue as part of the airport future project, which is looking at the x overlay, the airport overlay in more detail. And finally, not reflected on page 4, but one -- an amendment to the text of the plan itself, not to any of the zoning code, comprehensive plan or any of the ordinances, was raids by the audubon society who did testify to this at the last meeting, which was they were asking that we give more language in the plan vis-a-vis the recommendations regarding parks. So we're proposing to add to page 14 which is in the text of the plan itself of this statement regarding parks. Repeating a point made elsewhere that hayden island lacks public park space and that we -- although we've identified some sites on the island that we think are good opportunities for a park, there's additional implementing actions that have to take place. Just having it on the map is not --

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what it's going to take to actually deliver those parks. And that is the amendments that have been incorporated into the new document.

**Adams:** Discussion from council -- questions from council? All right. Anyone signed up to testify?

**Moore-Love:** We have one person signed up. Steve morrison. Come on up.

**Adams:** Welcome, mr. Morrison. Just give us your first and last name. Please have a seat. You'll have three minutes.

**Steve Morrison:** My name is steve morrison. I live in Portland, Oregon, and I own the property at 707 north hayden island drive, otherwise known as the water side condominium. We purchased this land some seven years ago, and built 84 residential units there and a marina. I'm here today for a number of reasons. I testified at the planning meeting for the island, and was never contacted by anybody from planning staff or from city council about any of the future discussions. I would not have known about today, without my realtor informing me. I spoke with mr. Witnesses el to start with, wrote a letter, technology him I objected. I followed up with another letter to sue par sons and the commissioners and the mayor and never received any contact back. I got a call last -- yesterday afternoon from joe, who just testified about this, he told me what was going on. And as you, see from his testimony today, he has acknowledged the people that were there in the meetings and their concerns about their property, but none of mine.

**Adams:** Do you want to summarize your concerns in the time have you? I'll give you more time.

**Morrison:** Thank you. They were as follows. We were c.g., we are happy with general commercial, we're conforming in that use. We don't know what will happen When this rezone to residential affecting us and what might happen in the future with the economy the way it is and the technology the way it is, who knows what may happen on sites that are right now simply residential, and the marina, the same situation. We're happy being there as we are, we're not an island, we're contiguous to and adjoining the property to the west of us, which is the hotel, and they are being -- they are remaining as general commercial. So we're not creating any kind of an island there. We want to keep our options open. In respect to that. And we also raise concern about the walking path we built out in front of our property. It's very pretty, landscape with two acres of landscaping surrounding it, we let the general public walk down, they walk from the hotel from our neighbors, and it's proposed in the proposal that it be a bicycle path, and there are areas that this path not on our site, which is 10 feet wide, drop down into the neighborhood of three to four feet wide. This is extraordinarily dangerous. We have people, old people, people with dogs, people with grandchildren, daily walking along this beautiful area on the riverbank. And I was never contacted about even that little issue. So that's our concerns. And I didn't have an attorney out there, I testified -- I could have got one -- stomped my feet, like joe angel --

**Adams:** Your two concerns are the zoning and the requirements regarding access on the path, on your property or other people's properties?

**Morrison:** I would assume our properties and other properties, we've connected them to make a route around the entire island.

**Adams:** What is your specific --

**Morrison:** I don't think it should be a bicycle path.

**Adams:** It should be for --

**Morrison:** Pedestrian only.

**Adams:** Are there any other concerns? I think we've captured the zoning and the path usage. Anything else?

**Morrison:** That's basically it. I'm chagrined and want to let you know that they just left us out of this process, they being the planning commission.

**Fritz:** I didn't see your letter, i'm sorry about that. Could you tell me why they -- it's a residential property, why are you concerned about changing the zoning from commercial to residential?

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**Morrison:** I know what I can do on a commercial piece of property now, because we bought it and read that. But I don't know what the rezoning is going to do to our use of the property and what restrictions we would have in the future. As I said, the internet technology and what's going on, some little business might want to set up in our building. We've had residents who say, how about a beauty salon or nail so lon? We've had people contacting us about possibly having a summer Cabana down on the marina, to have drinks or food during the summertime. We have parking, i'm sure the city will point out to you it's not a public marina. But we could have -- do have parking on our street. It's a private street, for 20 vehicles. And we have hundreds of neighbors within walking distance to the marina. And I just don't know how it will affect us. We just want to be left alone.

**Fritz:** Thank you. I'll look into it.

**Adams:** Appreciate it. Thank you, sir.

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

**Adams:** Mr. Zehnder, or mr. Gillham, do you want to give us your perspective on those issues? Zoning on this particular property, and use of the path for bikes?

**Zehnder:** Yes. I prepared -- I brought -- just to orient you to the property we're talking about, the water side condominium, this is the concept plan. It's located right here on the north side of the island next to the existing hotel. And on the concept plan, the idea was to promote residential development on either end of the island, to concentrate the regional of the larger commercial use where the jantzen beach center is, and over the long-term phase that's more residential use. And to turn this area on the east side of the freeway into a neighborhood serving, more neighborhood serving retail Area. So concentrating the retail commercial uses into those areas was a big part of the overall strategy or concept for the island, and the other thing to remember just in general too is that we were dealing with an island that had this transportation constraint. There's only so much development that can go on the island because of the limitations on the freeway, so we actually had to consider how best to deploy the commercial uses that we were going to allow on the island by when we were forecasting our transportation budget, really. So for these properties, the condominiums that were just in question and other properties actually on the -- this end of the island, we, in the plan, examined how they were actually developed, what level of residential development was there in terms of density and height and the like, and created a zoning pattern that rezoned the properties, the residential properties here on the east to a category that matched what they were. And actually with a little head room as well. But that aligned with the way the properties were developed. The waterside condominiums were developed. And so the property in question, you can see, was general commercial under the previous map, and has been rezoned to r-3, matching up with a number of other residential developments around the r-3. And just the difference between these different zones was a match, what level, what Intensity they were developed at today.

**Fritz:** The 84 units is at the r-3 level. What kinds of commercial uses are allowed in an r-3 zone?

**Zehnder:** R-3 does not allow commercial use. So in the thinking of the plan, the concept plan here is that the kind of uses that might be developed on that site, we would love to see happen in this neighborhood commercial area. Because that's in the long run what this area was intended to become. Neighborhood serving uses. Nail salon is a perfect example, but that kind of small personal service or other retail use. What's there today, we know is different, it's a safe way, it's some of these drive-through uses, but in the long run, the difference between this side of the freeway and the other was that we're trying to move this to be more of that neighborhood center. The zoning was designed to accommodate that, the street plan looks forward to a time when that could be possible as well. So the change does eliminate the flexibility of the site to go to a commercial use. However, we've provided an alternative location within easy walking distance that we were trying to capture the market area and the energy to help promote it as a neighborhood serving commercial use. The other thing to consider is that this would be a very large c.g. site.

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And whereas it's a great residential development today, It could be a commercial development the way zoning works. We have to look at sort of the hypothetical future. If we were to reconsider the zoning of this property, it could potentially raise issues for Oregon department of transportation in this overall transportation budget issue that I discussed earlier. We'd have to go back and look at how we are within the overall capacity.

**Adams:** Does the odot concerns get triggered on the zoning decisions we make or by zoning applications?

**John Gillam. Bureau of Transportation:** Their primary concern would be in adopting this plan. So if we have -- if we adopt this plan, then it's presumed that the transportation issues with odot have been addressed. So it would not occur on a development basis. The land use change in the plan is the trigger that the state has jurisdiction over.

**Fritz:** But it's currently c.g., so it had capacity when it was just built.

**Zehnder:** The original zoning predates the state transportation planning rules, so that's -- the situation has changed since it was originally created. The original zoning also came from just mapping what the Multnomah county zoning was on the island. So I don't know that it was ever really considered in terms of the state transportation planning.

**Fritz:** Did the commission have discussion on this site?

**Zehnder:** I can't remember specific discussion of the request, Although we did go through the whole list of all the amendments. So they must have, because we would go through all the list of all the testimony and amendments, and the planning commission did not find the argument compelling. They bought into the concept plan and did not pick up an amendment to change the zoning back to c.g.

**Adams:** If I could interject, is it discussed as part of the process with the citizens?

**Zehnder:** I believe it was. I'd have to go back and check the record. The way we do that is there's the hearing, there's questions, and then all of those different requests, amendments are brought back at the next meeting similar to here. I'm pretty confident that it was addressed.

**Fritz:** Given it was just built, it's not like we're expecting a huge commercial development to go in there, was there any discussion of allowing the kinds of uses mr. Morrison raised?

**Zehnder:** There was not. I think there's -- there was not.

**Fritz:** The commercial that's on the other side in this area is not right on the border, right?

**Zehnder:** There's a number of issues that considering commercial use especially that the marina would raise. The marina itself is for residents to use. It's an accessory use and was approved through the environmental review as an Accessory use for the residential unit. If it were a commercial arena, it would have to provide parking, would it have had to provide other things that it didn't. It's an accessory use. So every step we make towards more commercial use of the marina itself gets us in a territory where we may need to reconsider even how -- if it's being used for a purpose that it wasn't permitted for in the first place. These -- and this is a plan district. So there's the ability to take an r-3 and allow a certain level of retail use that's sort of accessory. The planning commission and staff typically tries to avoid that kind of exception, because we use the r-3 district all across the city and we're just careful to not set precedent that would be difficult for us to not have to apply elsewhere when it would be less appropriate.

**Fish:** In our last hearing lots of people came forward with concerns and we've addressed them all in this document. As noted. And some of them were substantive, some of them were style, but had you a chance to work through them, negotiate with the various parties. I'm trying to -- i'm trying to understand a couple of issues have been raised, one procedurally about notice and engagement and substance, and I would ask my colleagues do, we have enough information to address this or is this something that ought to be first discussed at a staff level with the recommendation to us? 60 that from complete ignorance.



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**Adams:** If we could have staff answer first. Have you adequately, do you feel this process adequately considered this issue, mr. Morrison says no?

**Zehnder:** Just from a staff position, I think we believe that the commercial use should be in the neighborhood center. There's only so much market on -- there's only so many shop Oregon city hayden island and to concentrate that use in the area where we're trying to create that neighborhood retail center seems to make the most sense. Mixed use is something that we promote in general, the city, especially in the central city, what you have on hayden island, a residential areas and so this is more akin to a traditional residential neighborhood with a little commercial area that supports it. This is not the pearl. So I think we believe supporting the concept plan is the right thing to do.

**Adams:** Would council, do you feel -- .

**Fritz:** I would like to respond to commissioner Fish's question. I'm troubled the testifier did not -- participated but did not get notice for our hearing a couple weeks ago. So the purpose of having this public hearing is so the public can't come in and ask for amendment and comments, so i'd like more -- at the very least i'd like more information before the final vote about what Happened on this particular site. What the consideration was.

**Saltzman:** It's one thing to say you didn't get notice, it's another thing to actually have notice. Is that accurate?

**Zehnder:** I need to go back. It would surprise me, since notice goes out to anyone who signs up for testimony, that we did not send out notice. But I can pull the record and look to confirm notice was sent out. To actually have filed testimony Washington park the planning commission is pretty - - i'm pretty sure you get on the list and we provide you with notice, but I will double-check.

**Leonard:** To commissioner Fish's point, I am uncomfortable on the fly changing something, particularly in light of a more what I would consider thoughtful process of the staff trying to have consistency in how we apply -- having worked out there five years, i'm familiar with the project. There is a real need to have a clear separation from commercial areas and residential areas on the island. It's confused enough as it is today in any attempt to more clearly delineate those lines. I think from a policy level I appreciate the approach, but from a practical level as well, noight eye expland how it works makes sense to me.

**Fritz:** There were two other questions that came in between the last hearing and this one that I wanted to ask for your clarification. We had a letter asking to keep The zoning as c.g. Instead of changing it to c.n. That's above and beyond the changes to the drive-throughs and the accessways we've made in response to what we heard last time. So I was wondering if you could elaborate how that issue was discussed in the community and why c.n. Was selected instead of c.g. On the -- in the commercial area.

**Zehnder:** That lesh was referring to this neighborhood commercial area on the east side of the freeway. The area we discussed earlier regarding the drive-throughs. The level -- i've already talked about what the concept is, what we're trying to accomplish. And when you read the purpose of the c.n. Zone, it really is that kind of residential area. Even auto oriented. It's not storefront, but it's smaller, it's smaller, it's typically got less lot coverage, it's more oriented in sort of the scale and type of use to neighborhood serving retail, and that's what the purpose of this area was. It allows all the uses that are there today, especially now that we've given that sort of concession to the drive-through, and actually the level of development of the lots there, it allows more lot coverage than is built. A c.g. Would allow 85% coverage, a c.n. Will allow 65% and the sites are developed in the 20% range. So there's a lot of development potential still within the c.n. So one of the purposes of it is it affects the size and sort of The layout, and also signals to would-be developer what the intent is of this district. So if you're looking to be big retail, we've got other sites on the island we think are the preferred choice. This one we're trying to send a signal of what it's supposed to be.

**Fritz:** In conjunction with the height allowance, can you tell me more about that?

**Zehnder:** I'm not exactly sure which specific site that's referring to.

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**Fritz:** I wasn't either. This used to be an area of an 80-foot height that's in close proximity to the east end --

**Zehnder:** Oh, yes. This is -- it would be this residential area on the eastern tip of the island. This was part of the area that typically would not have been allowed to be developed commercially, but we think it's the best use, so that's the amendments in the plan regarding the noise overlay to transfer units around. Planning commission did address -- discuss this actually in some detail, and pushed to have a greater setback incorporated into the plan as well as public access along this part of the waterfront here. I don't remember off the top of my head commissioner the specific numbers, but that actually was addressed in planning commissions discussions and there was no -- the way they chose to address the issue was to require a little bit more setback, require more public access along that shared access along the waterfront.

**Fritz:** The 25 feet was more than was originally proposed?

**Zehnder:** I believe it was.

**Adams:** Why don't we go ahead and pass the suggested amendments between now and, when does this come back to council?

**Moore:** I believe we decided on the morning of the 29th, next wednesday.

**Adams:** Oh, next wednesday. So between now and wednesday if you would -- two issues, the zoning and the path, and if you could the do some forensic work on the process concerns raised, and if there is a problem with the process, how do we address it in terms of get can mr. Morrison's request in front of folks that can provide us some advice in response to his request. We'll tentatively put this for next week, we'll extend it further if we have to. I move the amendments. Is there a second?

**Fish:** Second.

**Adams:** It's been moved and seconded. Any testimony on the amendment? Further testimony? Karla please call the roll.

**Leonard:** Aye.

**Fritz:** I'm really proud to be on a council with staff who are so amenable to amendments, making things better constantly looking to address the concerns. Aye.

**Fish:** Aye.

**Adams:** This has never been an even I project. The -- it started with the six-more moratorium in october of 2006 in response to a request for a big box development that would have choked off whaf remaining capacity we have and Whatever remaining hours on i-5. Since that time i've been sued and the residents have per at the veered and we're make progress. So we'll continue to work on these details and for those residents in the room we'll get it done. Aye. [gavel pounded] amendment is approved. Council item moves to next week's agenda tentatively. I need to -- we approved 1004 and I need to actually send it back to my office, so I need to have reconsideration of council calendar item 1004.

**Fish:** Second.

**Adams:** Moved and seconded. Any discussion on reconsideration? Please call the roll.

**Shane Abma, Sr. Deputy City Attorney:** One problem we have, mayor, while commissioner Leonard is gone, we only have three. Because it was consent agenda item, I believe we need four.

**Adams:** Then we'll wait. We're going to suspend consideration of the motion to reconsider and move on to the regular agenda, which Karla, can you please read the title for emergency ordinance, council calendar item 1017.

**Items 1017 and 1018.**

**Adams:** This is a policy direction today, and it authorizes the bureau of transportation to commence preparation of the local improvement district for the northrup loop, which is another extension of the Portland streetcar loop project. It's probably our shortest single extension of the streetcar. But it's supported by the Neighborhood as it provides greater access and connections in the

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neighborhood, including any bike facility on marshal, providing a low traffic option for cyclists, and reducing the conflicts between streetcar and cars. The northrup loop option cost \$1.7 million more than the base option considered for the loop. The additional cost is proposed to be paid through \$700,000 from project funds, \$500,000 from p.d.c. river district tax increment funds and \$500,000 net proceeds from the proposed l.i.d. The l.i.d. is a one-time assessment on property surrounding the proposed construction of the northrup loop. Who is going to go first? Ms. Diede. We're going to take the two items together? Must on the other page. Can you also read council calendar item resolution number 1018.

**Vicky Diede, Bureau of Transportation:** For the record, i'm vicky diede with the bureau of transportation and i'm the city's project manager for the Portland streetcar. The first item before you is amendment to the city of Portland streetcar inc. Contract. The last time we were at council which was on june 10th, we anticipated that we would have a project construction grant agreement signed, sealed, and delivered by about the 1st of september. I believe I even had kind words. Now would it appear that september 30th is mat ick date And meeting that goal requires information to be submitted to congress by july 30th which starts the 60-day review period in the congress. So we will keep on top of that to make sure we do everything we can to make that happen. It provides interim project management services, basically it adds 300,000 to the contract and extends the time periods to september 30th so yes can continue to work on the utility relocation, monitoring of the track procurement process, and completing other steps needed to bring the main body of the construction project back here in october.

**Adams:** Questions from council? Do you want to show them your map?

**Diede:** I will continue unless there are questions, or we can take them at the end.

**Adams:** Questions from council?

**Fritz:** I have a basic question. This is connected with the east side coming over the -- the reason we're doing this is because we're already figuring out how things get around.

**Diede:** Absolutely. The map will show you how it connects to the east side and the two option we looked at and the choice of making the northrup one that we think is the right thing to do.

**Fritz:** It's not just that we feel the streetcar currently goes somewhere near here and we want it to just do a different --

**Diede:** No.

**Fritz:** Thank you.

**Diede:** The resolution of intent. This whole process started with a meeting with the pearl district neighborhood association transportation committee back on september 20th in 2007. And we agreed to look at two alternatives of the pearl district alignment as part of the environmental assessment. The first alignment -- the first alternative we look the at was something we called the lovejoy streetcar. The lovejoy alignment would have come across the Broadway bridge and come to lovejoy and gone down to Hoyt street, come back up and go across the bridge this way. And there would have been a stop on lovejoy between 10th and 11th. The second alternative that we analyzed during the environmental assessment is the northrup streetcar loop alternative, and what it does is the streetcar comes across the bridge, goes up to northrup, and then turns back on 11th and then goes back over to the bridge. The stop here is on 11th. Between Marshall and northrup.

**Adams:** If I could just interject, it's relatively unusual for council to be given a briefing on where the issue of where to lay the rails and operational issues. So that's what you're explaining now. Various operational options and as they relate to the lane of tracks to make those possible.

**Diede:** Right. I wanted to make you aware of the two things we did look at, and then what led us to the Northrup alignment and to our desire to form this local improvement district. When we looked at these things and had continuing discussion was the pearl district neighborhood association during 2008 and early 2009, it led to several conclusions. One was by doing the northrup option it would help facilitate the implementation of a cup let on lovejoy and northrup between 10th and

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16th. Lovejoy running one way eastbound, northrup running one way westbound, which really has some great benefits to circulation within the district as far as left-hand turns are concerned, it has great benefits to the operations of the streetcar, it's a much cleaner lay-down of the track without a whole bunch of different turnouts in the street. And then it also allowed us to look at a better bike facility for the pearl district neighborhood association. Because right now the bike lanes are on lovejoy. And with the one-way cup let, what we are proposing is we're going to put a bike boulevard on marshall that would run between 9th and 16th.

**Adams:** This has the support of the neighborhood association?

**Diede:** The neighborhood association and the bike community. So that's kind of where we got to, and then as we started thinking about how to fund it, there was a meeting in mid may of this year of all the property owners in the l.i.d. District, and it was pretty good attendance, pretty good support for the idea of the northrup Street loop alternative. And the loop project capital budget and finance plan we brought to you on june 10th, within that there was \$1.7 million to allow for the incremental costs between the lovejoy option and putting in place the northrup option. And we identified three funding sources for that. One of them was \$700,000 was transferred from the loop project to this particular project because of the differential in the cost and the two options. And then \$500,000 in river district tax increment funding, conditions on the fact of having a \$500,000 l.i.d. So because of those issues, the multimodal nature, the improvements to circulation, the better operation for streetcar, we're recommending the council initiate a local improvement formation proceeding, and what that will do of course is will set into place the legal requirements for us to send out notification to each one of the property owners within the local improvement district with an estimated assessment, we'll give them information about the project itself when the hearing will be, and how they can object to it and have their voice heard in a formal manner at council.

**Adams:** Questions, discussion from council? Mr. Jones, did you have anything to add?

**Greg Jones, Bureau of Transportation:** No, I think that other than the fact we will need to move toward formation of the l.i.d., if you give us the direction to go forward, before september 30th. So it can be included in the grant agreement to the federal transit administration.

**Adams:** Questions from council? We've got a couple people to testify. All right. Thank you.

**Diede:** I think we have two guests, tiffany and chris, and there may be others.

**Adams:** Steven shane, tiffany schweitzer and chris smith. Welcome to the city council. Welcome back. What are your thoughts?

**Chris Smith:** Chris smith, wearing several hats in this process. Let me get the official one out of the way. Chair of the Portland streetcar citizen advisory committee and the authored representative for that organization. And that group supports the northrup loop configuration but has never taken a position on the l.i.d. itself. As a transportation activist in northwest Portland, I have been working to define the northrup loop. It's beneficial not only to the pearl district, but also to nwda and portions of the neighborhood further northwest because this will allow movement of streetcars from northwest 23rd to points on the east side which the other alignment would not have readily supported. Some of you may be familiar with the -- what was well intentioned during the recent design but has turned out to be a horrible design of routeing a streetcar through -- that will be decommissioned as part of this project. As a member of the streetcar system advisory committee looking at a 50-year vision for streetcars in Portland, the northrup loop is a far more preferable design because it allows three different movements, the streetcars can make, not just from downtown to the lloyd district, but also a movement from the east side to northwest, and turnaround movement that if at some point the Broadway bridge were closed for extended period, as has been known to happen, streetcars that would go to the east side could be rerouted back to downtown, which the other design does not provide for. And finally I wear a hat as a property owner -- .

**Fish:** We have a rule, only three hats.

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**Smith:** Excuse me. I have a hat as a property owner in the district. I own a rental condominium, I will get to write a check for this. And I will tell you I consider it an investment that will pay off hugely. Essentially this district will become the streetcar hub of the city. There will be streetcars departing in three directions from this area, and if the plan is realized, one of the early additions would probably be a departure to the hollywood district. The gdz 200 check I will write I am sure will provide my future tenants with tremendous transit access to the city from this location, and will clearly increase the value of my property much more than a check I'm going to write.

**Adams:** I'm glad you said so. We'll make sure to calibrate the check appropriately.

**Tiffany Sweitzer:** Good afternoon, mayor and commissioners. Chris said it very well. I can pretty much say ditto, but I want to talk about the process, because it's been a good one. As vicky mentioned, we've been meeting and talking about this since 2007. And mayor, you mentioned this may be the smallest addition to the streetcar line. Yes and no. It really does connect the east and the west side, and I don't know if i'm making a mistake, but it may be the first time where we're asking homeowners now to pay for an l.i.d. That may be setting a precedent, but in this case when the streetcar was first formed in this neighborhood, that was not the case. We have met with homeowners, we formed our own committee with homeowners and business owners, of which chris sat on that committee. We had a meeting to talk about this as well. The amount that homeowners are being asked to contribute is not significant for what they're getting, and I think just the fact there's not a lot of people testifying here today it hasn't been a very controversial issue. It's snag people all realize the value of. So it's been a good process. A long one, and, yes, it's a short line that we are adding, but it will really get a neighborhood that's now at least In the hoyt yards twom,000 homes rebuilt so far, and we still have another eight blocks to go. Two other parks in the city -- parts of the city. So I think that's what's really important. So I urge you to vote on behalf of the northrup route.

**Adams:** Let me amend my comment, I think the smallest streetcar extension that provides the greatest flexibility toll the citywide system.

**Sweitzer:** Good. Thank you.

**Adams:** Are you happy?

**\*\*\*\*\*:** I'm happy. Mr. Shane?

**Steven Shain, Portland Development Commission:** Steven shain with p.d.c. We also are in favor of this shortest extension with the greatest benefit, just a couple of quick caveats. Our p.d.c -- we do not have on our budget -- there's not specific line item at this point for the \$500,000, and we'll need to go to our board for the approval on that, which I would imagine once it's coming back to you, you would go ahead and form the l.i.d., we'll go ahead and do that. Just a couple quick caveats, commissioner and mayor, there are a few park properties that are -- will be paying l.i.d.s, and there's p.d.c. property that will be subject to l.i.d. as well.

**Adams:** Commissioner Fritz.

**Fritz:** Just to clarify, \$500,000 is not in the current budget for the river district?

**Shain:** That's correct.

**Fritz:** That would have to come out of something else?

**Shain:** Something else would have to Shift kind of priorities to make this happen.

**Fritz:** Do we have any sense of what might drop off?

**Shain:** Not at this point.

**Adams:** Generically speaking is it not generally true given the state of the recession in general, there are a number of projects not on the original time line because they require private partners, so it really is a matter of -- there is headway in the financial plan because a lot of the private -- public-private partnership projects are not actually moving forward.

**Shain:** That is correct. There's also other resources that we can readjust to pay for this.

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**Fish:** Is the half million dollars, does it matter whether the amendment goes through to the river district, or are you just not covered under either scenario?

**Shain:** This is in the existing river district. So it's -- it doesn't matter if the -- on the luba appeal.

**Fritz:** What's the time line for construction?

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

**Shain:** There's a part of the construction schedule overall the project.

**Fritz:** The payment would be 2,013?

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

**Fritz:** We're applying for a federal grant, and i'm wondering what happens if the l.i.d. does go through, what if we don't get the federal money?

**Diede:** At that point in time we'd have two options. One would be to look for an Additional \$500,000 from some other source, or the second alternative would be to build the lovejoy alignment.

**Fish:** Could you explain why does it not matter whether the river district amendment goes through? Doesn't the original district --

**Adams:** Being in the original district it's not subject to the luba process. It's not part of the expansion of the river district, it's part of the river district urban renewal area that's been around for years.

**Fish:** Ok. Thank you.

**Adams:** Anyone else signed up to testify?

**Moore-Love:** One more person, kate chan.

**Adams:** Please call the roll.

**Leonard:** Aye.

**Fritz:** I do have some concerns, but it looks like most of the money is coming from prl allocated sources, and the l.i.d. From the property owners, as chris mentioned, are helping to pay. Aye.

**Fish:** I just want to clarify, we're voting on 1017? Ok. The amendment. Aye.

**Adams:** Aye. [gavel pounded] 1017 is approved. Can you please call the roll on council calendar resolution 1018.

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

**Fish:** Could I get some subsequent email back just on what the potential charge is to parks? Just so I have a sense what the range is and how that's been addressed in other similar situations?

**Adams:** We'll get him an email right away.

**Fish:** Thank you. Aye.

**Adams:** Thank you very much for your good work, everybody. Tiffany for getting the private sector developed -- together to help get that contribution. Aye. [gavel pounded] 1018 is approved. Can you please read the title for emergency ordinance 1019.

**Item 1019.**

**Adams:** Good afternoon. Thanks for waiting. Is there any reason why we should not accept this security grant?

**Patty Rueter, Office of Emergency Management:** No.

**Adams:** Any conversations or discussions from council on this item? Anyone signed up to testify on 1019?

**Moore-Love:** I did not have a sheet.

**Adams:** Anyone wishes to testify on 1019? Please call the roll.

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

**Fish:** I appreciate the robust discussion and debate on this issue, but i'm going to follow my conscious and vote aye.

**Adams:** Aye. 1019 is approved. Please read the title for emergency ordinance 1020.

**Item 1020.**

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**Adams:** Good afternoon. How are you?

**Marina Cresswell, Office of Management and Finance:** Rena cresswell, project manager with the facilities services.

**Adams:** Can you give us a quick overview?

**Cresswell:** You're basically looking at an amendment to an existing design contract with architectural resource group to add additional scope of work for roof repairs at union station.

**Adams:** Seems like we've been into roof repairs at union station for 20 years.

**Cresswell:** That's correct.

**Adams:** What's this one do specifically?

**Cresswell:** The current scope of work is to repair the north high roof, north of the main concourse level. We still have more than half of the roof that needs to be repaired, and the additional scope of work will provide design to do those repairs for the rest of the roof.

**Adams:** Fund would go come from --

**Cresswell:** P.d.c.

**Adams:** Questions from council?

**Fish:** Rena is also working with the Portland housing bureau on the new configuration for our new space in the commonwealth building, which we will be configuring, we hope to cut the ribbon in mid september. God willing.

**Adams:** Thanks. Anyone signed up to testify on 1020? Anyone wishes to testify on 1020? Karla, please call the roll on item 1020.

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

**Adams:** Aye. [gavel pounded] 1020 is approved. Please read the title for Emergency ordinance council calendar item 1021.

**Item 1021.**

**Adams:** Welcome back.

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

**Adams:** Did yvonne do that to you?

**\*\*\*\*\*:** No, unfortunately not. No good story there.

**Adams:** What are we looking at?

**\*\*\*\*\*:** Basically the city is recruitment, electronic application process is over 20 years old. It's based on antiquated dos-based system. And prior to looking at technology improvement, my boss, Yvonne deckard, asked me to help lead a reengineering process to look at the entire city's recruitment process and really looking at ways that we can help make it more efficient, user friendly, and more effective and responsive to our bureaus. We put together a process improvement team, have developed a process and now are completing a final report that will be presented to you later this year. Part of that process got out and we were invite the by the international public management association's h.r. group to apply for h.r. innovation grant of \$25,000 that they award each year for one project that they deem as the most innovative project for human resource development and improvement. So we're very flattered, and so we wish to apply for this grant and hopefully use that toward implementing a new system.

**Adams:** Questions from council? Anyone here wish to testify on council calendar item 1021? Karla, please call the roll.

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

**Adams:** Good to have you back. Aye. [gavel pounded] 1021 is approved. Please read the title for emergency ordinance council calendar item 1022.

**Item 1022.**

**Adams:** Is there someone here to testify on this issue? Amy? Do you want to pinch hit here? We do have -- come on up. Are you with the bureau? Come on up. Is this a willing seller?

**Amy Trieu, Commissioner Saltzman's Office:** This is a willing seller program.

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**Adams:** And where does the money come from?

**Trieu:** We've got \$75,000 coming from the Portland local share of the metro area natural bond -- natural areas bond.

**Adams:** And the remainder comes from -- storm water, usually rates?

**Trieu:** Yes. The rest are coming from sewer rates at a cost of \$132,000. Excuse me, i'm on the wrong page. \$475,000.

**Adams:** This is part of our efforts to reduce flooding and improve habitat, hydrology.

**Trieu:** Actually b.e.s. is teaming up with parks on this one and they're going to be removing some of the structures and utilities, and remove a culvert and restore the site to its natural state.

**Adams:** Discussion from council? Does anyone here in the room wish to testify on council Calendar item 1022? Thank you. Karla, please call the roll on 1022.

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

**Fish:** Nice job. Aye.

**Adams:** Aye. [gavel pounded] 1022 is approved. Can you please read the title for emergency ordinance council calendar item 1023.

**Item 1023.**

**Trieu:** This ordinance is a contract with this firm, earth dynamics, to gather more accurate information about the exact locations of the city's pressure sewers. A lot of cases our drawings are outdated and inaccurate. So this will enable us to physically locate the pressure sewers. This is an emergency ordinance because we want to be able to do this during the very dry weather.

**Adams:** Discussion from council? Does anyone wish to testify on council calendar item 1023? Karla, please call the roll on 1023.

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

**Adams:** Aye. [gavel pounded] 1023 is approved. Can you please read the title for emergency ordinance council calendar item 1024.

**Item 1024.**

**Adams:** Well you're just here all afternoon, aren't you?

**Trieu:** Just for the next couple ones, I think.

**Adams:** What do we got here?

**Trieu:** This one as Karla said is part of the Tabor to the river program. It's a private property retrofit program. Got a couple staff here in case you do want any more details. This is a really good example of working together with our citizens to accomplish part of this very big project. This particular one authorizes BES to offer financial incentives to property owners to add storm water management facilities to private property.

**Adams:** Discussion from council?

**Fritz:** So is this a pilot project?

**Trieu:** It's not a pilot. We've been doing this for --

**Adams:** 3 years.

**Amber Clayton, Bureau of Environmental Services:** Good afternoon commissioners. My name is Amber Clayton and I manage a few storm water retrofit programs in Environmental Services. We don't consider this program a pilot program because we've been doing this type of work for 15 years with the downspout disconnection program and a variety of other financial incentives. The distinction with this program is that we have distinct geographic target areas in which our sewers have, are under capacity, and, and engaging in private property owners to remove the stormwater at very specific locations. I wonder consider the techniques a pilot program but the distinction is, is more geographic than anything.

**Fritz:** How can citizens find out if they are eligible and sign up?

**Clayton:** We are going to be doing direct outreach to property owners, tenants, and other sorts of occupants within these, these targeted areas at sort of distinct rollout phases. We have limited staff



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so we're trying to make sure that we target distinct sewer basins, one or two at a time, but we will be doing mail, direct contact through, basically, just walking into commercial property owners and saying, we would love to taxpayer to you about all right fitting the property, so we're going to give property owners every opportunity to participate.

**Fritz:** Thank you.

Mayor **Adams:** Thank you very much. Appreciate it. Anyone wishes to testify on calendar item 1024? Karla, would you please call the roll on 1024. Thanks for your testimony.

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

**Adams:** Aye. 1024 is approved. Can you read the title for emergency ordinance item 1025.

**Item 1025.**

**Trieu:** This is an ordinance, actually, part of a mutual agreement order that, that we signed with d.e.q. That's year in april, and one of the four projects is to construction two grassy swales in the stormwater facility at p.c.c. Facility.

**Adams:** Discussion from council? Anyone wish to testify on item 1025? Carla, would you please call the roll on 1025.

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

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

**Adams:** 1025 is approved. Can you read the title for emergency ordinance item 1026.

**Item 1026.**

**Trieu:** This ordinance is for contracts to haul of the non hazardous contaminated media and hazardous waste that comes from, from the b.e.s. coordinated site analysis program.

**Adams:** And what's the, the --

**Trieu:** The cost of these contracts was landfills and trucking is \$1.4, excuse me, 1.5 million a year over the next five years.

**Adams:** And the mwesb?

**Trieu:** I don't have the mwesb on this one. I can get that to you.

**Adams:** Trucking, it's a great opportunity for us to get certified minority firms. Do you have to have this approved? Can we hold this over until tomorrow and you can get back to us on that is?

**Trieu:** Yes, we can.

**Adams:** Unless there is anyone who objects or anyone that would wish to testify on 1026, we will hold over 1026 to tomorrow to get certified evaluation. No objection, so done. [gavel pounded]

**Adams:** Can you please read the title for emergency ordinance, council calendar.

**Item 1027.**

**Adams:** Commissioner Fritz.

**Fritz:** We want to get the contracts out as quickly as possible after the council supported funding for the graffiti program in the budget, and, and we've been working with the office of neighborhood involvement to discuss the, to focus the funding provided on retaining core elements of the program providing job opportunities for youth and leveraging funds through volunteer efforts so this contract might have gone on the consent agenda without discussion but I wanted the director and our graffiti coordinator to come and give the council an update on what we're doing with the graffiti program to enhance and improve the services to citizens. Amalia?

**Amalia Alarcon-deMorris, Director, Office of Neighborhood Involvement:** Thank you. First, thank you to the mayor and city council for funding the graffiti abatement program for 2009-2010. The current grant is to provide a grant agreement to use employment institute to maintain two year-round crews to continue free removal services for qualified properties, which are generally owner-occupied residences and small businesses, to reestablish the summer walking crews that were not available due to funding limitations in fiscal year 2009, and this maximizes the job opportunities for youth by creating an additional 20 positions for use during summer. Crews will walk you through identified, will walk through identified target areas to document and remove graffiti in the public

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right-of-way, and this will provide over 3,000 additional hours of focused graffiti removal in fiscal year 2010. The information you received is historic information and partner information about the graffiti program. Y e.i. has a program that provides ongoing development opportunities for at-youth kids and training for volunteers. It has program staff with expert in the expertise of graffiti identification removal that provides critical support to the city in the arrest and conviction of graffiti vandals.

**Leonard:** I apologize.

**Alarcon-deMorris:** That leads plea into other enhancements. Volunteers have, have always contributed a lot to the graffiti program in training and volunteering are the particular focus for the leverage of the city funds for the greatest community impact. And in 2008, the program supported eight saturday morning collaborative cleanups with neighborhood and business volunteers. And the program will continue to provide these eight collaborative cleanups but has tripled the number of volunteer cleanups supported in 2009 to a total of 23 events already scheduled. The program is expanding partnerships on voluntary seer cleanups, including school projects, churches, non profits and extra neighborhood group cleanups so we expect this number to continue to increase. The program has established a new partnership with central city concerns community volunteer court program, and this is an innovative program that provides unique job development opportunities for adults in transition, and the city identifies the locations and provides the supplies and the volunteer corps provides seven to 10 volunteer, targeted cleanups at locations historically very difficult to abate due to the large size or complex location, such as warehouses along the railroad tracks, and they began doing work with us in july, doing weekly cleanups and have used 50 gallons of paint for large scale cleanups that have not been previously possible. And we also are expanding a training opportunities in development of a master trainer program to encourage the commitment, encourage commitment to ongoing cleanup of graffiti and ensure the volunteers are trained in the proper methods of removal. And that should be happening by october. Expanding the availability of cleanup supplies for individuals, businesses and neighborhoods at coalition offices and providing directly, and provided direct toll organized groups performing graffiti cleanups. Volunteer graffiti kits are available at nine fire stations and will be available up to seven coalition offices in august of 2009, and that information is on our website. And provides small grant opportunities to support cleanups at chronic graffiti locations. The grants program is in development and will be released in the spring of 2010. And we have an expanded graffiti task force, including a broad range of regional partners, and as far as the future of the graffiti abatement program, we want to put out the word that volunteers can explore opportunities to organize cleanups in the area, or support other scheduled cleanup events by contacting the graffiti abatement coordinator sitting right here, marcia dennis. Her number, she'll tell you her number and we're the information is available and information on the two upcoming cleanups.

**Marcia Dennis, Office of Neighborhood Involvement:** Oh, I will -- well, my phone number is 503-823-5860.

**Adams:** You need to give us your name for the record.

**Dennis:** I'm sorry, marcia dennis, graffiti abatement coordinator, and do you want my phone number again?

**Adams:** Sure.

**Dennis:** 503-823-5860. And then we have the website that, that we are in the process of updating, which has a lot of, a lot of good information. Volunteer forms are there to be, to be uploaded, downloaded, whichever way you go so that people can sign up and send those in. The permission form is on the website, and other tips, how to make online reports and things like that.

**Adams:** Appreciate the handout, as well.

**Dennis:** Oh, yes, and we have an august 22, there will be a saturday morning cleanup in kenton, sponsored by the life fellowship church, and their youth group. They have done two other cleanups

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for us this year, and they are a great group of folks, and on september 12, we have a cleanup scheduled in boise neighborhood.

**Adams:** Discussion?

**Fritz:** If I might follow-up. We had discussions during the budget and, and the neighborhood involvement budget advisory committee had originally said that the graffiti program was, was the one least important to the coalition and that was partly because we have not, in the past, included volunteers and, in quite, quite such numbers, and we have realized since then that, that with this economic crisis, that government and citizens must find new ways forgot the necessary tasks accomplished. And I am very proud of the oni staff and the volunteers and the community for recognizing the historically graffiti does go up during hard economic times, and that we are going to, to make sure our neighborhoods and neighborhood businesses were named vibrant, wonderful places to live, and so as i've been going around to the coalitions and the neighborhoods and, and the business groups and pretty much everybody has said yes, count me in, and we'll step up and do this, so we now see, at least I see the, the graffiti program as a core organizing tool. It's a project that, that neighbors can get together, business owners can get together, and, and physically, quickly, clean up their neighborhoods. But, it is a specialized program, it's not that you can just go out without training. I have learned a lot in the past 12 months and realized that, that it takes special techniques to clean up the front of traffic signs, for example, so that only, only city staff do that, but there are other, other things that you should know about, about how you do and don't remove graffiti and that's why we want you to call and become involved in a training and, and to get the supplies that, that, that are essential. And, and if you can't remember the graffiti number, you can call 823-4000 and we'll direct you to any city or county service. But, it is important for our citizens to know that when you see new graffiti, it needs to be reported within a week, and it's worthwhile reporting it within a week because we do have an effective enforcement program with marcia coordinating with the police and with the task force, and, and to make sure that we do find out who, who the vandals are and, and victims and then find them. And that's, that's an essential part of the program. So, we want citizens to call 823-4000 to report the graffiti. After talking to marcia, we want you to learn how to, to remove the graffiti as quickly as possible because if it stays up be it can attract more, and also, to know that you can't remove it without permission from, from the property owner, and that's really all, all what graffiti is b it's, it's not hard because you don't have permission to put it up there, and similarly, volunteers need to have permission to get it done if it's on prior to property. We are very excited about this graffiti program, at least I am and i'm very grateful to the council for funding it for this year, and we're looking to next year to see other ways that we can fund this important service.

**Adams:** Thank you very much. Anyone wish to testify on council calendar item 1027? Sir, are you here for 1027? Ok. All right. Karla, please call the roll.

**Leonard:** I really appreciate the focus commissioner Fritz is bringing to this. This is one of those areas that gets under my skin, as most Portlanders know, and I don't think it's really received this level of attention for a long time. And so, I often stick my nose into this area no matter who happens to be in charge, and so it's a relief to know that you, commissioner Fritz, are really focused on this. It makes, what really bothers me the most, I think, is in working class neighborhoods, the people that I have talked to, that walk out of their house and find the car that they depend on, which is probably one of their few possessions to be defamed, and not in the way that, that some of us think of some of the more artistic graffiti, but foul, horrible things written on the cars and their houses. I have talked to them and deeply empathized with how they feel about that so i'm willing to go to great lengths to support whatever efforts you have to attack this problem, financial or staffing or otherwise. Because I do think that it's, it's one thing that, that really affects, for some people, more than any other item, quality of life in the neighborhood. And, and so, and I worked with marcia a lot on this and she is really the best person to be in charge of this program because she's

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very passionate, and so she, she is even more passionate than I am. So I appreciate that a lot and I want to acknowledge that and I know you really appreciate that. Just been outstanding working on what sometimes has to be a job that just feels like there is no way to ever get your arms around it.

\*\*\*\*\*: It's hard to be off work and leave my house. I always have my camera with me.

**Leonard:** You do a great job and I appreciate it. Aye.

**Fritz:** Thank you very much for those comments and your acknowledgement of the wonderful staffing and your personal commitment to helping with this problem, and you are so right, that it's overwhelming at times and yet this council was making sure the funding was available, the counselor is working together and, and the neighborhood involvement will be working with, with development service, and the neighborhood inspections team, and with, with the police department and the commissioner Saltzman and, and, you know, the parks folks. We have had contact with the staffing and commissioner Fish's office to help with the graffiti on parks bureau property, and, and the mayor, of course, is, has provided leadership on this with other things. We do things collaboratively and that's what we need from the citizens of Portland, from the business owners of Portland to, to help with this. It's -- even if we had all the funding in the world we probably couldn't get on top of this, but we have the graffiti task force, and we have the, at the summit, we had folks from as far as medford and other, other far-away places to come and hear how we do things in Portland, and we're always looking for ways to improve that. We need everybody's help, so thank you very much for your good work on this. Aye.

**Fish:** Thank you for an excellent report and handout and some day off line I would like to find out how it is that taggers can put graffiti on signs along i-5 because I can't, for the life of me, figure out

--

\*\*\*\*\*: Follow osha rules.

**Fish:** I don't see how they get there, and with the traffic, I don't see how it would not be noticed. I don't know how you go up to the landing points, but i'll talk to you offline about that. Thanks for your good work. Aye.

**Adams:** You have been part of this program for a very long time and it is to, to the very great benefit of the city that you are because that history of knowing vulnerable places, graffiti occur, and being able to notice right away someone, when someone new is at this crime, just makes our efforts that much, that much more effective. So, thank you for all your great work and, and it's, it's, and it will continue. Thank you for, for your leadership in the bureau that helps to make this happen, and i, too, want to underscore and, and commend the passion of commissioner Fritz to, to really provide from the top, the passion and the commitment to doing this with the added benefit of building the community, and that neighborhoods grow the ability and the expectation that, that they will be working on this themselves, and it's great that kenton and my neighborhood is doing that.

\*\*\*\*\*: 22nd of august.

**Adams:** 22 of august, I will see you there. [laughter] And again, this is an oni police partnership that, that these taggers do get caught many times, and, and they do have punishment and restitution involved. So, I want to acknowledge them, as well. Great work. Aye. [gavel pounded]

**Adams:** 1027 is approved. Council stands adjourned --

\*\*\*\*\*: Reconsider your item.

\*\*\*\*\*: There was a motion and second to reconsider an item. 1004.

**Reconsider Item 1004.**

**Adams:** A motion to reconsider item 1004 and refer it back to my office for more work. It's been moved and seconded. Is there any discussion on reconsidering this item? Would you please call the roll on reconsideration of item 1004.

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

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**Adams:** Aye. [gavel pounded] 1004 is on the table unless there is council objection, 1004 is referred back to the mayor's office for more work. So done. And we are recessed until tomorrow at 2:00. Thank you all.

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

At 3:49 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.

**JULY 23, 2009      2:00 PM**

[roll call]

**Adams:** We have an item that was held over. Why don't we take that first. Please read the tiedle for council calendar item 1026.

**Item 1026.**

**Adams:** Commissioner Saltzman.

**Saltzman:** Thank you, mr. Mayor. I understand this item was held over yesterday there. Were questions about minority women, emerging small business participation in these contracts. This ordinance actually authorizes us to go -- put these things out to bid. There's not any contracts being awarded yet. That will be subsequent to this. You can be assured purchasing and b.e.s. will be doing the most we can to maximize participation of minority women and emerging small businesses.

**Adams:** Thank you for the clarification.

**Adams:** Is there any council discussion? Is there anyone in the room that would like to testify on this matter? Karla, please call the roll.

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

**Adams:** Aye. [gavel pounded] approved. That gets us to, we have three time certians today. We'd need to be -- efficient. The time certain for 2:00 is a nonemergency ordinance, please read the title for council calendar item 1028.

**Item 1028.**

**Fish:** [inaudible] the 2006 metro bond measure. I'd like to begin by acknowledging the leadership of my colleague, friend, and former parks commissioner dan slarnlings whose leadership led to council adoption of a resolution in 2006 that affirmed the city's commitment to fund the management of natural areas acquired by metro within Portland's boundaries. Over the past 14 years, metro has acquired over 500 acres of natural areas throughout Portland that are maintained by Portland parks and recreation. This i.g.a. Before us covers almost 600 acres of land already managed by Portland parks and adds 136 new acres to our local responsibility. With this addition, a long held vision of creating a long signature natural area in outer southeast Portland is quickly becoming a reality. Portland parks, b.e.s., and metro have continued to add acreage piece by piece. Taken all together in the area we now refer to as the east buttes, which includes powell butte, clatsop butte, and scouter as in boy scout mountain, Portland will soon be managing over 800 acres of open space. This i.g.a. Not only adds natural areas to the city's inventory, it also implements parks goals as well as the city's sustainability goals including watershed health, active living, and energy conservation, and it opens opportunities for partnership with the city's great -- gray to green program, invasive species management, and tree planning. I'd like to recognize and thank david bragdon, metro chair, for his partnership in acquiring natural areas for our community and for his leadership in launching the regional intertwine initiative. At this point it's my honor to invite both zari santner, our parks director, and david bragdon, to say a few words, and they'll be followed by one panel. David and zari? Zari.

**Adams:** Good afternoon.

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**Zari Santner, Director, Portland Parks and Recreation:** Good afternoon. Zari santner, director of parks and recreation. As commissioner Fish mentioned, this ordinance is to authorize an interagency agreement between city of Portland parks and recreation and metro for ongoing management of the metro acquired land within the city with funding from both measures that were passed in 1995 and 2006. The recent acquisition by metro is helping the city to achieve the goals of parks 2020 by preserving, protecting, and restoring Portland's natural resources to provide nature in the city. And responding to the needs of our growing community for additional trails and parks in underserved areas. These accusations are consistent with the previously approved council approved recreational trail and natural acquisition strategies. As mentioned by commissioner Fish, the 2006 resolution anticipated the need to fund ongoing operation and maintenance for properties purchased in the upcoming regional bond measure. Today the ordinance requests \$238,000 for the ongoing maintenance of the 130 acres of new management responsibility, shown in orange in the maps that have been given to you. We appreciate metro -- we appreciate that metro has been able to purchase these land and do the initial stabilizing work to improve the condition of the east side and to get them ready for our management. They have become a great addition to the regional intertwiner. The properties under this i.g.a. will become a permanent part of over 7,000 acres of natural land and miles of trails within Portland parks, city nature portfolio. Our zone managers are colleges, volunteer coordinators, and many of the city nature staff will work with our friends groups, neighborhood associations, and partners such as b.e.s. to improve the conditions of these lands to protect their resource values and to where appropriate to make them available and connect people to nature. This i.g.a. also includes an agreement on management responsibility for spring water on the willamette and three bridges on spring water. The land for the trails was purchased as part of the 1995 bond measure. Portland parks was able to secure the funding to design and build those trails, and there are now part of our system. We look forward to additional and future partnership with metro for acquisition of natural areas and trails, and it is my great pleasure to introduce president of metro council david bragdon.

**David Bragdon:** Thank you, mayor and commissioners. This continues the partnership that has been going on for many years. Most recently your action in march of '06 as we were putting this ballot measure together, and the agreements that we reached at that time, commissioner Saltzman was parks commissioner at that time back in march of '06, and we set out our objectives in terms of acquisition that we would do, and then management that the city would take on. That's been going very well at a good pace, and so this is a good step to take the next steps on that. The measure has provided -- in terms of the regional share, about \$35 million worth of acquisition that our agency has been able to do within the city limits of Portland. And as mentioned, the most significant of that recently is about 13 million in clatsop buttes. I remember in march of '06 speaking before this council and commissioner Leonard afterward saying, "you got me when you started talking about johnson creek." we had added johnson creek to this measure, and it wasn't long after that that mayor Adams was commissioner of b.e.s., summoned me into his office, unfurled a big aerial map, a photograph of johnson creek, and you talked about your greater green initial five, what can do you here, what can we do here? Here we are less than two years later talking about what we've actually done on clatsop butte. So I want to acknowledge what's been going on there. There are other parts of the stay that have benefited. Arnold creek, tryon creek, the spring water and willamette trail, and we're also going to be working on acquisitions from the columbia slough. Geographically they're spread all over the city, and the additions to forest park number in the hundreds of acres now. In addition, while we're talking today about the lands that we've acquired, the 1995 measure provided \$7 million directly to the city of Portland for your own city projects, this most recent measure will also include 15 million in that same category. So when you take all of those, you're talking about upwards of 57 million dollars in capital being invested in the natural environment here within the city limits of Portland. And we do that jointly with you. It's all public money, it's all coming from

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the taxpayers, we all work for the same taxpayers, and we all try to do our jobs for them. Part of the issue of course when do you capital investment is taking care of what we have, and that's why this partnership has been so important, understanding that a lot of these parcels are next to parcels that you already own and manage, make sense for you to do that, and makes sense for to us stick with the things that we're good at in terms of the acquisition program. This agreement really codifies what's been going on. One agreement after another, and as we have worked together we realize we should just have this master agreement, this is the way we're going to do things. It's a sign our agency rses working closer together. I really recommend this ordinance for your consideration and adoption, and look forward to continuing to work with you.

**Adams:** In my 3½ years as environmental services commissioner, your response to that particular meeting was more than enthusiastic, and you put cash behind words that you're talking about today, and you've got much to look back on in your time as leader of metro, but of all the metro leaders i've worked with, this is far and above anything anyone has ever done, and I want to thank you for your great partnership.

**Bragdon:** Well thank you.

**Fish:** Thank you. And I want to acknowledge jim december mofnltd raise your hand, if you could. We have one panel, this will be brief, but there's just -- we've invited testimony from mike hauck of the urban green spaces institute, margo barnett, friends of natural area, and frank gregorio, friends of clatsop buttes natural area. Thank you all for joining us. If you could take up to two minutes each, we look forward to hearing from you.

**Mike Houck:** Mike houck, i'm here representing the urban green spaces institute. We support this i.g.a. based on the following tenant. First of all, it's very clear as you talk to citizens throughout the region, they really don't care who owns a particular piece of property. They want access to nature, and direct -- and to recreational opportunities near home and near their work. They also expect responsible environmental stewardship of publicly owned lands. Secondly, adding additional natural areas to Portland parks portfolio is consistent with parks vision 2020 that calls for significant addition of natural areas to the city's parks system and to increase efforts in environmental stewardship. Third, the i.g.a. supports several cities initiatives which you've already alluded to, climate action plan, greater green, urban forest management, and invasive species removal efforts, and the city's overall goal to become an ecologically sustainable city. The discussion about maintenance has come up, and we're -- we were very pleased in '06 when you committed to recognizing that these areas are going to need maintenance. As with the city's gray infrastructure, natural areas also require management. The difference between gray and green infrastructure, however, is that the investment, both capital and maintenance, in green infrastructure, pays back many times for every dollar spent in multiple benefits, related to climate change, human health, ecosystem health, and property values and quality of life. That said, I assume you're all aware, the intertwine that's been referenced, that's our effort that david bragdon wants a couple years ago to create the world's greatest park, trail, and natural area system. One of the objectives of that program is to develop a regionwide approach to securing funding to manage these truly regional natural area assets. So while the city obviously needs to stand behind allocating funding for maintaining this green infrastructure, we're working very hard at the regional level to try to figure out how to crack that nut, and that's been an issue that's been on the table for a number of years, and david, jim, and others are working very hard to do that.

**Fish:** Thank you, mike.

**Margot Barnett:** Hi. I'm margo barnett, i'm here representing very loosely organized group of individuals who have volunteered for years working on the natural area. I appreciate being invited to talk to you today about this i.g.a. stewardship is a natural areas purchased with metro bond measure funds. It's a critical piece of the program. And I know from volunteering on the campaigns for both of the metro bond measures that the public is only willing to support acquisition



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if they feel like the properties that are purchased are maintained, and so that this is really -- that is a critical piece. And the i.g.a. For maintenance is very important. My experience working on the park is a natural area park, half owned by Portland parks, and half purchased with metro funds from the 1995 bond measure 2626. It's shown the value of the type of partnership and management described in the i.g.a. When I first started working on this property as a volunteer, half of it was actually still owned by Portland public schools, and to be able to go in there and do stewardship, I had to arrange in writing to get permission every time I wanted to have a work party. So I had to get permission in writing from Portland public schools as well as contacting Portland parks. So clearly once the other half was purchased by metro, the maintenance in terms of volunteering became a much simpler operation. And it was really wonderful that when the school district was considering selling their portion of the natural area, which contained a wood wetland area, it was really fortuitous that there was still funds available to purchase this property from the 1995 bond measure. This had been identified as one of the important natural areas as part of the tryon linkages. The maintenance agreement between Portland parks and metro for this park is simplified public involvement for stewardship. Through joint efforts between volunteers, city nature staff and funding of the protect the best program, we've managed to almost completely eradicate ivy, blackberry and other invasives in this park. It's been a tremendous experience. Key to the agreement is recognition that funding for operations and maintenance must be provided, so stewardship can assure that the natural areas are maintained to protect the investment that was made when they were acquired. Consolidation of the previous agreements that were made when each property was acquired eliminates the short-term nature of a lot of those agreements, and so it makes it a much more beneficial arrangement for the city as well, so that investments made in planning, management, and improvements to the properties is something that's really of greater value for the cities, it's much more fiscally viable to have those stunneded agreements as opposed to just an agreement that closes out after a set period of time. So I really think that this is a wonderful thing to be happening, and I support it strongly. Thank you.

**Fish:** Thanks for all that you do for our park system. Frank?

**Frank DiGregorio:** Good afternoon, mr. Mayor, commissioners. I'm also pleased to show support for metro and the Portland parks getting together to help with the management of the acquired property. As stated, my name is frank degregorio, i'm a resident and homeowner in outer southeast. I've had the opportunity to serve as citizen committee member for the east Portland action plan. I come here today to show support for the land acquisition by metro and for the management of that land by the Portland parks and recreation department. I live in a small 19 home dead-end subdivision, known as day spring. It is essentially surrounded by clatsop butte nature area. Like many stories, the stories how it came to be that the 130 acres that makes up the park is actually much more than just the purchase of some property by metro, it's actually the story of many individual citizens who banded together to bring to the attention of the city and metro officials the importance that this piece of land has to the region and to the city's citizens. This particular property drains directly into the second largest free-flowing body of water in the city limits, which is johnson creek. And I know that years from now future citizens of Portland will say something to the effect of, wow, those people that preserved this land really did the city and its citizens a great favor. As I told mr. Bragdon when he called my wife and I to inform us about the purchase of the land by metro, it made me feel actually proud and glad to pay my taxes. I feel as though the land serves as a significant visible t.m.t. that sometimes great things happen when people collectively get together and accomplish a common goal for the greatest good. I hope that someday that maybe some of you might be interested in the tale of how my neighbors and I became involved in the acquisition of what we like to think of as the east side forest park. And I know that someday it will serve as an example of how nature can come back from near my laition, since the area was due to be developed and there was a lot of development going on until that particular area. It also reveals

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how an ecosystem can revive itself, and it's already filled with indigenous plant and animal species.

With leech botanical gardens to its west and the brownwood restoration project to the east, it's just a matter of time before we get a glimpse of what the first settlers may have seen when they first made their roots here. Personally, i'm hoping someday we'll be able to see an eemg or two as I understand that they lived in the area some hundreds of years ago. Also I know that people will say those guys did it right when they actually come out and walk the property and walk the spring water trail to see what's being done to restore it. Recently the same group that spearheaded the effort to get metro to consider purchasing the clatsop butte nature area, we went back to work and created a new group, which we have named friends of clatsop butte. We have only had a couple of meetings so far. We had our first official duties where we did a clean-up along what is barbur welch road from clatsop to foster road, and we've been doing that every year. It's part of the solv project. So we've incorporated that into what the duties of the friends of clatsop butte will be. I've actually been named as the president of clatsop butte nature area, or friends of clatsop butte, I should say, and I think that's mostly because no one else wanted the job. And also because I think most of us were exhausted after all the work that we put in to getting it looked at, purchased, and preserved. Anyway, the group focus for friends of clatsop butte will be to help restore the land through various efforts to what it used to be, and the first project that we're actually embarking on starting this fall is going to start to appraise the invasive species that are there and start to pull them out and get rid of that to help restore the area. And I think with that, that's all I really have to say. I'm very pleased to be part of this whole thing, and i'm glad that the city is going to taker on management, and i'm very happy that metro purchased the property.

**Fish:** Thank you for your service. We have lots of friends groups, none that we are more eagerly anticipating working with, than the new friends groups. Thank you very much.

**DiGregorio:** Thank you.

**Adams:** Thank you all very much for your testimony. Appreciate your time. Has anyone signed up to testify?

**Moore-Love:** We have one more person, katherine houston.

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

**Adams:** Any additional council discussion? Karla, please call the roll.

**Moore-Love:** This is a nonemergency.

**Adams:** You're right. I'm sorry. This moves to a second reading next week.

**Fish:** If I could, since we'll be losing a number of people, I want to thank deborah love, who I have not had a chance to acknowledge, parks project manager for her sue president bush work as well. Thanks to all for coming today.

**Adams:** Thanks very much. That moves us to the 2:30 time certain. We're on time. Can you please read the title for council calendar item 1029.

**Item 1029.**

**Adams:** Good afternoon. Welcome to the council chambers. Do you want to pull up a chair?

**LaVonne Griffin-Valade, City Auditor:** I'm here to introduce the 2007 follow-up task force report. This represents the joint efforts of the Portland police bureau, the independent police review division, and the citizen review committee. It was established in 2001 to help prove -- improve police accountability, promote higher standards, and increase public confidence. The citizen review committee is an advisory body to i.p.r. The fourth task force follow-up report released last tuesday shows that the bureau has been responsive to recommendations made by the 2007 task force. There are areas that need ongoing monitoring and review, whether that comes from the audit services division, or i.p.r., or from the bureau itself. Use of force is and always will be an area of risk for the city and for the public, and like other areas of risk, it's important to continue to push for greater transparency and improvement. So without any further ado, because we have lots of conversation

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to have here, I will turn the discussion over to Mary Beth Baptista, director of i.p.r., Michael Bigham, the chair of the citizen review committee, and Portland police chief Rosie Sizer.

**Mary-Beth Baptista, Director, Independent Police Review:** I am the director of i.p.r., and I was pleased to have the opportunity to chair the second task force. The task force included two members of the community, chair Michael Bigham from the C.R.C. as well as other C.R.C. member Loren Erickson. We also had the management of the i.p.r. Present, as well as many representatives from the bureau, including the director of president office of accountability and professor standards. Part one of the report that you have details the bureau's efforts to implement 16 recommendations. These 16 recommendations came from the original task force, convened in November of '06 and the report was released in April of '07. So this task force efforts first part of that report, we looked at what the bureau has done to implement each of those recommendations. The bureau provided us a binder of information as well as had commanders come and speak directly to us, as well as other bureau members to talk about the work they have done to implement those recommendations. The task force found that the bureau fully filled their part of the bargain and implemented each of the recommendations. There is also recommendations to i.p.r. That was also determined that we implemented. The significant accomplishments include that the data force collection report was actually revised. And that allows the bureau to publicly report and make benchmark comparisons to other jurisdictions. The entire force policy was revised. It defined the reasonableness standard and encourages the escalation. And it's also led to greater accountability and increased sustained findings when officers are found out of policy. It also requires crisis intervention training for all officers to improve officers' ability to work with people who are in crisis, and requires debriefing and all citizen or bureau initiated force complaint allegations, whether or not those allegations are dismissed by i.p.r. The part two of the report presents data submitted under that data collection report form in the 12-month time period. In response to the community concerns, the task force also reports on Portland's use of force compared to peer jurisdictions. We also looked at statistics broken down by racial characteristics and gender, and we also included incidents involving pointing a firearm. The accomplishments here include that force complaints are down 58% since 2004, the annual rate of less lethal impact is down 72%, and injuries from force encounters are down for both civilians and officers. I'm intrigued by the work done under the leadership of Chief Sizer. The work is commendable and demonstrates proactive leadership in a dedicated work force. I'd also like to thank the members of the task force for their diligence and careful consideration. We've -- their thoughtful analysis and the time they committed was certainly commendable.

**Adams:** Glad you're here. Thanks for your service.

**Michael Bigham, Citizen Review Committee:** Michael Bigham, the chair of the citizen review committee. I've been on -- working through this process for the last three years, and it hasn't been an easy process. There's been some frank and honest discussions, and some hard discussions about -- with everybody involved. But I think there are some substantial results that are very encouraging. I think in my view there are three main accomplishments. One is the change in the force policy. To the least amount of force necessary to do the job without endangering the safety of the officers. That's a remarkable change, and it's a leading edge change with the police departments in the country. There's increased transparency. The police bent -- department, police bureau is releasing statistics most other departments won't release. And there's a reduction in injuries of both officers and suspects. I think that's the dramatic change. But I also think this is a continuing process in that we need to continue monitoring the police bureau from the community and from the council to make sure that these changes are kept over time. And I think there are some things pointed out in the report that require further study. One is the effects of race and gender in terms of the use of force, and I also wanted to applaud the auditor for starting an audit of the use of tasers. I think that's important to take a look at. I'd like to thank Mary Beth Baptista and her staff and chief

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sizer and her staff, and then my counterparts on the on the panel, lauren erickson for all their hard work and honest discussion. And now i'll turn the microphone over to chief sizer.

**Adams:** Welcome.

**Rosie Sizer, Chief, Portland Police Bureau:** My name is rosie sizer, and i'm Portland police chief. And i'm very happy with this report, both for the fact that it was accomplished, and second, for the fact that it records so many accomplishments on the part of the Portland police bureau. In very few words, it documents the fact that we are using less force, receiving less force complaints, and injuries to suspects and officers alike are reduced. I think the changes that we enact really over the course of 2007 and 2008 were substantial. It was extremely hard work, and it was unsettling work as well. But I think that process of collaboration, both within the Portland police bureau and with our partners at i.p.r. and the c.r.c. really produced exceptionally good work. And it's measured here today. I think it's important to point out that force is something that is an inevitable force of police work, but it's increasingly rare. This report documents that in the roughly 400,000 annual calls for service, that the Portland police bureau produces, that point -- .27% of 1% result in a use of force. And only 3% of arrests result in a use of force. So I think unlike the images that you see on t.v., and characterize sometimes on -- in print media as well, force is something that we do but it's something that we increasingly do rarely. And then finally, I think it's important for to us continue to document our work. I think there are two issues that are very important to our community and communities around the country. One involves race relations, and one involves the use of force. And it's something that we can never rest on our laurels with. It's something that we have to self-examine continuously, and work with our work force to provide the best quality public safety services with the fewest negative impacts.

**Adams:** I have two questions. On the use of force sort of if you could summarize in your own words, what you attribute the success to sort of -- what are the top three things that you think have been the most successful?

**Sizer:** I don't think it's any one thing. We implemented 15 recommendation and they were all thoughtfully considered. I think it was important for us to provide crisis intervention training to every patrol officer and sergeant. I think police training in the past has been heavy on law and tactics, and light on communications. And I think that kind of really principled communication training is something that is a baseline for good police officers. I think it was important for us to change our force policy to express our as inspiration that whenever possible we deescalate and that we attempt to use less in the maximum force allowable by law. Sometimes the law allows us to do things that are lawful but seem awful. And so I think it was important to give expression to that. It was important to train that to our work force as well. So those two things were highly important. The third change that I think is important, we created in the operational divisions teams of officers and scts who semi annually review use of force reports. And what they're looking are for trends within their division of new tactics that may be emerging that either the chief's office or the training decision -- division don't necessarily know are happening. They look for ways to improve recording of force incidents, and they also look for opportunities to provide training and counseling to officers who are -- may not as skillful at using force. That could be they're underusing force or not making timely decisions, which sometimes can result in more force at the 11th hour of an episode. I think those things are three of a number of changes that we have made, but I think collectively it seems to have made a difference. It's important to affect good policy changes and it's important to monitor whether or not what seems like a good idea is in fact a good idea.

**Adams:** The second question has to do with the comments we've heard about race and gender relations, and improving that. What are your priorities and what's a sense of time line on acting on those priorities?

**Sizer:** I think it's important to look not just at use of force incidents in the aggregate, but look at it as it applies to race and gender. I think the greatest disproportionality in the application of force is

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we use force far more frequently against males than females. Does that mean we're underusing force with females and overusing force? I don't necessarily think so, but it's something to think about. And the same thing goes with race to whenever possible, make the application of force when we have to use it as unbiased as possible. And I think this study of how we use force really compliments our racial profiling plan and our discussion about race and bias in the decisions that we make.

**Adams:** Can you tick off some of the priorities for further implementing the change on race and gender?

**Sizer:** I think we expect to be here next month to talk about that. Part of it is to continue to study what seems to be the causations. There is in this document a fairly level application of force across racial lines when compared to arrests with the exception of a small disproportionality among african-americans. We need to study that more. We think it mainly has to do with pepper spraying, and we think it has to do with pepper spraying in the entertainment district on busy thursday, friday, and saturday nights where you have the crush of people and sometimes einedriated people. I'm not sure we're prepared to implement a plan -- we need more study of this topic.

**Saltzman:** That's for a council work session next month on the chief's racial profiling plan and other related issues.

**Adams:** Thank you, chief. Other -- commissioner Fritz, then commissioner Fish.

**Fritz:** First, thank you all for your leadership in each of your roles. You're obviously very dedicated to addressing this problem and making things better. I have a question in the report. It says the use of force reports are only required for control holds when they cause injury. Reports are no longer required for physical controls that do not cause injury. These reduce the overall number of force reports. So are we sure that we are -- we actually have reduced the use of force, or we're putting it differently?

**Sizer:** There is some results -- some of the reductions is because changes in recording -- reporting requirements, some of the reduction is simply reduce reductions in the use of force. And you can really tease out that information by the type that -- the type of force that is used. Pepper spray, tasers, beanbag rounds, none of those reporting requirements changed at all. Where I changed the requirement was really in terms of physical control. We had made a decision when we started completing use of force reports that we would not require a use of force report for a handcuffing. Almost inevitably handcuffing involves a control hold. It generally is called all reverse wrist lock. And so it's very difficult to provide a bright line for officers for, why is a reverse wrist lock into handcuffing a use of force, but another move that we train isn't. And so we -- what we attempted to do was to be more similar to other agencies that publicly report on force, and to make something that was comprehensible to police officers. One of the revelations out of the first task force is that officers, because they were confused, tended to overreport. When in doubt, they reported, including when they simply handcuffed someone. So when we did the analysis, we had to take all of that data out. It was an overreporting problem.

**Fritz:** Wouldn't it be some occasion where the -- I think it was -- .

**Sizer:** If it is a control hold, to handcuffing, we always twist someone's arm behind their back to get them in handcuffs. So you can presume there's some level of control, and some level of pain compliance in this move to get someone into handcuffs. We are not categorizing that movement as use of force.

**Fish:** Ok. I -- as we move forward, I think elements of pain as well as injury might -- I know that's subjective, but it's of concern to me. I note you comment officer injuries decreased. We found something similar in psychiatry, where we backed off and used other mechanisms to let people settle down. Both patient and staff injuries went down. So it's interesting to see that correlation. My final question is about pointing a firearm. Does that include pointing of tasers and pepper spray?

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**Sizer:** No, it includes neither, pointing of tasers and pepper sprays. That was a change that I affected in reporting. We initially collected data on pointing a taser really to determine what the effectiveness of a taser. We found in the rollout of the taser program that when we pointed a taser and activated the laser light, the red dot, in roughly 65% of the time people surrendered and we got compliance. That was a measurement that we used to determine whether or not it was an effective implement. I am not categorizing pointing a taser as use of force.

**Fritz:** The performance audit on that coming from my experience, we found that use of tasers decreased once we required security officers to report when they drew their taser rather than when they used it. That's something I think to continue looking at as you figure out what strategies are helpful in getting to the goal we're all seeking. Thank you.

**Fish:** Ms. Baptista, a comment that often we hear at events like this, where we are acknowledging an reduction in a complaint process involving the police, is something along the lines of, is this as a result of some change in policy, or is it as a result of a lack of trust or confidence in the people who would otherwise be reporting? It's one of those questions that's almost impossible to answer. It is a regular feature of our hearings in these kinds of instances. I want to give you a chance to address that first if you would.

**Baptista:** You look at the use of force report, and you see that the bureau has put tremendous amount of effort into reducing the amount of force used in a community. And so I think that we look at the downward trend and complaints following where the bureau has put their efforts. I also think a good indicator is that -- and we reported this in our annual report, that officers receiving multiple complaints has dropped significantly. I think that also goes to the point where the bureau has been proactive of address can the situation of those officers who receive multiple force complaints. So, for example, in 2008 only two officers received multiple force complaints. And previous years 16 or more officers received multiple force complaints. So I see the connection there as the bureau looking for those officers who are generating those complaints and actually addressing the problem to reduce those complaints.

**Adams:** Other council discussion?

**Fritz:** I have one other question. Why are the use of force percentages highest in east and lowest in the north? Why the difference in the different precincts?

**Sizer:** I can't tell you. It could be the number of arrests, it could be the kinds of calls for service. It could be the culture of the precinct. I think it would require more study than we were able to do to tease that out.

**Fritz:** I think that would be interesting, if you have three times the amount of force issues in east versus north, why.

**Sizer:** And I think you know about some of the struggles we have in east Portland in terms of, it is a challenged precinct in terms of public safety at the moment. There are neighborhoods that I think are feeling undersiege, and I think at least part of that would -- I think would factor in to force decision making. But it's really hard on the spot to be able to say exactly how much.

**Fritz:** Is this an annual report you do?

**Sizer:** I think we plan to report annually, and it's a workload issue in terms of how much analysis time we can really put into an annual report. We might publish numbers one year and in the succeeding years be able to dig deeper.

**Fritz:** It's helpful to me. Thank you for the work you've done.

**Griffin-Valade:** I don't think we've made a decision about how often. It allows auditor types like me to keep up presenting the plug of using data collecting data, and using it to manage your operation. So I'm very pleased to see this kind of ongoing review from the bureau and from other bureau who's do the same. I want to say one other thing, and that is how much I appreciate the hard work of the folks who worked on this report, and both the staff of i.p.r., the staff at the bureau, and most importantly, I think the citizens who participated. The citizen review committee is a group of

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very dedicated volunteers who put in many, many hours every month reviewing the bureau and offering guidance and advice to i.p.r. And I really appreciate michael and lauren erickson who also served on this particular task force, and the rest of the very active volunteers who participated. And I also want to put in a thank you to all of you for your efforts in helping us recruit new members. We had 18 or 19 folks apply, some of that is the good work of irene, who is the outreach director for i.p.r. Now, but it's also your efforts as well. So thank you.

**Adams:** Thank you all very much. How many people do we have signed up?

**Moore-Love:** Two people.

**Adams:** Welcome to the city council. Welcome back. Glad you're here. We just need your first and last name and you'll have three minutes, and that clock on the big chunk of wood will help you keep track of the time.

**Katherine Houston:** Why is the time limited to three? Although that's all you testified in front of the house in congress, right? Continuity? My husband was arrested on july 3rd, detained at Multnomah county. I was given a six-month ban from the inverness jail. I've got mcjc and mcij. Now, what I want to know is, how does that serve my husband? We've been married -- we got married in june -- june 20th, today is the 23rd of july. How many days is that? 22? 30? Now, the good news is, I should be able to bail him out tomorrow, if not monday. However, how in the hell does that serve him? Sheriff jones is very aware, he's met me on a number of occasions. My husband was a paratrooper in vietnam. How does a six-month ban from his wife serve either one of us or the community? A minute exppt 32 seconds. Now, I called bob skipper, that's one issue. The other issue is the use of handcuffs is very ridiculous. There are many times handcuffs aren't even used. You make a request of someone. If they comply, they comply. If they have m.s., if they have broken bones, if they have inflammation of the joints, and your police officers and sheriffs don't know it, you have no idea what damage you're doing to the other human being. Now, there's a video recording of me being slammed down to the ground in your detention center. The wonderful news is that jim willis will finally see the impact of gentlemen and females who get a piece of metal on their shirt, ok, we did the studies in 1960. And now what happens in the psyche. 30 seconds, 28 seconds. Now, i've already talked to -- i've gotten no email addresses back from d.a.s, from mr. Skipper, from the lady elizabeth, i've got her name here somewhere, all who implemented this. They're serving themselves. We have three sheriffs at the library, 600 people who got cancelled visits during the week, so one sheriff can have his job.

**Adams:** Thank you very much for your testimony. We really appreciate it. Mr. Handleman?

**Dan Handelman:** Good afternoon, mayor Adams and commissioners. I'm dan handleman with Portland cop watch. I appreciate the discussion today our organization prepared this -- these comments, which we revised a little bit since we put them out on monday, and we also released some statistics that we got when I was on the racial profiling committee that weren't included in the report. We thought those statistics tell a little bit -- give a little bit more of the story that weren't given by the way the report was framed this time. I appreciate some of the discussions that's already happened. I was going to bring up these issues, the issue that commissioner Fritz brought up about physical control, when somebody grabs your thumb and bends it, it's incredibly painful. The fact that's not being counted now as a use of force means we could be under reporting now, even if we were overreporting before. So I hope we can find somewhere in the middle to get more statistics on when that kind of thing is happening, because I think that's what makes people feel the police use too much force. We urged the chief to continue to collect the information on laser light only, because when you see something pointing at you and a red dot on your chest, 65% of the time people back down. I wonder fits not a use of force, what is it? Ful we are not the only city that keeps track of that, then sob it. We'll be the leader in the nation. But we should put that back on the form. That's a very serious use of force. Connected to that is this point of firearms, which happens a thousand and 53 times compared to 1385 other uses of force. That means 43% of the use

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of force is officers pointing their weapons at people. And anybody that takes a basic firearm safety class knows you don't point a gun unless you're planning to use it. Like if it goes off, you better be responsible for it. And there's no real discussion about why that happens so often. About the use of tasers, the fact the use of tasers has been consistent across the years, and not gone down. Even though other short form reports have gone down is of great concern to our group. One of the things the report shows is that at least 61 times people who are simply not complying with police orders got tasered. And that's not allowed by the police directive, and I asked the question at the c.r.c. Meeting whether they'll investigate those incidences of misconduct, and I didn't get a reply. So i'm hoping the council will ask about that. One of the main things we focus on, i'm glad to hear chief sizer saying this is a complement to the racial profiling committee. We've been asking for years why is it we have a 6% african-american population, but 29% of the force in Portland is used against african-americans. When you look at the pointing of weapons, the last report said 30% had guns point pd at them were african-americans, this one says 34% of them were african-americans. I know it's also been in the press that the amount of taserings of people with mental illnesses has gone up, we're concerned about that. A lot of people who die after being tasered have mental illnesses. And we really are glad the auditor will be looking at the use of tasers. We hope there will be more serious studies and the pledge to do this annually is kept.

**Adams:** I want to acknowledge your ongoing efforts in this area, and your reports are very useful to me and my staff. I also want to note that you gave condemnations to central precinct and the transit division. So -- .

**\*\*\*\*\*:** Commendations.

**Adams:** You gave commendations to the transit division, and I think it's helpful to note improvement where it happens. In your eyes. So thank you.

**Fish:** Could I get a clarification? You say in your report, your testimony that the use of force is now being seriously underreported in the city of Portland. When did president change occur in reporting requirements, what period of time should we be looking at to verify that?

**Handelman:** The use of force form was changed in november of 2007. So it was just before this reporting period started. They started when the new reporting form went into place. The old report covered from 2004-2006. Actually there's a year of statistics that we don't have access to because they weren't published in this report and there was not a report done last year. That's 2006-2007. We don't know what happened in that year. So 2007-2008 sticks don't -- statistics don't include pointing tasers, and it doesn't include the control holds which may be painful, but nonetheless didn't cause injury. So that's why I believe it's being underreported.

**Fish:** I'm intrigued by your argument about use of tasers and the light. Are there other jurisdictions where that particular data is collected and is treated as a use of force?

**Handelman:** What the bureau is saying is that there aren't any. What i'm saying is that we should do it, we did it before, we should continue to do it, they've separated out the pointing of firearms into a separate report for the purposes of reading. So they think they can sensenbrenner bill rate out again here, even if it's not part of the aggregate data f we start doing it here, maybe other bureauless follow suit.

**Fish:** I understand the difference between keeping track of the data, and some basis to conclude that it is a use of force. Are there other jurisdictions that consider the pointing of a light on someone with a taser a quote unquote use of force?

**Handelman:** I don't know. I don't believe so, but I would hope they would, because it takes a conscious decision on the part of an officer to pull the trigger halfway to light up that light. It's not just take it out of the holster or even just pointing it. It's one step behind launching those darts and knocking you to the ground with 50,000 volts.



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**Fish:** Your argument is like the difference between assault and battery. Assault is the intent to do something, the battery is the actual item -- actual action, and the light is in effect an action, i'm not saying it's an assault, but akin to an assault in that analogy?

**Handelman:** I think so, mr. Attorney.

**Fish:** Recovering attorney.

**Adams:** You still have a ways to go.

**Fish:** I'm trying to understand your arguments, and i'm trying to understand whether there's other jurisdictions that have reached that conclusion that you're --

**Handelman:** I'll try to do my own resoi. I'm trusting the bureau in this case where they say nobody else collects it. My point is, I think they should. I think Portland should take leadership of that.

**Fish:** Thank you.

**Fritz:** I have a quick question. What should a citizen do if they feel they've been -- had an unreasonable use of force?

**Handelman:** We encourage people -- we encourage people to file the complaints with the i.p.r. Because that's the only waif keeping track of them. They will dot intake and if there's a full investigation, the police will do a full investigation, but at aleksander savelieff it's up from not having somewhere to go.

**Adams:** Thank you both for your testimony. Anyone else signed up to testify?

**Houston:** I'd like to explain to you the difference between the northwest and the southeast. So you don't need to waste another minute. It's called a world economic crisis. It's called poverty. It's called alcoholism. And in southeast, it's your poorest neighborhood, northwest, people are still employed.

**Adams:** Thank you very much.

**Houston:** However, I asked you guys a question, how does a six-month ban from my husband, who served in korea, serve him?

**Fritz:** I think some of your questions--

**Houston:** I asked each of you four. The two of us, I served you guys from 1983-90. I fix b-52s. If I mess up we all d.i.a. He went out and mrptded a bunch of people, ok? Now you tell me how a six-month ban serves our community. Please.

**Adams:** Ma'am, we really appreciate you taking the time to bring this issue to our attention, and there --

**Houston:** The request is denied?

**Adams:** There are opportunities for appeal for this through the county system, which we're happy to have before you leave the building, give you more information on how to do that.

**Houston:** We're both city residents.

**Adams:** But it's a county service, and i'm happy to have amy stevens, who is my public advocate, meet with you before you leave the building. Ma'am, there's a variety of issues that we have to discuss today --

**Houston:** I signed up for a number of them.

**Adams:** We have to discuss them today. I'm sorry, we have to move along.

**Houston:** Request denied.

**Adams:** Yes. Thank you, though. All right. Karla, unless there's additional council discussion, can you please call the roll.

**Saltzman:** I'm extremely pleased with the progress the police bureau has made in terms of reducing the use of force under the direction of chief sizer, the bureau has made substantial changes to its force policy that have decreased the use of force. While also decreasing officer injuries. And a lot of credit goes to the officers themselves and their supervisors in the Portland police bureau. They should be proud of these accomplishments, and I think we're seeing the impact that good training

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has in terms of improved behavior by our police officers on the street. I'd like to thank the independent police review division and members of the citizen review commission, Lauren Erickson and Michael Bingham for their hard work on this issue, and it's had a direct and positive impact on the policing -- the policies of the police bureau. Aye.

**Fritz:** Thank you very much for the report and for all the good work that's been done. I especially appreciate the visionary leadership by Chief Sizer and the general recognition that we all want to do things in the right way to benefit people. And I'm looking forward to working with the chief and Commissioner Saltzman on the community and police relations committee, which now belongs in the office of human relations. We have a complete set of members now, and we'll be working together to figure out how to do things even better. And this is certainly a good step forward. Aye.

**Leonard:** I too appreciate the good work this represents from the i.p.r. Staff, the police bureau, and all those who contributed to the report. And our new auditor, doing a great job. Thanks. Aye.

**Fish:** It's all been said, but Mary Beth Baptista, thanks for your good work, and the outreach, you regularly do to our offices to keep us apprised of your work. The Chief Sizer, thank you and thanks to the great work of your various commanders who are helping us deal with the housing emergency right now in a very humane way. To the members of the task force, thank you for your service. And to our new auditor, who I now get the pleasure of getting briefings from almost on a weekly basis, thank you for the energy and openness that you have brought to your new position. And I appreciate it. Aye.

**Adams:** I want to thank the men and women of the police bureau for just their incredible dedication. I'm out and about in the city all the time, and it's -- their approachability, their commitment to do great work is evident, and it's hard work, and I want to thank them for that. Obviously the leadership under Rosie Sizer has shown that improvements can happen in some areas that for years seemed intractable. So Chief Sizer, thank you for your leadership and the leadership of your team. Also, I want to underscore the thank you to Mr. Bingham and the citizen advisors, also very hard work. Lots of hours. Very, very difficult work. And thank you and the team of i.p.r. Led by the auditor. Really appreciate it. And then the new police commissioner who I know has passion for this, and continues to support it, and be passionate about it from the top. Thank you Commissioner Saltzman. Aye. [gavel pounded] 1029 is approved. We're now at time certain council calendar item 1030.

**Item 1030.**

**Adams:** So the charter requires and/or ordinance require that this be filed under my name, but I want to up front thank Commissioner Fish and his team for agreeing to really lead the efforts including the efforts of folks in the bureau of planning and sustainability on helping to evaluate these prior to our consideration. So I think this is all in keeping with our efforts to get all housing issues under or coordinated by one commissioner in charge. Commissioner Fish.

**Fish:** Thank you, Mayor Adams. And members of the council, as the mayor indicated, he has asked the Portland housing bureau and my office to review all limited term abatement ordinances coming to the council and to make a recommendation to my colleagues as to whether they should be approved or rejected or modified. To summarize, our review will address the following; project eligibility criteria for each specific abatement requested, confirmation of the specific housing goals advanced by each project. We will make a specific recommendation as to up or down. And if there are amendments that we think are necessary, we will put them before you as well. The presentation today is the first to follow this new procedure, and it is a work in progress. We welcome any and all input on the form of our briefing memo, the briefings that you have received, and on this presentation. The city's long-term approach to abatement policy will be developed with input from the county and other partners in the coming year, and under the direction of our newspaper p.h.b. director. Over the next several months, p.h.b. staff will work with the city attorney, b.p.s. and the

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mayor's office to true up any inconsistencies. As part of our comprehensive approach to city tax abatements, my team has reviewed and provided recommendations for the pearl family housing project there. Are two areas in particular I want to draw your attention to. First, we recommend a 15-year abatement, not the full 30-year abatement, that the planning bureau recommended. This is because the developer intends to offer limited equity cooperative ownership after year 15. In other words, there's a substantial change in the legal structure of the project. Second, our process has flushed out an inconsistency between city law and the state code with regard to the length of abatements and we intend at some point in the future to come back with some code changes for your consideration. Our crack team of beth kaye p.h.b. and barbara sacks from planning are here today to make a brief presentation and to answer any questions that you may have.

**Beth Kaye, Portland Housing Bureau:** Good afternoon, beth kaye from the bureau of housing. As nick has explained, this is a request coming to you as the 30-year tax exemption under the city's new multiple unit housing program for a residential portion of the pearl family housing project. The request is made by nurture 247 limited partnership, represented by ed macnamara, who is here today. We have to hand out to you an amendment to the ordinance that's in front of you. This amendment modifies the term of the abatement to 15 years due to the potential change in ownership. At that time, and waives the code term of 10 years in favor of a 15-year term allowed by state statute because it's consistent with the affordability requirements. And we're doing this at the recommendation of the city attorney. A little bit about the project. The project is in the north pearl subarea of the river district. It's a mixed use project that occupies a full block, or will occupy a full block bounded by northwest quimby and raleigh streets and 13<sup>th</sup> and 14th avenues. It will include 138 rental housing units, a very family friendly mix, eight one-bedroom, 62 bedrooms and 73 bedroom units. 136 of these will be affordable to low-income households at or below 60% of median family income. Two of the units, a one-bedroom and a two-bedroom, will be leased to on-site staff, and they are treated as accessory units to the affordable units for underwriting purposes. So in essence they're like a common area. The ground floor will be leased to Portland public schools for an extension of chapman school there. Will be six lower grade classrooms. The other space in the building will be leased to the zimmerman community center. The project will have 119 underground and 10 above-ground parking spaces, and two loading spaces. The rules that are applicable here and these were all covered in your information, so I won't go into them in detail unless you have questions, are state statutes, 307.600-637, 60 code chapter 3.104, and city ordinance 181.500. When the Portland housing bureau conducted its review, the threshold issue we looked at is the threshold issue than under the o.r.s. is the project subject to a public assistance contract, yes, in fact the project is subject to three of them, one with p.d.c., one with the state of Oregon, and one for low-income housing tax credits. That's the shortest. It has a 15-year affordability requirement. Barbara sack, i'll ask her to describe the planning commission review and recommendation.

**Barbara Sack, Bureau of Planning and Sustainability:** The planning commission's role in these case assist to assess whether the project is consistent with the city's comprehensive plan and to make a recommendation on the project based on the scope and nature of the public benefit it provides. The planning commission found this project is consistent with a number of objectives of the comprehensive plan and the plans incorporated into it such as the north pearl district plan, and it also found that it met the public benefit requirement. Toll receive the tax exemption under the program, the property must meet an affordability requirement and provide at least one public benefit from a public benefit option list. This project exceeds the city code affordability requirements since all the units were affordability to low-income households except for the two staff units. It also provides several public benefits on the public benefit option list, one is more than 20% of the units will be three bedrooms and the second is that it will achieve leed silver certification. Based on the applicant's proposal, the planning commission on june 23rd, 2009,

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recommended the city council approve a 30-year limited property tax exemption for the residential portion of the pearl family housing project subject to the following conditions. The apartment units be maintained as rental housing and not convert to condominiums during the 30-year term. That the 136 rent restricted units continue to be affordable to low-income households at or below 60% m.f.i. And the project be certified leed silver, and this is by the u.s. Green building council. Lastly, that the project includes 70 three-bedroom units. And finally, the project comply with all applicable standards of title 33 as well as the conditions of any land use approvals including design review, I.u.r. 08-191285. Which is complete.

**Kaye:** So returning then to the amendment in front of you, we are -- we felt the most conservative course would be to recommend a 15-year abatement to correspond with the expiration of the low-income tax increment comply answer period. We did that because a developer advised us that after the 15-year compliance period, there was a potential change of ownership to a limited equity cooperative model. It's not entirely clear that would happen, or if it does happen whether the project would still qualify for the abatement under the model, so it seemed like good sense to take a second look at the 15-year point. In the event that the project does continue to meet the eligibility requirements for the abatement, after year 15, the developer can seek to extend the abatement prior to its expiration as provided in the code. I think commissioner Fish explained the 10-year issue. Our current code still has 10 years written into it, even though state law was amended several years ago to allow exemptions for as long as there is a public assistance contract requiring rent restrictions. The city attorney has advised us city council may waive the term of the abatement as long as it stays within the state law limit. So our recommendation is good.

**Fish:** On that point let me just say as part of the process that we're developing, we expect in the future that if there is a modification that we're recommending to the planning bureau recommendation, that that would be incorporated in the ordinance that we file. So we would not be doing this by amendment, we would in consultation with the mayor's office, be submitting the recommendations to the council as modified. With that, we welcome your questions.

**Leonard:** Do you need to amend what we're looking at?

**Fish:** Yes.

**Leonard:** Ok. Do you want to propose that?

**Fish:** Would I move the amendment that you have before you to the ordinance.

**Leonard:** Second.

**Adams:** It's been moved and seconded. Any discussion on this amendment? Anyone wish -- wish to testify on this amendment? Karla, please call the roll on the amendment.

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

**Fritz:** I'm very pleased to see this thorough analysis and the presentation of the amendment ahead of time. Aye.

**Fish:** Aye.

**Adams:** Great presentation. Great analysis. Support the amendment. Aye. [gavel pounded] all right. Underline question, any discussion from council?

**Fritz:** There was the one question as far as the staff units as to whether they affected the affordability. Did you cover that?

**Kaye:** The ordinance, the amended ordinance you have in front of you pedroia provides that those units would be treated as accessory to the rental units, and therefore they would not affect the 100% affordability. That's within your power and scope to declare.

**Fritz:** I'm assuming they're not luxury apartments.

**Kaye:** No.

**Adams:** Has anyone signed up to testify?

**Moore-Love:** We have one person, catherine houston.

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**Adams:** Ms. Houston. She's talking to amy stevens in my office. Anyone else wish to testify on this matter? This is an emergency ordinance. Please call the vote. Thank you very much for your presentation and your work.

**Saltzman:** I'm very pleased to support this ordinance. I recall maybe a year ago when ed came in and the developer, and talked about his ideas here for doing family housing in the pearl, providing additional space for Portland public schools, a permanent home for the zimmerman community center. And meeting all the green building standards. It seemed almost too good to be true. And yet here we are now on the brink of approving the tax exemption that will make this project much needed in our city, and in particular in the pearl district family housing, affordable housing, room for schools. Because people are having children, and they are living in the pearl. So -- and they're staying in the pearl. So this is a great project, and i'm very pleased to support it. Much needed. Pleased to vote aye.

**Leonard:** I'm -- I echo commissioner Fritz's remarks. I have been for a number of years concerned about the processes by which the various entities prepare abatements up to when they arrive at council, and that mayor Adams hazardous ignited the housing commissioner, commissioner Fish, to oversee and analyze each of these applications is of great assurance to me that the final product will be one that I can consistently support and vote for. So I appreciate both of your work on this. Aye.

**Fritz:** I'd like that it goes through the planning commission and mayor Adams' office and the housing commissioner's office. Thank you, commissioner Fish, excellent work. And thank you, mr. Macnamara. I'm really pleased to see a 60% m.f.i. That we don't have to have very low income and market rate that we can have a little in between, and that makes for a good mix. Thank you. Aye.

**Fish:** Well, colleagues, last fall the first annual report on tax abatements was presented to council, and for the first time included data that had never been compiled and presented to you and to the public, including a category called forgone revenue. And it seems that it is difficult to evaluate the utility of this program if you don't know on a regular basis what it's costing both us and sister jurisdictions. Building on that effort, mayor, you and I in december announced the creation of a new Portland housing bureau. As of july 1st of this year, we are now live, and we are led by a very capable new director, margaret van vliet. The next step in our growth as a bureau is the confidence you placed in us to provide council guidance on tax abatements. This is a challenging area of the law, much misunderstood by the public, and each time we take one of these we have a chance to educate the public about the benefits of providing tax abatements as part of our tool chest to create incentives for housing that the market would otherwise not provide. Today we have a chance to express our support for a development which will bring affordable family housing to the pearl district. We are talking about units of three bedrooms, and of a size that allows families to live in the pearl and at a rate of -- a rental that is family friendly. That's a big plus. But building on the effort that we have made collectively to be more transparent and accountable on tax abatement, I think that is another thing to celebrate today. I want to thank my team, beth kaye, and barbara sack, and kate allen is here, who put a lot of tame into this. I welcome and thank you for the feedback we've received on how we're going to do this going forward and I can assure you one thing, as long as i'm housing commissioner we'll present the facts and let you make the judgments. On that note, thanks to ed for his tenacity on this project, and i'm pleased to vote aye.

**Adams:** Well, mr. Macnamara, thank you for your willingness and the depths of the awful recession to put this deal together. And this represents as commissioner Fish said very well, the kind of family friendly housing that we want to help see help, and affordable family friendly housing that we want to partner with. So thank you. I too want to thank the staff team that worked on this, but most of will all I want to thank commissioner Fish for his willingness to take this on, and again, align all the decision-making and recommending and evaluation around housing. With

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the housing bureau and the housing commissioner, you're doing a fantastic job of getting that all organized. And aligned, and I really appreciate it. It allows me to foe cows commissioner development that much more. So pleased to vote aye. [gavel pounded] we've got some documents that need to be printed out, so we're going to take a seven-minute break. [recess]

At 3:30 p.m., Council recessed.

At 3:39 p.m., Council reconvened.

**Adams:** We are still in our thursday 2:00 p.m. Session. It is still july 23rd, 2009. We are all in attendance and we are going to be considering on the regular agenda today three related council calendar items. 1031, 1032 and 1033. We'll be considering them as a group and taking testimony as a single group as well. So Karla, could you read the titles for those three items.

**Items 1031, 1032, and 1033.**

**Adams:** All right. Just to try to organize our work here as much as possible, I think that we should get in front of us officially, the basic amendment that's been passed out by commissioner Leonard to 1031 and that that serve as the basically of our discussion for further consideration. Does that make sense to folks?

**Leonard:** It does. Unfortunately, we've had a couple of iterations handed out. So i'm going to move the amendment that has been handed out that --

**Adams:** So if you --

**Leonard:** The amendment i'm handing out replaces all other prior amendments. I move that amendment as the substitute exhibits a, b and c.

**Adams:** It's been moved that the --

**Saltzman:** One other copy?

**Adams:** Do we have one other copy? So the proposed mls transaction terms, the amended version just passed out by commissioner Leonard has been moved to serve as the basically of our discussion on further consideration. Do I hear a second?

**Saltzman:** Second.

**Adams:** It's been moved and seconded. Any discussion?

**Fritz:** Could -- you're going to go through what the amendments are.

**Adams:** Yeah, we're going to walk by it detail by detail but I wanted to make sure we're on the same piece of paper. So Karla, please call the roll on the motion.

**Saltzman:** Aye. **Leonard:** Aye. **Fritz:** Aye. **Fish:** Aye. **Adams:** Aye. [gavel pounded] all right.

So we all have the same document in front of us and just for my edification, are there proposed amendments to 1032 or 1033?

**Saltzman:** Yes I -- sorry, maybe I have the numbers wrong.

**Adams:** 1032 regards the bidding process. And 1033 is --

**Leonard:** Incorporates the sustainability language you wanted, commissioner Saltzman.

**Adams:** We'll get back to yours, I promise. 1031 is what we just did.

**Leonard:** But reflects the language that commissioner Saltzman wanted on sustainability.

**Adams:** Staff, are there further changes to --

**Leonard:** [inaudible]

**Adams:** Further changes? Any proposed amendments to 1032 which is a second reading, or 1033, which is a second reading. Mr. Rust. Mr. Kovatch.

**Leonard:** They're going to explain what we have here so you might want to make your remarks --

**Adams:** Today we're considering terms of agreement. The basic concepts and shape of what will be turned into definitive documents it. Does not deal with every possible detail that will have to be incorporated into the final documents but does give the direction and it does lay out what the -- how the definitive documents will be finalized. A couple of comments i'd like to make upfront. First,

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my thanks to commissioner randy Leonard for being such a great partner and being at the table and negotiating this agreement. The third time is a charm. I'm hopeful. And commissioner Saltzman for having [inaudible] at the table and the other council offices for your input on this over these many weeks and months. I'm supporting this basically because the fees and taxes that are used for the public portion of this public-private deal are basically derived from spectators and visitors to the city. And that includes the old debt on p.g.e. -- old debt on p.g.e. Park and the new debt taken out. Sports, it includes the ticket charges and parking revenue and the rose quarter and includes hotel-motel visitor tax that's already in place. The funding source does not compete with any other funding source for basic city services. A memorial coliseum, there's changes that ken rust described at our last briefing regarding some of the contingency funds at memorial cold, but we'll be coming forward to council soon with the tells of agreement with blazers. Regarding the future planning process for memorial coliseum and just as we had an expectation with paulson that he would buy the \$18 million that will expire in the rose quarter, we expect the blazers to do the same and those revenues be available among other things to deal with the issues that we face at memorial coliseum and there's a potential upside in terms of more business license fee revenue to the city moving forward. And a also support this as commissioner Fish was analyzing out loud, that the \$11.9 million derived again from spectators at sports venues and a tax on visitors and hotel-motel rooms. It leverages \$44.1 million to the deal. If those numbers exactly wrong, I know ken rust will make the necessary clarifications. I support this because the risk to the general fund is protected and because there's a 25-year requirement that the team stay at p.g.e. Park and I support it because of the good neighbor agreement and because of the contributions that mr. Paulson will be making to be well involved in the community and because the expectations on sustainability and those are some of my opening comments. Commissioner Leonard.

**Leonard:** I learned a lot through this process to say the least and one of the things -- I don't know that I learned, but reinforced with me, is that there will be those who won't like this deal no matter what it does, but if you're one of the folks such as I believe I am and most Portlanders are, for example, wanted the deal to protect taxpayers. If you wanted the deal to provide good construction jobs. If you wanted the deal to require a substantial personal investment. And a guarantee to the city by the owner, merritt paulson. If you wanted the workers at p.g.e. Park to receive a living wage, which is 16% higher than the counterparts at the rose quarter will receive. And if you wanted a deal that required merritt to make other private investments to soccer fields around Portland which he's committed to could with the concurrence of the parks commissioner and last but not least, if you wanted a deal that would provide a great new major league sport for Portlanders and particularly our passionate soccer fans then this is the deal for you. This is a deal unlike any deal i'm aware of in any other city in the united states but especially in Portland. It provides all of that for Portlanders and creates an exciting new major league sport that I think even those of us that may not be the most passionate sports fans will greatly enjoy and love and so I appreciate mayor Adams and each of my colleagues, because each of us have had a hand in what this finally turned out to look like. Everybody. Whether they as for the deal or not. And as arduous as, it was a good process and produced a stellar deal. We're going to ask staff to talk about the particulars of the deal and have council ask questions and then open it up to testimony. Thank you, mayor Adams. Your amendments in the --

**Adams:** We've got the one now.

**Saltzman:** This is an amendment in the nature of a substitute, section 9, sustainability. And strike the existing language and replaces with peregrine will be responsible per the city a green building policy for the mls stadium meeting leed certification for existing fields operation and maintenance and obtain certification from the united states green building council.

**Leonard:** Substitute for the existing --

**Adams:** And your reason for the amendment?

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**Saltzman:** Earlier versions were -- did not contain reference to the city as I policy about meeting leed silver standard and I found the existing language too wordy. I think this is right to the punch so I offer this amendment.

**Leonard:** And I would like to ask someone from peregrine come up before we get into the deal and talk about the specifics.

**Adams:** Moved and seconded. I would like to, if it's ok with commissioner Saltzman, run through the -- get just -- quickly run through and answer questions on any other aspect of the document in front of us and then consider your amendment and as we go through, there might be others. Mr. Kovatch.

**Ty Kovatch, Commissioner Leonard's Office:** I think it --

**Adams:** Who are you?

**Kovatch:** I'm ty kovatch. Ken rust is here to go over the broad details of the term sheet and a think that will be helpful in discussing the changes that have occurred in the last week because people watching don't have the full context. So i'll turn it over to ken.

**Ken Rust, Office of Management and Finance:** Thank you, ty. Mayor Adams and members of the council. For the record, i'm ken rust, the chief administrative office in the office of management and finance. The financial terms that are part of the sheet and resolution 1031 before you. As you know, the project cost is \$31 million, which is a reduction from prior cost estimates for the project which reflects a downsizing of the project elements. In terms of how that will be funded. The plan is broken down as follows. \$8 million cash contribution from peregrine that will be made. And they will also provide a prepayment of payments and user fees projected to be received by the city, through years 8 through 25 of the agreement that represents \$11.1 million upfront payment. The spectator facility, \$11.2 million in the form of cash or bond proceeds from a borrowing we'll be executing and then the city will assume or waive certain charges totaling \$700,000. And in addition to the upfront capitalized payment I mentioned, occurring years 1 through 7 of the operating agreement. The city will receive user fees and an annual payment equivalent to \$875,000 beginning year 1, one. Escalating thereafter and guaranteed by a personal guarantee of the paulson family that will be negotiating as a set of the agreement --

**Fritz:** Could you say that again, please. The last part about the \$800,000 per year.

**Rust:** We have rent \$875,000 -- it's called an annual payment. Subjected at \$875,000 a year, increasing at \$25,000 a year thereafter.

**Fritz:** And that's just for rent?

**Rust:** That's an annual payment. Some like to refer to it as rent, yes.

**Fritz:** Thank you.

**Rust:** In terms of cost overruns, negotiated protection from the city. The city has a maximum exposure up to \$1 million for cost overruns. If they are incurred, the city will not pay for that until years 26, 27, or 28 of the agreement by extending the term of the operating agreement and allowing peregrine to recover those costs in the future based on a method we've negotiated for calculating the equivalent value of the cost overrun in today's dollars. In I overruns beyond \$1 million are purely the responsible of peregrine l.l.c. In terms of fair wage policy, peregrine will contribute one-half, making a \$1 million cash contribution as part of the financial arrangement. That's why their contribution increased from \$7 million to \$8 million in this term sheet that's in front of you. The city will be responsible for continuing the fair wage and paying 100% from the spectator facility -- the spectators facilities fund. The summary in front of you will fully fund the \$31 million project cost. \$19.1 million of cash payments from peregrine. Spectator contributing \$11.2 million of either borrowed funds and/or cash from the fund. Expecting to have enough resource to fully fund all obligations along with the proposed renovations of p.g.e. Park. There's no use of general fund monies and we believe the risk to the general fund are negligible even though they back all of the bonds issued for the rose quarter development and for the first phase of improvements to p.g.e.



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Park. We believe the business projections we have and guarantees in place pose very little or no risk to the general fund going forward. And in conclusion, after working on this long and hard on various iterations, all methods support the financial plan and term sheet as proposed.

**Adams:** Discussion from council.

**Fish:** I have a couple of questions.

**Adams:** Commissioner Fish.

**Fish:** When we talk about \$31 million in project costs, that's the cost of the renovation, but there's other money being brought into this deal that i've been using on my cheat sheet, the \$35 million that the paulson to acquire the franchise.

**Rust:** Correct.

**Fish:** It's important to keep track of those dollars. If you add up the money you've decided that he's putting into the deal for the quote/unquote project cost and the \$35 million, his share is up to \$54 million, is that correct?

**Rust:** Correct he.

**Fish:** And the \$875,000 that we're going to call rent, how is that figure calculated?

**Rust:** It was a negotiated figure.

**Fish:** Is it -- my understanding is it is roughly what he's currently paying now for both soccer and baseball, correct.

**Rust:** That's correct.

**Fish:** And so under this deal, if baseball no longer has a home at p.g.e. Park and goes somewhere else, the rent that has been negotiated, if you will, still is at the rate that he was paying before which included a payment for baseball?

**Rust:** That's correct.

**Fish:** Can I ask you a -- I asked a question the last time you came forward. By the way, ken, there's never enough credit we can give you in these things. You're diligent and spend a lot of time in each of our offices explaining this stuff and none of us up here are experts in high finance, so I want to thank you for the work you do. In 2025, what is the worst case scenario you can contemplate?

**Leonard:** We'll all be dead. [laughter] I don't appreciate the applause. [laughter]

**Saltzman:** Are you guaranteeing part of this.

**Fish:** I want to be the first to offer my condolences to julie.

**Adams:** He's going to live forever.

**Fish:** Can you just in 2025, are there some -- is there a worst case scenario you can imagine.

**Rust:** Well, I think the worst case scenario, at the end of that time period, the current agreement with the trail blazer for use of the rose garden expires. Until that time, they're bound to the exclusive site agreement which would make it punitive for them to leave prior. They could choose after that period of time to renegotiate the terms of the business arrangement we have. That could have a financial impact on the city. Perhaps negative. If we're looking at worst case. They could leave without any financial penalties to themselves. Clearly, if we lost them, with bonds still outstanding, that would create a financial hole. At that point, we also get the rose garden, which believe will be a facility that will economic value. We could find another tenant or sell the building. While it looks like there's a potential risk out there and certainly we will be concerned about that and love to have the trail blazers a part of the community and making significant financial contributions as they have in in the past, I think there's several different ways that that issue, if it materialized could be managed and again, avoiding any serious impact on the general fund.

**Fish:** Ok. Thank you. I may come back. Thank you.

**Adams:** Commissioner Fritz.

**Fritz:** Continuing on the worst case scenario -- and thank you for the work that's been done on this project and protecting the general taxpayers. What if mls goes bust? One of the previous

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agreements was an ongoing financial obligation from peregrine l.l.c., but in this one, they're paying upfront but we're left with p.g.e. Park empty, right? With a soccer specific stadium.

**Rust:** The good news is that if mls folds, and we receive no additional revenues from them, all the revenues we were supposed to receive will have been received or they'll required to be paid to us through a guaranteed payment from the paulson family. We lose -- we have a facility that's been renovated to a configuration that works for soccer or for football, and for events that can use that configuration and certainly would look to find other uses for that facility. And try to found ways in which we can generate revenue. If we aren't successful, we also have fewer events in a facility that will be largely dormant and that means lower costs because the spectator fund is picking up a substantial share of the cost of the existing debt of p.g.e. Park and a portion of this debt that will be issued for the renovation, I don't think the spectator facilities fund will be in a different financial position as a consequence of losing mls. The deal protects us on the downside and gives us the opportunity to participate in the upside and if we lost that tenant, we could find somebody who would be interested in a relatively modern stadium configured for football or soccer. There's been discussion about the p.s.u. Vikings at some point going to division i. They would have a fantastic facility that would serve that need.

**Fritz:** Way too small for division i.

**Rust:** They can always dream.

**Fritz:** On the specifics of the financial, there's a 8% discount factored in into the prepayments. But the affordable housing, that was a 6% discount. Are we giving a sweeter deal for soccer than affordable housing?

**Rust:** It was a negotiated element of the term sheet. When we looked -- the alternative we had was to have a guarantee from the paulson family of the annual payments and the user fees, years 8 through 25 and we would finance against that. When we've run our numbers based on the difficulty of the credit markets, taxable bonded we'd be issuing and the zero bonds, it's unique marketing challenges, our estimate the cost is 9%. So our cost of borrowing because of the nature of the transaction actually results in a discount rate that may be in excess of 8% so we feel comfortable that the 8% number, which seems higher in comparison to other deals, underlying cost of capital, we don't think it's unreasonable. In fact, given the ability to capitalized up front and reduce our expose -- we think it's a deal that favors the city.

**Fritz:** The \$11 million we'll bond, how much in debt service and how long will it take us to pay it off?

**Rust:** We're working on different structuring approaches. The maximum term I believe is 25 years out through 2035. If we do all zero coupon, we're looking at \$44 million. Looking at different alternatives that might be able to reduce that cost, but that's the range of numbers we're looking at, commissioner.

**Fritz:** And then in the -- it doesn't seem like the numbers have changed since two weeks ago. About \$11 million on our side of the ledger. \$19 million for merritt paulson. And yet the amendments we just got say now we're paying half the living wage.

**Rust:** Correct.

**Fritz:** So how -- where is that coming from?

**Rust:** It will be reflected in the pro forma numbers for the spectator facilities fund.

**Fritz:** Is the total cost of the stadium now \$30 million. \$1 million of merritt paulson's is going it pay wages.

**Rust:** If he didn't -- for example, I think the easiest way to think about that. If he didn't agree to make the \$1 million payment up front, we would have another funding hole. If he only contributed 7, then we'd have to increase the borrowing from the spectators facilities fund and have a total of \$12.2 million outstanding versus what we have now, which is a smaller borrowing amount and give

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us the ability to carry that cost in the spectator fund and use his contribution to help meet \$31 million.

**Fritz:** You're saying his cash contribution has gone up?

**Rust:** It was \$8 million then.

**Fritz:** Two weeks ago, he said and commissioner Leonard said we were going to have card check for unionization and no fair wage.

**Rust:** Correct.

**Fritz:** Now we have fair wage, but 50/50 in this agreement, and we're paying -- the city would pay half and merritt paulson apparently, a million of his is not going to construction, but to that.

**Rust:** No. The transaction in that sense is that he -- the initial agreement two weeks ago we talked about, was there -- in -- he was going to cover half of the fair wage cost, instead of writing a check every year, giving us a cash contribution upfront.

**Fritz:** That wasn't in the agreement two weeks ago.

**Rust:** Yes, it was.

**Fritz:** Not when I asked you.

**Rust:** That was part of the deal and the fair wage deal was going to be no additional cost to the city. There was a -- in -- if I could --

**Fritz:** Go ahead.

**Rust:** It was my understanding following that meeting, that commissioner Leonard had discussions with different individuals and termed that the -- determined that the understanding merritt had about what the city was doing with regard to paying the fair wage cost was different than what was actually presented and that caused a problem for merritt because he was contributing up front, one-half of the cost of construction and it created a problem we needed to resolve. Commissioner Leonard asked me and my team to work on how we can resolve that and we found a way we can fit that within the spectator fund. At that time, we were carrying in the reserve \$1.2 million for funds that would be available if the current agreement which expires in 20 10, exposed the city to without any agreement for the beavers and timbers to remain at p.g.e. Park. Once we had this deal executed that, doesn't seem to be a necessary reserve to maintain and allows us to contribute that money into this deal and allows us to reduce the borrowing cost and absorb the fair wage cost and keeping ourselves equal and honoring what the meeting of the minds was between merritt and the city and ended up not being what we presented two weeks ago. That's my recollection how we worked out the details and commissioner Leonard may have more information to share with you.

**Fritz:** Ok. Let me get more of my questions out on the table. In the revised agreement, there's an agreement to pay \$50,000 a year for peregrine to pay for sports fields but the previous version, there was \$100,000 per year. Why -- 30% would go to sports fields but it seems it's a quarter of a million less than previously bargained.

**Kovatch:** In the original discussion around this point, it included both the Portland beavers and the mls team each giving a proportionate share of a contribution to local sports deals. Peregrine continues to intend to contribute \$100,000 to metro-area youth sports facilities and programs, however, the current beavers home is not -- is up in the air and so were they to locate in another locale, the beavers' contribution would likely be focused in that locale, rather than the city. This is the mls version of the deal. A previous version spoke to \$100,000 area-wide from the organization that would own both teams and that still remains true. We just narrowed it to apply to the Portland.

**Fritz:** The version I got says \$100,000.

**Leonard:** You have to read it all.

**Fritz:** I have.

**Leonard:** It says area wide. Not just within the city of Portland. That's what ty just explained.

**Fritz:** The current says \$50,000.

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**Leonard:** In the city.

**Fritz:** Where's the rest?

**Leonard:** As he explained, it follows the beavers. His intent, as we were tying both the beavers and timbers together, he offered to contribute -- agreed to contribute \$100,000, but as we have decoupled the beavers from the timbers, he's segregated them.

**Fritz:** We just realized this is an error, is that right?

**Leonard:** There's a lot of things that had been changing that needed to be --

**Fish:** Commissioner Fritz, would you yield on that one point?

**Fritz:** Absolutely.

**Fish:** I want to put this on the record as a clarification. At the beginning of this process, when I first had discussions with the -- with Mr. Paulson and his crew, I said if we're going to make a significant public investment in a major league soccer facility, I would hope we'd make investment in youth sports community-wide. In response to that, he a proposal was worked into the agreement.

And the original version was \$100,000 for a period of five years, with the understanding that this was a beavers baseball and mls contribution. As my colleagues know, I actually opposed that original deal. I had not conditioned my support for or against this on that. I had simply stated I thought we needed to be able to show the community some link to a broader agenda than just professional soccer. This particular language which commits \$50,000 a year at least \$50,000 to build athletics field in Portland is consistent with my understanding. And there has been some confusion on this and I appreciate commissioner Fritz for bringing it out. This has been complicated and I've been confused on points from time to time. But this is consistent with my understanding and as the council person who first raised this issue of equity, I'm satisfied.

**Fritz:** Thank you for that clarification. Going back to the proposed development agreement. Section 4.5, in the event that the cost of the stadium is less than \$31 million, [inaudible] future capital improvements. Which brings us back to the issue of the sole source contract and how -- what are we buying for \$31 million.

**Rust:** There's a schedule -- a general schedule of listed improvements as an exhibit and if you need more details you'll have to talk to someone who is more familiar with the work schedule and plan. I don't have a lot of information on --

**Fritz:** Why are we going for a no-bid sole source contract when so many of our contracts coming in are a third to a half off?

**Adams:** This was a public-private partnership. And as described at the previous meeting, if you believe there's another entity that would pony -- entity, this is a judgment call. In addition to having \$35 million and secured a franchise expansion opportunity with mls. But there's only one mls. And they have awarded it to this particular private sector partner who is contributing a significant amount of resources. It is a judgment call. I do want to underscore legally we're required to say "sole source." but we continue to come back to city council phenomenon a variety of phases for our approval and execute any and public hearings on implementation of this.

**Fritz:** Thank you. Moving on to section 8, the good neighbor agreement. I'm going to be interested to hear testimony from folks to see if there needs to be amendments to the good neighbor agreement and getting back to the issue of city-directed wages. I -- I -- I can't fathom why the city would pay top [inaudible] wages for employees of p.g.e. Park. Commissioner Leonard said it was a mistake back in March. What's the purchase in doing that.

**Rust:** To be compliant with the city's fair wage policy, I believe.

**Fritz:** Doesn't that require our contractors to pay fair wages?

**Rust:** We've negotiated an alternative, paying one half. And our part of the agreement is we continue to pick up the difference so that the employees receive the required fair wage amount.

**Fritz:** It's my -- math correct, \$5 million over the course of the agreement?

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**Rust:** I don't know what the total is. About \$120,000 and escalates after that. So I haven't ran a total on that.

**Fritz:** My final question on the exhibit and proposed agreement, the city will use best efforts to work with peregrine -- develop a parking facility, what is meant by that? I thought the whole purpose of keeping it at p.g.e. Park, is we have light rail and we don't need to do parking facilities.

**Kovatch:** He let me get to that section.

**Fritz:** I would be interested to hear from citizens whether that's part of the community conversation.

**Kovatch:** Can you draw me to the section.

**Fritz:** Pages 7 and 8.

**Kovatch:** Yes. That's purely an aspirational language about the selective agreement if there are opportunities to enhance the parking opportunities at p.g.e. Park, which I understand there to be almost none at this moment in time, then the city will agree to, in good faith, look at options for doing that. I know the Multnomah athletic club is also looking for parking solutions for themselves, and it's just something that in the negotiations, discussion, folks around the table agreed to look into and doesn't bind anyone to anything other than in good faith looking at potential options.

**Fritz:** I'd be interested to hear testimony on that too. Thank you.

**Adams:** Commissioner Saltzman.

**Saltzman:** First question is when do we actually see the personal guarantee, the Paulson family personal guarantee?

**Rust:** My understanding, negotiated as part of the development agreement that needs to be executed before we sell the bonds and over the next month and a half or so.

**Saltzman:** That development agreement will come to us for approval?

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

**Saltzman:** And at that point, we'll be able to see the language of the personal family --

**Rust:** Correct.

**Saltzman:** -- guarantee. One other question. Sorry about that.

**Adams:** No problem.

**Saltzman:** Getting back to the living wage and I guess this is more policy than anything else. As of a few weeks ago, we were talking about card check and neutrality as opposed to continuing the living wage policy and now it seems we're no longer talking about card check neutrality and talking about keeping the living wage, which my preference would be the living wage be borne by the operator. But I'm curious what happened in the last two weeks to totally turn that around.

**Leonard:** I should speak to that. As you'll recall at a number of different sessions here and one-on-one meetings with collective bargaining and president of the -- the reason I was reluctant to vote for it is because of my -- in the labor movement. It's unusual for an employer to unilaterally pay something that's above what the market is for a particular position as opposed to allowing employees to collectively bargain through an elected agent. Their wages and hours and working conditions and it's always hit me wrong, that employees may want to decide their own future. And as it turns out, my distinct one was that reflected in conversation with the AFL-CIO, and others that they agree. And however, like here, we all are politically very closely aligned. That doesn't mean we don't sometimes have vigorous disagreements amongst each other. In the labor unions there's vigorous disagreements about that. And frankly, it began to get so convoluted that it was becoming a larger issue than it could be given the complexity of this agreement and so I finally sat down with Merritt and then with Ken and others and felt that since Merritt had contributed a million dollars to represent his half of the living wage it would be a lot easier for the deal if we just continued the policy.

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**Saltzman:** Is there still a commitment to have card check and neutrality?

**Leonard:** No, there is not. The employees have the right in the united states to organize.

**Saltzman:** Right.

**Leonard:** There are certain absolutely strident federal laws with employers interfering with the their right to bargain. So our point was if merritt didn't pay the living wage, he needed to do card check f. He didn't do card they can, he would agree to do the living wage. He agreed to do the living wage.

**Adams:** State and federal law protects the right to organize if they so choose.

**Leonard:** Absolutely.

**Adams:** Commissioner Fish and then commissioner Fritz.

**Fish:** I have a question for you and I just want to understand the symmetry here. The agreement contemplates if there's a cost overrun, the city's contribution is capped at \$1 million. And that is -- that's heartening to know that our exposure is capped. So I guess it begs the question, well, if somehow the construction costs come in well below estimates and this thing can be renovated for \$5 million less, what's -- what's the benefit to us if there is a substantial savings and the whole cost of the project comes down?

**Kovatch:** The -- the term sheet here speaks to what would occur in the event of an underrun and part of the discussion that we had two weeks ago when we brought this forward was about the negotiation that brought the project down from a \$38 million project, I think, did a variety of things that would enhance the fan experience and theoretically draw more fans to a \$31 million project and in the discussion around that point, in the development agreement, it is explicit in the event of cost under-runs -- if that's a word -- the decision to go forward with any further capitol improvements will be at the mutual agreement of the city and peregrine. So whatever items on the list of improvements, that would be in the design of making the major league soccer facility what it needs to be to get the job done, the \$31 million lights up a certain number of those things, if there were savings that would result, it would light up a certain number more. And the city and peregrine have to agree on how any savings would be utilized in that event.

**Fish:** Is it fair to say that the agreement contemplates if there are savings, they will be reinvested in the project rather than returned to any of the partners?

**Kovatch:** Yes.

**Adams:** Commissioner Fritz.

**Fritz:** I got to exhibit c, I hadn't seen it before, regarding the upgrades we're buying and no. 7 on -- not numbered pages, but legend one construction scope. Upgrade public men's bathrooms, adding two urinals. 50/50 in soccer, the gender mix. What are the plans for increasing the number of women's restrooms and unisex bathrooms for men taking their daughters like my dad use to take me.

**Kovatch:** It might be more helpful to bring the peregrine folks up to discuss the finer points of the stadium improvements.

**Fritz:** Ok. I'll wait for their turn. Thanks.

**Adams:** Any further discussion with staff.

**Leonard:** Steve, do you want --

**Adams:** Steve, do you ever a quick answer?

**\*\*\*\*\*:** I couldn't hear the question. Why.

**Adams:** Why don't you come up and see if you can be helpful. Commissioner Fritz, could you restate your question.

**Fritz:** We're increasing the number of bathrooms facilities for men but not women. And i'm wondering what the plans are for increasing the parity for wait times for women and also for fathers with -- single fathers, transgender, unisex bathrooms.

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**Steve Seagull:** Commissioner Fritz, unfortunately, i'm not working on the physical stein and a can't give you a -- design, and can't give you a specific answer.

**Adams:** And your name is?

**Seagull:** Steve segal, a consultant for -- segal and a consultant for peregrine. We're about to begin architecture, and all which has to be approved by the city representatives working on the project, and so as we work through all these issues. We'll have a better answer for that question. I just don't know the answer right now.

**Fritz:** When do we -- do we get to revise a -- review a revised scope.

**Adams:** It comes back with definitive agreements which go into great detail on all the concepts and issues and all the details provided in that exhibit c.

**Fritz:** Great, thank you.

**Seagull:** Sorry I couldn't answer specifically.

**Adams:** I think I can speak for everyone on council that part of the reason for the renovation is -- remains part of our -- well, part of my support for the renovation is to provide better facilities to match the customer profile that we'll be using and that it should be incredibly egalitarian and acknowledge there are a lot of female sports fans now and a lot of fathers with daughters that go to sporting events and the restroom facilities darn well better reflect that.

**Leonard:** And as the point person on the city council for public restrooms. [laughter] I share commissioner Fritz's concerns and appreciate her bringing this point up. Because that is something I would want to see as well.

**Seagull:** Understood, i'll pass that on.

**Leonard:** Thank you.

**Adams:** Any other discussion from council before we move to testimony. We have 14 people signed up.

**Seagull:** Do you want me to comment on commissioner Saltzman's amendment or do that later.

**Adams:** Why don't you do that now if you're ready.

**Seagull:** Yes. First of all, on behalf of merritt, he'd like to thank you. He was here earlier. We -- he changed his whole schedule to get him here at 2:00 and he apologizes for not being here right now. With regard to commissioner Saltzman's amendment, we would accept that amendment with the following proviso. And that is there is to our knowledge, there are no standards today for leed certification for renovating an existing stadium. And in particular, a soccer stadium. And so we are committed, we have revenues in the project for sustainability features, we're committed to doing our best to achieve that leed certification. We will accept the amendment, but if it turns out that it is impossible to achieve a leed silver certification, simply because there are no standards and no way to get there, we'd like to have the ability to come back and discuss that with the council during the development agreement stage.

**Saltzman:** I certainly accept that. I think much of what a leed standard, particularly for existing buildings speaks to are things that would apply as much to a stadium as an office building, so I think there's a way to get there, but yeah, if you can show the case that we simply don't have a standard that matches something like this, i'm open to that.

**Seagull:** Thank you.

**Saltzman:** Otherwise the commitment needs to be we're going to get leed silver and it's going to be certified by the u.s. Green building council.

**Seagull:** Understood.

**Adams:** All right. Thank you very much for your presentation. Let's go ahead and there's an amendment on the table and unless there's objection from council, i'm prepared to have us vote on that amendment. This is commissioner Saltzman's amendment.

**Fritz:** [inaudible]

**Leonard:** We have to vote on the amendment first. That's on the floor.

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**Adams:** And we can take it up later after testimony and do other amendments if we want. So unless there's objection. Karla, please call the roll on commissioner Saltzman's amendment to section 9 on sustainability.

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

**Adams:** Aye. [gavel pounded] amendment is approved. We're now open to testimony on the amended term sheet and the other council calendar 1032 and 1033.

**Moore-Love:** First three people come on up.

**Adams:** Good afternoon, welcome to the city council. We're glad you're here. And our procedure for all testimony is very easy. You only have to give us your first and last name. We don't want your address. And you'll have three minutes and that countdown clock on the big hunk of wood will help you keep track of your time.

**Shirley Burke:** Hi, mayor and city commissioners. My name is Shirley Berg, I'm a banquet worker at the Hilton for 23 years and a proud member of the [inaudible] for 37 years. As you can see behind me, more members of our union that came today because this is a passionate issue for us workers and as union members and non-union members in the city of Portland. Our union contract brings many benefits. Living wage, work toward affordable healthcare, secure pensions, safe working conditions and most importantly, respect and dignity. Another great benefit for the stadium is the union members are likely to leave if you look at the record of the other union hours. Most had been there 15 years plus. The p.g.e. workers too will be allowed to choose the benefits and have protected voice at the workplace. As we ask that you think about this labor peace ordinance and [inaudible] vote in October, which we'll tell but.

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

**Shellea Allen:** Hi, mayor and commissioners. My name is Shellea. Union 9 representing workers in the Portland area and protecting the city from labor disputes in the stadium project, we propose you consider labor peace language in the financial agreement in which the city clerk will be passing out. This works by creating an environment where the developer or operator can obtain a no-strike guarantee from the union in return for a neutral expedited and democratic process for workers to choose for or against unionization. The city wants to create quality jobs and living wage jobs with its investment as well as the desire to protect the investment of public funds starts the process by requiring a no-strike guarantee from the developer. The city isn't involved in the interaction between the developer and union thereafter. Labor peace agreement, we have about a dozen on the west coast, including San Francisco, Seattle, San Diego, and we've found that these are a way to ensure quality jobs and that the future jobs of Portland will be good living wage jobs. And we look forward to discussing it in the future.

**Adams:** Thank you very much for your testimony. Hi, welcome.

**Eliana Machuca:** Hi, I'm from Jobs with Justice. As you know, we're a coalition of 85 community-based labor organizations and in the struggle for workers rights and I'm here for the city to do the right thing in the negotiations between the city and Paulson. My -- what was my new position but is now old, three years ago was to ask the city to implement the fair wage at p.g.e. Park and they did. For the third time implement the fair wage and it made a huge difference that day forward for those workers. At the time it was understood by all councilmembers it was the right thing to do but in the future, it would be really important that the employer pay that fair wage so it was good to see the language in the resolution but it is still disheartening to know that the city is continuing to subsidize it. It sounded like the money was going toward construction, not necessarily the fair wage, and then the other thing that we were a little dismayed, there wasn't the language we thought we were hearing about union neutrality and we know this labor peace agreement has been drafted and I think you got a copy of it and we wanted to make sure that that labor peace agreement covered all workers and I know that someone wanted to be here but he had to leave and he wanted me to testify, the success they've had with the janitors and at Swan Island and how it's been able to create



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good jobs in a positive way. And so that we were disappointed not to see that and the other thing, about subcontracted work. There isn't language about subcontracted workers, it's easy to just push that work, whatever the conditions, wages, and gets negotiated. And so I guess we would like to see those two things added. We feel the city should be fighting for and providing good jobs for Portlanders. A fair wage is the first step to take. But we do believe that union neutrality is what is going to put Portlanders on the path to creating good jobs and growing the middle class.

**Adams:** Your basic understanding was correct in terms of a joint responsibility for paying the wage. Commissioner Fish.

**Fish:** I have a question about the labor peace agreement and I haven't seen it before today, so i'm just trying to make sure I understand what it is you're proposing. The agreement appears to be between short stop l.l.c., or I suppose, peregrine or whatever the entity. And unite here, local 9 and binds the employer to do a number of things with the union. I'm curious, on what basically would unite here local 9 be the designated union for an agreement like this? Is this pursuant to something where the employees have asked unite here to represent them. How does unite here get designated in this agreement?

**Allen:** We're not designated as of now and that language was just recently drafted so that may be a mis-typo on there.

**Burke:** What it means is that the workers have a right to -- to have the same wage as union workers, and if not, they can -- they can choose the union to come in and represent them at that time.

**Allen:** But unite here local 9 won't necessarily be the designated labor representative because there is other provisions that provide for referrals for job vacancies and other things and it refers to unite, and i'm just -- without getting technical, we as a city council, regardless of our views on this issue and this agreement, don't have the legal right to designate any union, absent some ruling by -- some determination by employees.

**Allen:** Right.

**Fish:** I just wanted to get a clarification.

**Adams:** Thank you, appreciate your time here. Karla, the next three.

**Adams:** Would you -- the sisters get ready nearby?

**Gil Frey:** I'm mr. Frey and there's a lot of things to talk about, for example, I grew up here and went to kennedy school. Jefferson high school and Portland u., and in the early days, the facilities were the pilot hall, and they were the armory, and the old p.i. Building and the city needed a facility, and they voted on it about five times, and it took 10 years in order to get it approved. And i've been fighting to save this coliseum now for about 15 years, and way back in the -- in the '40s, I recognized the need and in the '50s, I recognized the attempt to see it happen. Now we have it and i'll go ahead and quit, so I figured what I had to say, is really not -- not probably going to do any good. And, therefore, I figured someone ought to come and think. Because there are lots of groups. [laughter] lots of groups that can fill this coliseum. Such as the rockettes and such as billy graham. Franklin graham. And number one, luis palau. And number one is the lloyd center, number one -- time's up?

**Adams:** No, you said you were going to let us hear some singing.

**Fritz:** I have a question.

**Frey:** No. 1 is the coliseum and the rose garden together under global spectrum, where number one in the world, and most people don't know that. Number one in the world and i'm seeing where it's abominable and obsolete and other things.

**Adams:** I want to give time for your singers.

**Frey:** Number one in the world. The two sisters' trio. Number one in the world. And if we had an invitation internationally, they could be in there singing. They could fill this coliseum.

**Adams:** All right. That's a great intro. We're going to have --

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\*\*\*\*\*: It's all yours.

**Adams:** And i'm asking a question so that you get more time -- will you sing for us?

\*\*\*\*\*: We would love to sing for you. We're two sisters and a mister. And we do u.s.o. And asked to do a lot of patriotic events and we're doing one from our patriotic segment.

\*\*\*\*\*: For gil.

**Adams:** Are you going to sing, mr. Frey?

\*\*\*\*\*: We call them the two sisters quartet.

**Adams:** No, are you going to sing?

\*\*\*\*\*: We paid him not to.

\*\*\*\*\*: I might before it's over, but she said no. ¶¶ [music] ¶¶

\*\*\*\*\*: Two sisters quartet.

\*\*\*\*\*: If tomorrow all things were gone i'd worked for all my life. And I had to start again with just my children and my wife, i'd thank my lucky stars to be living here today ¶¶ 'cause the flag still stands for freedom, and they can't take that away: ¶¶ and i'm proud to be an american, where at least I know i'm free ¶¶ and I won't forget the ones who died, who gave that right to me ¶¶ and i'd gladly stand up next to you, and defend her still today ¶¶ because there ain't no doubt, I love this land: ¶¶ god bless the u.s.a.: ¶¶ from the lakes of minnesota to the hills of tennessee ¶¶ across the plains of texas, from sea to shining sea ¶¶ from detroit down to houston, new york to l.a. ¶¶ there's pride in every american heart and it's time we stand and say: ¶¶ that i'm proud to be an american where at least I know i'm free: ¶¶ and I won't forget the ones who died who gave that right to me. And i'd gladly stand up next to you and defend her still today ¶¶ because there's no doubt, I love this land: ¶¶ god bless the u.s.a.: ¶¶ i'm proud to be an american, where at least I know i'm free ¶¶ and I won't forget the ones who died who gave that right to me ¶¶ and i'd gladly stand up next to you, and defend her still today ¶¶ because there ain't no doubt, I love this land: ¶¶ god bless the u.s.a.: ¶¶ [applause]

**Adams:** That was beautiful. Thank you very much. That was very beautiful. We really appreciate it. You have beautiful voices.

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

**Adams:** Thank you for that treat, we really appreciate.

\*\*\*\*\*: I recommend the u.s.o. Show and the, of course, the milwaukie high school is capable of doing it.

**Fritz:** I have a question, you gave us that beautiful rendition because of your care for the memorial coliseum, do you have any concerns about the spectator funds being used for the p.g.e. Park instead of memorial coliseum.

**Frey:** Yes, I do. I think we should keep all the money from the rose --

**Fritz:** Quarter.

**Frey:** Quarter, should stay for the coliseum, because the coliseum is the mother, you could call it the gold star mother of all coliseums, maybe, because it's gold star mother. My mother was a blue star mother. She had five blue stars there and one son-in-law, so that makes six. They're almost all gone by now. And I called one veteran today, and he said he's now at age 84, a full-time caregiver for his wife. So the veterans that i've invited, the one left, and otherwise we're all dying. All of my brothers and sisters, except one veteran, have died. And I could go on and on, but thank you very much. If there's any other questions --

**Adams:** We'll take care of memorial coliseum.

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

**Adams:** Thank you again for your beautiful interlude. We really appreciate it. Karla, next three. Mr. Kane. Welcome back. We're glad you're here. You need to move the microphones back down.

**Kane:** Very good. I have two pieces of written testimony. One on 1031, the other on 1032.

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**Adams:** For the record, you're Henry Kane.

**Kane:** Some people might agree with the Oregonian editorial department. I'm disappointed with what's been presented, keeps peregrine as a party, the signatory, and contains no provision that Mr. Paulson, as an individual, will sign the agreement. Nor does the document provide that Paulson -- Mr. Paulson will provide a corporate surety bond, and I remember the testimony months ago saying guarantees are not enforceable. My testimony may be -- may be made obsolete by the amendment I've not seen. I sure hope it removes some of my objections. I pointed out 1031, having a first reading, and it needs a second reading, are to the reasons I've given. The record I've made is 22 separate items and I will supplement that and I've given various objections. Perhaps the final agreement will take care of enough of them that I can dump a pile of papers this high into the refuse. Thank you.

**Adams:** Under 1.2, party, peregrine sports l.l.c. Parenthesis and l.l.c short stop, or other Paulson-owned entities and under the definitive document, see in great detail exactly what the nature of the guarantees are. And we want as iron clad as possible.

**Fritz:** My understanding of Mr. Kane's point is there's a place for peregrine to sign but not for Mr. Paulson so sign.

**Adams:** On the term sheet. This comes back --

**Kane:** I'm hoping the final agreement will nail down -- what I would like to see is the setting of a maximum contribution by the city. I keep remembering the OHSU tram and so much would have been avoided if the city said we're not going to pay more.

**Fritz:** That's taken care of. I've checked for that. Thank you.

**Adams:** This is a term sheet. The final agreement -- I know you'll continue to watch as we will to make sure the final agreement has the appropriate guarantees and the appropriate language. This is a non-binding term sheet that is a definite agreement of good will that we intend to fulfill. Thank you, Mr. Kane. Good afternoon, thanks for waiting.

**Jeremy Wright:** No problem. Jeremy Wright. I represent MLS to P.D.X. And a proud member of the Timbers Army. A story about why I'm wearing this Chicago Fire MLS jersey today. There's about 50 Chicago Fire fans in town who flew in in the last couple of days, and in 2002, I went out just to see my new nephew and happened to attend a Chicago Fire game and got to know fans and a friendship ensued. Went back and forth, a few people going back and forth and when the schedule came out, we discovered Chicago was playing at Seattle at Saturday at noon and Chicago decided, we wanted to come and see a Timbers game and so 50 individuals have flown in and staying in hotels in the Portland metro area, attending the Oregon Beer Fest and the match together and then all turning around and renting buses and going up together as the Timbers fans cheer for Chicago on Saturday in Seattle. And I tell you this story, because there will be approximately 250 -- there's 250 tickets block bought at Qwest Field by the Chicago Fire fans and that gives you an idea of what's going to happen when MLS comes here. So these folks travel. They spend money. They invest. They will be paying the hotel tax, paying those car rental taxes and all of this will go toward paying for our stadium. And it also is a lot of fun. To meet and feel from around the country. I know of no other sports -- no other sport in the world or the United States that has this kind of friendship where people fly, 50, 100 folks to come and hang out. I wanted to point that out and tell you that the story. If you see them wandering around in Chicago Fire jerseys, welcome them.

**Fish:** You said you're the host of MLS to P.D.X.?

**Wright:** Yes.

**Fish:** But Chicago has two professional soccer teams and one has the star player for the pilots. Would you work with the community to try to secure a women's professional soccer team as well?

**Wright:** Absolutely. I remember you and I had a conversation at the U.P. Women's games and I love those games and would be happy to work with you and work with Mr. Paulson, I think if you're looking at the success of some of the clubs, it's a great start and great to see it.

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**Leonard:** You're going to negotiate that deal, nick? [laughter]

**Adams:** We're tired.

**Wright:** I want to say for the record, you were talking about the money for fields. As I reiterate, we're in the process of setting up a separate 501(c)(3), which is about fixing up fields around town and we'd love -- which is a separate non-profit focused on low-income or places that need to help and we would love --

**Fish:** This council is totally committed to expanding opportunities for youth sports and if this deal goes forward, we would look forward to targeting mr. Paulson's resources and yours so we can make an impact particularly in east Portland.

**Tracy Prince:** Hi, Tracy, a resident of Goose Hollow and on the board. One of the issues is the parking structure that Commissioner Fritz mentioned earlier and the other is preserving site lines into P.G.E. Park which Patty and I had an op-ed in the Oregonian today. Many of us feel that the parking situation works fine and does not need changed. Considering that P.G.E. Park is served well by public transportation and a smart park building eight blocks away and on the max line is usually empty on game days, we don't feel change needs to be made of the good neighborhood agreement requests a transportation study which will show that the status quo works well and it's been working well for 10 years. It wasn't easy to come up with this good neighborhood agreement but with the help of city hall and the neighborhood associations and the Goose Hollow League and others we came up with a deal. Our neighborhood gets along well with P.G.E. Park leadership. Since there's been talk of a parking structure at 18th and Salmon, we want to make clear this corner is a vital part of reimagining our neighborhood with a main street feeling it doesn't have now. Currently there's no "there" there in Goose Hollow and must have active use and a vital part of the neighborhood. This is similar to what we supported in the revised iteration of the Allegro. We don't object to parking structures completely but want to make sure that that corner of our world isn't swallowed up by this edifice. Number two on preserving the site lines, this is a unique neighborhood friendly part of P.G.E. Park. It must be preserved. Where once there was a cinderblock wall along 18th, the last remodel opened up that to the neighborhood. Now we're threatened with an excluding wall once again and Goose Hollow neighbors are worried every time the World Bowl is used to describe how the stadium will be remodeled. Fans sitting in the stadium say how nice it is to see the skyline and the max rolling by as they watch games and how refreshing it is to catch a moment of the game as they pass by and says much about the open mindedness of our city and it would be small minded not preserving that. We feel strongly that city commissioners should make preserving the open sight lines a requirement of the mls deal.

**Adams:** Thank you, I think your expectation about the mixed use, street-level vitality that you did a very good job negotiating on on the Allegro project --

**Prince:** We feel P.G.E. Park and Merritt Paulson and his leadership have worked -- I think they're amenable to our wishes.

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

**Fritz:** Is it my understanding that the current good neighbor agreement -- Jerry Powell was the planning director of our neighborhood and definitely that part was to have been amended.

**Prince:** I didn't realize it hadn't been.

**Fritz:** I'm asking. I don't know if it has or hasn't been.

**Prince:** I think we make comments in the general --

**Adams:** We'll have an opportunity to make sure these issues are discussed and resolved.

**Fish:** One question. Tracy, is there a plan you've seen, an architect's rendering that clearly present this is challenge?

**Prince:** We know everything we've seen has been architectural eye wash. What we're concerned about what has been thrown out into the public discourse seems to have been codified into a real process. People use the word "bowl" and then have a drawing that shows up in the Oregonian

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every other week and then start imagine, as you walk along 18th, it's open and it's something we all love and I worry about the way that keeps becoming an expectation. In our community. That there will be a bowl there. There's plenty of room if you dig down under street level. You can put lots of stadium seating there without obstructing view from the street.

**Adams:** We're not passing judgment on that particular issue, just so that you're clear, as part of the term, but we have to come back with the revised good neighbor agreement.

**Prince:** Do you think that should be part of the good neighborhood agreement?

**Adams:** It needs to be part of the definitive documents. Yeah. Including the good neighbor agreement moving forward because we're changing the primary use from baseball to soccer.

**Fritz:** My question, the good neighbor agreement referenced, since peregrine will enter into a continuation of the good neighbor agreement currently applicable. So that's my question: Does it have --

**Prince:** The suggestions that we sent via jerry powell's letter were incorporated in the current edition.

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

**Adams:** We wanted to that phrase is in there to make sure we don't have any loss on the existing good neighbor -- you know what I mean?

**Fritz:** Right.

**Adams:** Sort of erosion of the good neighbor agreement but it is an opportunity to address your concerns moving forward. Thank you all very much. We have six more, is that right?

**Moore-Love:** Six more, yes.

**Adams:** Hi, good afternoon. Thanks for waiting.

**Linda G. Cameron:** Good afternoon.

**Adams:** Do we have a third one? Mr. parrott, come on up. Would you like to begin?

**Cameron:** Sure. Thank you. My name is Linda Cameron. I am a resident of the goose hollow neighborhood. I'm an architect and also a board member. And I'm here to talk to two items, one being the parking garage that I just found out about today and I would like further study to occur. I have to agree with Tracy, it's not that we would not agree to a parking garage, but it has to be strategically placed that would benefit the neighborhood not just PGE park. The other item I'd like to discuss is the v lines into the stadium. At present there's a wonderful transparency between the stadium and the pedestrian way. I've lived in the goose hollow neighborhood for 16 years and I recall what the stadium was like prior to the renovation that happened about a decade ago. And let me tell you, it's a vast improvement. There's, I believe, security issues having that open there's a perception of eyes on the street which is very helpful because the stadium is not always in use but the neighborhood and the residents of the neighborhood are interacting with the stadium on a daily basis. And so by having that open area where you can see into the stadium and vice versa, there is a visual connection also from the Mac club, it doesn't feel like it's a concrete canyon which thus allows people to feel more secure and there's more activity on the street and I believe there's less crime. Thank you.

**Adams:** I'm going to offer an amendment to section 11, hopefully it will be a friendly amendment. And that is to city will use its best efforts to work with goose hollow neighborhood association, there's also a business association in goose hollow along with peregrine, the high school, and athletic club to develop a parking facility. Again we're not committing ourselves to this but I think you deserve to be recognized in this section for consultation, involvement, and discussion about it.

**Cameron:** Thank you.

**Adams:** You bet. E'an?

**E'an Todd:** Good afternoon. Again my name is E'an Todd. First of all, I want to thank the council and all the members as we've gone through this public process and I want to recognize that as much as we might get into fights and be frustrated with each other, public process is the hallmark of

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Portland politics and what we're recognized for doing. And I'm ultimately proud of where we've gotten with this. This is a fine agreement, and as was, was mentioned by one of the people here, this is a unique agreement for, for primary sporting facilities and, and -- in this country, as far as the amount of, of private contribution for, for ultimately, what is a publicly owned facility and it is a very good deal, for the taxpayers, it will, it will create a, a, even better facility that will, um, bring people into the neighborhood. I want to say what my friend jeremy said, not only are there 50 fans in town but currently last I checked on the bulletin board, between 150 and 200 fans of the football club who are either on the interstate 5 or checking into hotels as we speak. And who also are going to be paying taxes and, and going to the restaurants, shopping on our sales tax-free stores in the downtown area, and contributing to the hotel tax, and those fees that are what the spectator fund is, draws upon. And, and this is, um, this is a small visit compared to what I predict we'll be seeing in two years when we have the opportunity to be drawing bigger soccer-centered events in the summers at the remodel facility. I, I think the biggest thing to think about here, again, is when we go back, the rest of the commissioners come back, that the amount of public, matter of private contribution on this, this is a very good deal. The million dollar liability -- the million dollar cap on public liability and cost overrun is, and I checked again and I mentioned last time I was here two weeks ago, that, that is several times less than, than the next closest agreement between a government and the united states and a private entity building a remodeling, building and remodeling a stadium. This is the best deal possible, and it will, when this passes and this council votes for it, you will look back at this and be very proud of it. Thank you very much.

**Adams:** Good afternoon, thanks for waiting.

**Brian Parrott:** You are welcome, I am brian parrott. And I am here as a citizen but proudly been an Oregonian since 1970. Some of you know me as a tennis player, which is true, and i've been -- tennis has been my racket, but I was born in brooklyn to, to the son of harold parrot, the traveling secretary for the dodgers. So grew up with it. One thing is I got engaged in this because I have rented, counted up the coliseum, 59 different dates, actually, the first was jimmy connors and eddie dibbs and connors, which led to the davis cup in 1981, and you may have heard this story, it's true and I can give you the reasons why, this event brought in 100 million into our economy because they discovered Oregon because of that event and they built a plant here. They were down to two cities in america and they added Portland, and ink governor atiyeh gets a lot of, should get a lot of credit for reeling them in. But, we have to thank harry murrow for stepping up from the city here for the davis cup. He gave me the \$175,000 to get it. I believe the coliseum is a tremendous asset. It gives us a competitive advantage over other cities because of the flexibility having two buildings, and it is, it is quite a building. It's, it's, it gets a bad rap. I have a suggestion for beautifying it on the outside, but it is, it is, it's an asset, and that's why we could get the davis cup, but there are other events. Secondly, I want to commend you all for your help, merritt paulson. If anybody is ready to step up for the \$35 million franchise fee, and it should be supported in every way. That's why I have been thinking about it a great deal. I got my soccer master's degree by putting up \$40,000 for the Portland pride. I was the, the managing owner of that. I had the money from the tournament in the americas, which is another thing that I brought, worked to bring in with the trail blazers, but I was co-chairman with marshall, and we split 1.1 million on that event. I put 40,000 on the franz and then ran the Portland pride. So, I know it's a great soccer town. That's going to be an asset. Now, the final thing that I really want -- i've been thinking about the baseball a great deal. And I have talked to a good number of people. Homer williams is the first one I called. And I said, what do you think about this site? And he said that would be great. Great. And I said i'm going to keep tight. He said you have got to get the, to bob stole, find out what he thinks, and I did. Bob thinks it's a great site and he was going to float the idea because I had a second part of the idea, to the kulongoski team. But, I further talked, I know i'm over, but this is --

**Leonard:** Go ahead and finish.

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**Parrott:** If you can let me. I further talked to mr. Glutman, and I said what do you think about this site? And he said it would be a fantastic site, and he's ready to say, saying that publicly, as well. Harry mulow feels the same way.

**Adams:** Which site is that?

**Parrott:** I'm going to tell you. [laughter] I'm keeping it, buildup is important, but it's important because it's a field of dreams location. Ralph shaw. I'll give you a hint. Mike burden is another one that believes, you know, head of metro for ago years, ok, the site is -- oh, and ian hamilton, i'll throw him in.

**Adams:** All right, all right. Tell us.

**Parrott:** The downtown post office, with the backdrop of the city right there. We know it's for sale. We know -- and I know that, I mean, I know that there is a lot of talk about how long it could take to clear that site, but it will be a fantastic site. Now, two more parts, and I promise I will stop.

**Adams:** You have a few seconds.

**Parrott:** There is a man in oakland who has not been able to build the stadium, and his name is lou wolve, and he owns the oakland athletics. The giants are blocking him every place, and I think that we should invite him up here, to move his major league team up here.

**Adams:** Ok.

**Parrott:** He's mentioned Portland.

**Adams:** And your second point was?

**Parrott:** The second point is, there is a financing way that would not require taxpayer money. There is already 150 million for the stadium. 150 million on the table from the governor's signed bill, and the tribes are ready to come back to --

**Adams:** I apologize, i'm going to have to cut you short, and he will be available to talk to you afterwards. You have done amazing things for the city, and you are an expert in this area, and I apologize that I have to move you along. It's the late hour.

**\*\*\*\*\*:** Yes, I appreciate it, but thank you very much.

**Adams:** Appreciate your testimony. All right. Good afternoon and thanks for waiting. Appreciate it. Mr. Moran, I think you were first.

**John T. Moran:** Mayor and commissioners, I am john moran, I am working for the hilton hotel for the last three years, and I understand most of us want to get out to the Oregon festival so I won't be that long. I'm here to say that i'm happy that we are bringing major league soccer to Portland, and it's going to create needed jobs for my fellow Portlanders. But I want to stress to you that the investment the city is making should also bring a good return, and, and by that, we seek that these jobs created be good living wage jobs. I feel this would be best accomplished by giving the workers the right to organize, so I plead with you to give the Portlanders what they deserve. Thank you.

**Adams:** Thank you very much.

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

**Joe Rastattler:** I am joe, a co-chair of the jobs of justice faith labor committee, and I am also a member of the united here local 8 about I sell beer and peanuts up at the seattle seahawks' games and the marion's games am I probably work 10 or 15 games still at p.g.e. Park. And I would support, for example, unite here being involved in organizing the p.g.e. Park -- the p.g.e. Park workers. I strongly agree with you, commissioner Leonard, that the living wage pieces are convoluted and it has been for, for all of these years. And I know because I personally probably spent hundreds of hours working on it and advocating for it. I want to remind us the history of this private public partnership, both at the rose quiet and at p.g.e. Park resulted in unions being bust and had workers losing wages, so personally i'm very gratified the jobs of justice and myself have been able to put this on the table, and to the good degree that it is. I have to say, um, commissioner

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Leonard, I respectfully disagree with your idea of it being somewhat patronizing for the city to, to support a living wage. My view simply is that, is that this is our property, and, and to, to be able to do a private-public partnership with the people's property should entail some responsibility and that would include a living wage. So, my position is -- it's the same as jobs of justice position. We support continuing the living wage, and of course, we support any, any measures that help to make free organizing possible. Thank you very much.

**Adams:** Thank you. Appreciate it. That's all, ok. So, i'm going to offer amendment on section 11. Are there any other -- let's see if there are any other amendments going to be offered before we offer them.

**Fritz:** I have an amendment on the living wage section.

**Adams:** On living wage. Any other amendments to be proposed? Would it be all right if I go mine?

**Fritz:** Absolutely.

**Adams:** Section 11 for read, there would be an insertion between the words "with" and "peregrine," so it will say work with the, the goose hollow foothills league, and the goose hollow business association, comma, comma, going on with peregrine lincoln high school, and for mixed use parking facility.

**Adams:** Second.

**Adams:** Moved and seconded.

**Fish:** Mayor, one comment.

**Adams:** Yeah.

**Fish:** The language says best efforts to develop but I take in kovatch's testimony, as the way we should interpret, this aspirational, not directive.

**Adams:** So you want to consider development, of a parking facility.

**Fish:** I think that would be a friendly amendment in terms of what, the way he explained the aspirational nature.

**Adams:** Is there a second?

**Saltzman:** Second.

**Adams:** Moved and seconded. Council discussion of this? All right. Let's vote on this amendment. Carla, please call the roll.

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

**Fritz:** Section 10, instead of -- I had to substitute. Instead of city agreed to continue at the city's cost of the wage program it would say peregrine agrees to pay fair wages defined by 3.99 including any contracted employees throughout the term of the operating agreement with no subsidy by the city. Peregrine agrees to provide a mutual setting for employees should they choose to attempt to organize. For purposes of discussion I will second the amendment.

**Adams:** Moved and seconded.

**Fritz:** I think we learned from the previous p.g.e. Contract that the citizens don't support the city subsidizing private employers popping up their wages. We are responsible for our city employees wages and we should be expecting in other contracts that, that, that fair wages be paid.

**Adams:** Additional discussion?

**Leonard:** To put it in the proper context, I was in here when it passed but the city agreed to pay this excess wage. It was not one paid by the private sector, so I think that it's, it's really unfair at this stage of the negotiations to, basically, change the nature of the agreement to reflect this amendment. At minimum it has to be negotiated with the other party. We can't unilaterally, unilaterally make such a change in the agreement on our own, I mean, the effect of this passing is we do not have an agreement.

**Adams:** If I recall correctly and I will look to former mayor katz, a little head nodding or shaking, is that the city directed living wage, that this policy at the time that it was applied to p.g.e. Park



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was an expansion of policy regarding the living wage. Applying it to, to p.g.e. Park in ways that it otherwise would not have applied. And because of that, we have agreed to pick up the wage, 100% of the wages at that time. This proposal is less than 100%, so it makes the improvement on the concern about it entirely being on the backs of taxpayers.

**Adams:** Other discussion.

**Fritz:** The current proposal is 5 million being paid by spectator fund.

**Leonard:** It's not an accurate figure, commissioner Fritz.

**Fritz:** It's [inaudible]

**Adams:** That would be over 25 years.

**Leonard:** I don't know --

**Fritz:** I would be happy to give you the spreadsheet.

**Leonard:** But I think this is not the proper place to make substantive amendment like this. I mean, it's absolutely a fair thing to propose, but it has to be done in consideration of the entire agreement with the other party.

**Fritz:** I would have been happy to proposed it earlier but we have had like three amendments today, so I think it's entirely appropriate since we're voting on this today to consider who should pay fair wages.

**Adams:** Any other discussion on the substance? The amendment is on the floor. And carla, call the roll.

**Saltzman:** I have supported operating the fair wage but agree with commissioner Leonard that at this point we have a deal and I am going to stick with the proposed deal in front of us so I respectfully vote no.

**Leonard:** I appreciate the tenor and, and, you know, awkward position for me not to be supporting something like this, but in the context of actually negotiating the deal, this is a substantial change in the, in the conditions of the deal. The bottom line is, i'm not sure why the, why they care who is paying them. They are being paid living wage, and that, to me, is what matters in the final analysis, so I will oppose the amendment. No.

**Fritz:** The taxpayers of Portland care who pays and means less available for upgrades for memorial coliseum if we are topping off wages, so I vote aye.

**Fish:** A couple of years ago unite here was having a dispute with a major hotel downtown, and they contacted me about the dispute, this was before I was elect and had explained the nature of the controversy, and their concerns, and as a result of that, even though I was the vice chair of the organization hosting the event, I did not attend the event, so that I would not be, in a sense, picking a side in a dispute and honoring their request that events, that, that -- I not attend that event. That was a very difficult decision but it reflected the respect that I have for the rights of people to collectively bargain and to, to, to take their issues to an employer and the care which I try to bring but not in any way seeming to tip the scales in that kind of dispute. On this issue, the challenge for me is that, that there is no consensus that i'm aware of within the labor movement about how we should address this. In fact, I have had, I would like to just say that I have had people from, from labor on both sides of this contact me but actually, I have had people from both sides who have changed their position in the course of a few weeks, so I am, I am completely befuddled as to what labor, and by labor, I mean the broader community and not just one organization, feels about this. And so because of the lack of a consensus on it and because this proposal would, in fact, modify a substantive term of the agreement and I agree with my colleagues, but in effect, mean that we have no agreement to act on today, I appreciate the spirit in which it is offered but I will vote no. On the other hand, I want to make it very clear, that the provision of this amendment, that deals with, you know, neutrality, compliance with the law, and other requirements in the event that employees choose to organize, I think this council is going to be very vigilant in making sure that they are policed going forward. No.

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**Adams:** Right now, the mayor is voting. As someone, as well, signed the no crossing of the line for here united, as a candidate for office a couple times, as someone who has sat down with business owners downtown to, to help unionize janitorial positions and other positions downtown and feel passionately about this, I view this as a great victory for the taxpayers of, of improvement of 50%. And, and, you know, it's progress, and it's good progress on behalf of the taxpayers and, and keeping with our, our living wage agreements, which I feel passionately about. So, i'm going to vote no because I view this as good progress. Aye. Or no. [gavel pounded] Further amendment.

**Fritz:** I move the second sentence, peregrine agrees to provide a neutral setting for employees should they choose to attempt to organize.

**Saltzman:** Seconded.

**Adams:** Moved and seconded. Discussion on this?

**Fritz:** I also want to recognize that commissioner Adams worked very hard on, to get justice for janitors at memorial coliseum and to help with the organizers there, and I picketed with unite here, and I respect their ability to be constructive partners in any, any process that they engage in. So, and many of us are, union members past union members and, and recognize the value of the union stations so I would hope to get consensus on this amendment.

**Adams:** Is the purpose of the amendment to just, a restatement of state and federal rights available to employees? Is that the purpose? The legislative intent?

**Fritz:** Yes.

**Leonard:** I would move to amend the amendment to say that, peregrine agrees to comply with federal, state laws that protect the rights for others to organize.

**Adams:** Is that a friendly amendment?

**Fritz:** No, so it is not just codifying the state and federal --

**Leonard:** Woe, I moved up an amendment to the amendment, and is there a second?

**Adams:** Is there an amendment to the amendment? Is there a second?

**Fish:** Second.

**Adams:** Moved and seconded. An amendment to the amendment, a discussion on the amendment to the amendment.

**Leonard:** These are, having worked in this field a long time, and commissioner Fish will correct me if I am wrong, these words are all terms of art. And let me correct one thing said before that is really unfair. To characterize as this attempt to protect the taxpayer of Portland is disingenuous. These funds come out of the spectator fund paid into by people from all over the region, including the state of Washington, Washington county, clackamas county, and others. So, the, the important principle that, that I stand by that I would, I would fight for and of which there are numerous protections for workers rights on, is the, the rights of workers to organize as the law has been fought for, and, and bargained for, and lobbied for, for decades. And, and to, to add other kinds of terms to what the law requires is a black hole, so, so I would urge the council to accept my amendment, which would, which would clarify that this council insists that, that peregrine comply with all laws.

**Fish:** May i.

**Adams:** If I could, commissioner Fish, and ask our contract experts, can you, do of you an opinion on sort of this issue? Regarding whether the amendment or amended amendment captures or goes beyond the rights that everyone has to organize?

**Jim Van Dyke, Sr. Deputy City Attorney:** Mayor, council, I am not a sufficient enough expert on that law to know what the law provides in regards to providing a neutral setting for employees to organize, so, so I don't want to mislead you here by saying as part of federal law, that will be my guess but without any research, I would be providing a guess, i'm sorry.

**Adams:** That's all right, commissioner Fish.

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**Fish:** I used to practice in this area, and I am not entirely clear what neutral setting means but I will tell you what the consequence of putting a contractual provision in that obliges the owner to, to, in fact, comply with state and federal law in any labor context, and that is that it establishes an additional remedy if there is a violation of law. Currently, the remedy for an employee who tries to organize and is prevented because of a violation of law would go through an administrative process and bring an action or what have you, and if this amendment to commissioner Fritz's amendment is adopted, the additional remedy is this council could declare a breach of the agreement.

**Adams:** Do you have a thought on the amendment to the amendment?

**Fish:** I'm going to support the amendment to the amendment because I believe it is broader in scope. It tracks the, the otherwise existing state and federal law requirements, and gives us a, a remedy if we determine that, that there has been a violation of law by our partner.

**Adams:** Great. Additional discussion on the amendment to the amendment?

**Saltzman:** I will move for the original amendment offered by commissioner Fritz. I think that, that it's much simpler. I was up for what's simple and clear as in my amendment previously about meeting the green building standards. Peregrine agrees to provide a neutral setting for employees, should they choose to attempt to organize. That sounds pretty straightforward and clear to me. When you start adding state and federal laws, to me, that creates, you know, things that I don't understand.

**Adams:** Commissioner Fritz.

**Fritz:** Thank you, commissioner.

Saltzman. Appreciate commissioner Fritz's comment about following the law. Still, I think it's unlikely that employees would come to us to ask that to be remedied and I would like to have it clearly stated.

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

**Fritz:** An alternative would be to use the language out of the unite here labor peace agreement which I assume has come through, it looked like it was taken from another agreement, which is the employer will take an approach of neutrality with regard to the unification of the employees and [inaudible] to imply any position of the employer to such employees a collectively bargaining unit or our position to a particular unit as a bargaining unit. We could say that, that more, more --

**Adams:** All right. Everyone up here agrees that the future workers of the facility should have the right to pursue the legal rights to unionize, and, and I think that, that the discussion has been good and full. I would like to vote on the amendment to the amendment unless you have got a last comment.

**Leonard:** Just in reaction, I was waiting patiently --

**Adams:** I didn't see you. Go ahead.

**Leonard:** You don't irritate me. You create a working atmosphere for me, you are a great friend. You do not irritate me, you inspire me but done irritate me. [laughter] I think commissioner Saltzman's observation is, is what one would, would ordinarily think. Man on the street looking at that language. But let me tell you just having worked in the organizing world, the impact of what this means, and I will give you the real example. The current living wage at p.g.e. Park is \$11.26 an hour. And the current wages for those employees and many of them are the same people who work over at the rose garden is 9.75 an hour. And the, the merritt paulson may see if the employees want to organize, I would like you to have a meeting and for you to all understand the implication of unionize. The implication of unionizing is if we get put into, into, in a room or bargaining contract, I will take the position that I will pay you the market wage. And the market wage is now 9.75 an hour. I need you to understand that before you agree to organize. Because, the 11.26 an hour is not required by law to be paid to you. I will pay you whatever the collectively bargaining agreement ends up being in the end of the analysis. The upshot may be quite well that the employees would end up with a, an agreement that actually paid less than the, which is 16 percent

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higher than what the workers at the rose garden are currently getting. The language you are proposing would prohibit him from saying that to them.

**Fritz:** I would hope so because that sounds like a threat to me.

**Leonard:** Then, then you may never want to do the contracts --

**Saltzman:** I can't imagine the union going into the workers it's hoping to organize and say we may end up with a \$2 --

**Adams:** Commissioner Fish is always two seconds before on that. I agree. I think in essence we actually agree on this issue a lot more than we disagree. But, I think that it's been a long day, and I think that, that we're at the end of a long but fruitful process. So I would ask that the city council keep that in mind as they vote on the amendment on the amendment. Can you please restate, again, the amendment to the amendment commissioner Leonard?

**Leonard:** The amendment is that the peregrine be required to comply with all applicable federal state and local laws with respect to organizing.

**Adams:** Carla, please call the roll.

**Saltzman:** No. **Leonard:** Aye. **Fritz:** No. **Fish:** Aye.

**Adams:** Aye. [gavel pounded] amendment to the amendment is approved, and we are voting on the underlying amendment, unless there is additional discussion. Karla, please call the roll on the amended amendment.

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

**Fritz:** I don't know what I'm voting on.

**Adams:** You are voting on your original language amended by commissioner Leonard's phrase, which he just restated.

**Fritz:** Which is different.

**Adams:** If you are going to have to judge that as you vote. Yes means you are approving of including this?

**Fritz:** Yes, thank you.

**Fish:** I will support it because the net effect of commissioner Fritz's original amendment is to, is to provide an expansion of rights for employees at p.g.e. Park and whether the amended amendment or the amendment to the amendment is her preferred approach, this, actually, creates an additional level of protection for employees. Aye.

**Fritz:** Thank you for explaining.

**Adams:** I want to thank commissioner Fritz for bringing this amendment forward, to commissioner Leonard for clarifying it and the ensuing discussion, which is democracy meets robert rules of order. Aye. [gavel pounded] The amendment is approved and we are now looking at the amended substitute, and are we ready to vote on that and the other two items, so we're going, 1031, 1032, 1033, unless I hear additional council discussion, Karla, start by calling the roll call on 1031.

**Saltzman:** Well, it's been a long, interesting road. [laughter] to say the least since we started earlier this year, with the culmination, I shouldn't say the culmination, that's today but we did have, have a pretty good test run in march and the decision was to proceed in negotiations. Those negotiations have been capably conducted on the city's behalf by commissioner Leonard with mayor Adams also at the table. And I am pleased to see that we, per our amendment we adopted in march that there is no urban renewal money involved. Therefore, there is no necessarily new urban renewal district envisioned. That would be driven by, by the, the need to finance a stadium. I don't think that that's the right way to approach urban renewal questions or, or the creation of a new district. I am pleased to see that we reached an agreement that does not involve urban renewal.

And only uses spectator funds on the city's behalf, and will produce what I think is, is the home for, for a much invigorated major league soccer team, the Portland timbers. And, and I think that that's going to be a good move for our city, not only because it, it brings a source of inspiration and spirit for every citizen, I think major sports franchises just, just, they do that, they bring citizens together.

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I also think that it plays well to our economic development strategies, which focus on, on the apparel industry and the footwear industry, and having major league teams again, supports those clusters, which are part of our future. As is sustainability and that's why I support a strong, green building standard for the renovation of the stadium. So, I think that we have come a long way and I think that we have gotten to a good spot, and i'm excited about this deal. I wanted to, as I said, I appreciate commissioner Leonard and mayor Adams' leadership on this, and I also want to thank my chief of staff, brendon, who is, oh, there, he's right there. I thought he might be on his way to the timbers' game. So I want to thank brendon, who has been my representative in these negotiations and I also want to thank all the work of city staff, ken, erik, many, many others, and last but not least certainly merritt paulson and his team of negotiators, including mayor katz. I think that they have done a great job and I think that they truly bring a spirit of wanting to do what's best for the city of Portland. Great people. Great people. I think that there is the spirit of we want to do something that uniquely fits with the Portland spirit. Soccer is, is part of that match, and working in good faith and, and I think as mr. Todd commented, no tremendous public subsidy as you see in most, any other city around any other sports facility, this is, this is probably, probably hardly any public subsidy compared to what you read about in the papers going on elsewhere. That's a good deal for our citizens, a good deal for the city, and it's a good deal for the region, and I am very pleased to support this deal. Aye.

**Leonard:** Well, if we hadn't had the hearing that we had today including gill and the fryets, it just wouldn't have made sense. [laughter] with what has happened over this last how many, who knows how long this has been. It was fascinating hearing. I very much appreciate the debate and, and i'm not going to say a whole lot about the deal, but I am, I am required at this point, given the intensity of what has occurred in this building, over the last, I don't know how long it has been that we've been working on this, to thank sam for his diligent leadership. I have said this many times, when too many was mayor, the mayor sets the tone. Nobody fights harder to be equal with the mayor than I do but I always have understood that the mayor is the first amongst equals and without the mayor's support we don't have these discussions. Vera had an absolutely fabulous discussion, and I was honored to be brought into by her on major league baseball. I loved that atmosphere. And tom potter did not like the idea, so we had a loaf for four years in terms of sports. Sam becomes mayor and here we are. And I couldn't, doesn't matter that, that I think this is a good idea or dan or nick or amanda. It requires the mayor to set the tone so sam, I want to acknowledge that because there would not happen without you and, and nick has added, really, a whole a lot of good ideas to make this a much better deal, as has amanda throughout this whole discussion. This is a better deal because of both nick and amanda's concerns that they have raised. It has caused sam and I to sit down and do everything that we humanly can possibly do to address their concerns. And certainly, without dan right along being the consistent third vote, although at times, you know, but still, he was who we counted on to be able to have this discussion today so, thank you, dan. I made a list here of people, ty, of course, he's inside, you know, baseball here, so to speak, and he's known as our mad genius in city hall but he really, in many, many respects, this deal reflects his vary diligent, hard, creative, thoughtful, genius work, and, and I don't know that we would actually pull off the balance of the deal that we did without ty's or ken and erik johansen sitting back there, again, I would say, we would meet on saturdays and in the evenings and during the days and both those guys were always right there creating options and ideas and telling us when we had bad ideas and telling us when our ideas weren't bad. And they never came out and said that anything is a good job, just not a bad idea so we could move and live with that. So I really appreciate that. Mark, the city attorney's office, is a person that, that the public does not hear about a lot, and I didn't ever work with mark before this and, and he's now one of my favorite people. If I ever, ever, am in a position to buy a car I told mark I will call you and ask you to negotiate the deal, he's tough. And greg and steve, again, on, on their side, were more than just the other side, they were absolutely

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creative, thoughtful, and in many ways, ingenious partners that allowed us to, to come up with the particulars that we did to get the deal we did, and of course, it's, it's, for sam and i, a pleasure to work with vera whenever we get a chance to, and it was an honor to work with her creative again and have her in the room with us, vera and I love to go back and forth when she was mayor, but she's, she's one of my favorite people and still the only person in the world that I am actually afraid of. [laughter] and don had a real hand in selecting sides and coming up with the ideas and I appreciate that, and last but not least, I just -- I just feel like it would be unfair, and I have this, this sense of fairness that plagues me often, but it would be really, really a tragedy not to acknowledge merritt paulson. This is a person that, that, with every fiber of my meaning I should not like. There is nothing about him that shares any experiences with my life and my growing up. And why I like this guy so much is just difficult for me to understand. But I think it has to do with his absolute inability to do anything but speak the truth. And I recognize that, as I think that sam did early on about merritt paulson that he was -- I kept saying to him, I would love to play poker with you. I would really love to play poker with you because you could not hide when he had a full boat and couldn't hide when he had a horrible hand and you would take all his money, he's completely transparency. He worked really hard, he's impassioned, and he has a high energy level, and I just believed that merritt paulson is an asset to this city. And, and anybody who, who says anything other than that is really being unfair. And, and I am proud that he's part of ow community. I'm proud that he has decided to make our, our city his place of business. He doesn't live in Portland but he lives next door to Portland and that's close enough for me. I'm very proud to have had this relationship with him and I am exceedingly confident in merritt paulson's goals for the timbers and even the beavers, whether we keep them or not. I'm sorry to go on so long but it was really important for me to say all of that, and it's really been, been an experience that, that I will never replicate again, hopefully, but I also look back on it with fondness. It was really a lot of fun with all of you, the timbers' fans are great. I'm looking forward to seeing you at games soon and, and i'm really proud to finally be in a place to vote aye.

**Fritz:** I want to start by thanking tim and tom and my staff who have really looked into this whole deal ongoing very diligently, and on the surface, there is much to like about the current agreement. It doesn't require the use of urban renewal funds. It is paid through by user fees, gate rent and private contributions. I was truly open to the mind of supporting the final agreement despite my intention to vote against the competitive bidding exemption and granting a full source contract to peregrine and I appreciate mayor Adams and his staff keeping my staff and me informed about as the proposals change, as best as they could, I assumed his staff looked into my proposals to increase the taxes for soccer more significantly, and for some reason that wouldn't work. Mayor Adams has set the expectation that reasonable people can disagree without being disagreeable, and I am grateful for his leadership in this saga and on the city council. I am concerned about protection for the league, especially the siteline issue causes concern, and so I am happy for the amendments and will be looking for further clarification on that as we move forward. But now I have had the opportunity to look into the details of the new deal and for me, the proposal just doesn't pencil out. The use of your coupon bonds is troubling, the agreement requires the use of the bonds at a high rate of interest, and the price on the ledger is 11 million but the borrowing will cost over \$44 million. And the use of the coupon bonds was of concerning in the previous proposal and remains so, and rates at 9 percent will be highest, especially in this economic climate. And the bonds may be hard to sell. And these bonds are necessary because there is no money available in the spectator fund for payments on additional bonding for the first seven years until the bonds are paid off. And even after which the cash flow or the spectator fund is reduced for another six years while the existing p.g.e. Park bonds will be paid off. The outcome is the back loading of the debt payments in the 11 million the city borrowed costing the spectator fund 44 million by the time the bonds will be paid off in 2035. And I cannot support borrowing money at high rates of interest to pay for a

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sports stadium. Essentially, taking out a second mortgage on the existing debt. And I believe that this deal still puts the city's general fund at risk. And 27 million of that 44 million debt incurred through the use of zero coupon bonds is due after 2025. And that, as we hear, has been the blazers', that's when the contract with the blazers is guaranteed by Paul Allen. In 2025, the city's agreement with the blazers must be renegotiated. In a worst case scenario the blazers could walk away from Portland with no recourse for the city of Portland and leaving a 27 million debt with no way to pay for it except through general funds, and this does not protect the city's general fund which is one of the conditions that the stadium task force is and that task force, I did not believe that's being met. The city will receive no cash flow from p.g.e. Park for 21 years. The deal proposes to capitalize the rent payment for 2017 through 2038, and release the funds to provide 12 million towards the renovation of p.g.e. Park. When the city has annual expenses related to p.g.e. Park of 450,000 in 2017, increasing each year up to 730,000 in 2035, there will be no income from p.g.e. Park to pay the expenses. This is not a fiscally prudent approach to finances. And in fact, the reference to the [inaudible] reminds me that the success of a soccer franchise is dependent on the success of the team on the field. On the three other current franchises are making money and, and I'm concerned that, that if the team does not do well or m.l.s. Folds that we will have, have, we will have a repurposed stadium that we cannot ideal reuse. I'm very troubled that, that the city is continuing to subsidize the fair wage for peregrine employees. And the city of Portland will pay 5 million over the operating agreement to subsidize the wages of Mr. Paulsen's employees, and two weeks ago, I was assured in council by Merritt Paulson that the city would not need to subsidize the wages and that instead, those workers would be allowed to unionize. The stadium task force included in the report a requirement that Mr. Paulsen pay his employees a living wage, and that task force requirement is not being allowed. And while on the subject of the task force, losing the baseball team is not an acceptable trade Joseph. Yet, the future of baseball in Portland is in doubt and the council voted to decouple the deals. The task force requirement is not being met. And as a city we talk a lot about environmental sustainable but we also need to focus on financial sustainable. The bottom line for me is that p.g.e. Park with the redevelopment being proposed is not sustainable. And it will not jumpstart the local economy. It will not create living wage jobs except in this case as provided by the city. The deal is better than the previous proposals but still is not a good deal for the taxpayers of Portland. Even under the best scenario the city's cost to own and maintain p.g.e. Park will never be close to self supporting if we go forward with the change in the p.g.e. Park from a multi-use stadium to a soccer specific stadium, and in any deal we must talk about who pays and benefits. At first glance the use of spectator funds and private moneys seems to meet the test that the benefit will pay. And in order to assess whether this is a good plan, we need to discuss what other uses the spectator fund might be needed for, and whether it is appropriate to borrow money to be paid back by general fund. The taxpayers of Portland are at risk. A large percentage of the spectator fund is generated in the rose quarter by tickets in the garden and the memorial coliseum and by parking revenues from the rose quarter garage. I believe that it is unwise to spend a large percentage of those revenues on p.g.e. Park for 15 games of soccer a year. Now, Adams is beginning a task force to determine the future for the memorial coliseum and the rose quarter, and we have an underutilized coliseum that we're looking to repurpose. And while there is some urban dollars available through re, to redevelop the rose quarter by eliminating the availability of the spectator fund we reduce the funding sources available to modify the memorial coliseum and develop the rose quarter. We should not tie up spectator funds for 25 years before we determine the future of the memorial coliseum and the rose quarter. There is no way to assess the lost opportunity costs if we put all our spectator funds in the p.g.e. Park. I am open to a big idea and willing to, to invest a substantial amount of money, and millions for an economic development proposal with substantial likelihood of long-term benefits for major investments, but the, there has to be a payoff for the investment of the taxpayers of Portland. And I've been known for my days on the planning

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commission as someone who looks after the details. And details that were in short supply either not available or available only at the last minute and in some cases, still questionable. I believe details matter. And in this case, to me, the details show that the agreement is still fiscally unwise. We have no guarantee that the p.g.e. Stadium improvements will provide the amenities that Portland want in the non competitive bid contract. We may well use, lose the beavers from Portland. There is risk to the general fund. There will be no income for 21 years from p.g.e. Park and the spectator fund will be locked up to fund this deal. We will spend nearly 5 million to subsidize wages from mr. Paulsen's employees so that they can add a living wage. And for the reasons stated I cannot support this agreement. The question is not whether this is a better deal for Portland as in the previous proposal, the question is whether it's a good deal for Portland taxpayers. I don't believe it is. But that said I hope i'm wrong and I hope it's successful and I will look for improvements as we move forward. No.

**Fish:** I want to begin by, by thanking all the community members who weighed in during this long and at times contentious process. Regardless of your opinion on the proposal before us, it is better as commissioner Leonard said, because of this vigorous and robust public debate that we have had. I want to thank mayor Adams and commissioner Leonard for, for, and I was looking for the right word, their perseverance. And their willingness to, to engage many of the concerns raised by skeptics and critics, me included. I also want to acknowledge ken rust, who, who is, is really one of our most valuable employees on our team, and ken, your professionalism and integrity throughout this process has brought us to this day, and I thank you. Finally, I want to say a word about mr. Paulsen. He and I have had our differences but as I have learned as I have grown older it's not we're you start out that matters, it's we're you ends up. And I have always appreciated his willingness to make a substantial private investment in our community. As you know I voted against the two stadium deal that came before council in march. And even though I am a big fan of soccer, I did not think that it was the right deal for Portland. Among other thing, I thought it required too much public subsidy with not enough public benefit, including economic benefit at a time we face the worst economic recession of my lifetime. That said I have always been willing to review any proposal brought forward by my colleagues to assess whether it is financially responsible and whether it protects Portland taxpayers. And to earn my support, the bar has remained very high. The proposal before us, while not perfect, meets the conditions necessary for my support. First it shifts all the renovation costs to mr. Paulsen and sports fans. Of the \$65 million needed to acquire the sports, the soccer team, and to wren great p.g.e. Park, mr. Paulsen agrees to contribute 54 million plus rent payments and spectators through a user tax, pay most of the rest. That's pretty good leverage. The 11 million in bonds issued by the city through the spectator facility fund is backed by user fees and in part, by mr. Paulsen. Second, this proposal does not put the general fund at risk. Third, it does not include any funds from an urban renewal district. Fourth, the city has learned from past mistakes at p.g.e. Park by insisting on binding personal guarantees. Fifth, it reduces the original stadium renovation cost by 7 million. During these tough times, everybody needs to tighten their belt. And six, the city liability for any cost overruns is capped at a million dollars. Beyond that, mr. Paulsen is responsible for all of the overruns. Seventh, the employees of p.g.e. Park will be guaranteed a fair wage, and I will say unequivocally that I believe that they have and deserve an unfettered right to organize. The proposal has a number of community benefits. For example, mr. Paulsen agrees to donate \$250,000 to support sports fields in our community. And p.g.e. Park will be available to high school teams and to the special olympics at no cost. What does Portland get for its investment? Portland gets a major league soccer franchise in a global sport with a record of success in seattle. The renovation of the p.g.e. Park will generate family wage jobs in the construction industry at a critical time. And we go a chance to root for a new major league team. As everyone here knows, Oregon is home to adidas and nike. The university of Portland's women's soccer team regularly wins national championships. And youth soccer is on the rise. This



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weekend the west side metros are playing for a national championship. It is time for m.l.s. In soccer city, u.s.a one final note about baseball, my preference on the beginning was a dual use of p.g.e. Park, soccer and baseball to go when, that was taken off the table my second was to keep the beavers in our region. I understand that we would be interested in hosting the beavers, while the fate of the beavers is unclear I am optimistic the enthusiastic beavers' fan base will ensure that baseball stays in the Portland metropolitan region for generations to follow. I vote aye.

**Adams:** Well, I want to start by thanking future spectators of sports and large venues and those visitors coming to town and paying a hotel motel tax that will be paying for this deal and by that, I mean the old debt and the new debt. And, and the third, of course, is I want to thank merriitt paulson for his willingness to put up 54. 54 million in private sector funding. That is a good deal for the city. The details do matter. And this is a complex issue. If anyone has ever bought a house and you have been to escrow you know the chief of papers in trying to purchase your own home and all the complexities contain within that, and that's why we go at this in phases am first the term sheet. Then we go to definitive documents. And so there is a lot more work to be done on this deal. But we are now moving forward. I appreciate the concerns offered by everyone. Here today. And if I didn't feel like the concerns expressed by commissioner Fritz were not addressed in either our analysis or in the term sheet or by our very competent staff, I would know be supporting this. But I believe that they have. And that is why I support it. A couple of thank you's myself. She was a union negotiator for many years and the city council is very lucky to have him and that experience, commissioner Leonard. I really appreciate your work. This process has included yelling. It has included rooms full of anger and storming out and has included long hours and that was just around the negotiating table. So, sometimes I felt it was just a surreal experience and we have more of those to come, and I look forward to them in implementing this agreement. Also, as well I want to thank ken and erik and, and mark and david for just your continued great work, and they said no to us far more than they said yes to us, and that's exactly what their job should be. I want to thank, thank my staff, skip and lisa, who dogged this deal, tracked this deal over time, and I want to thank ty and brendon, as well, for your great work on this, and the team on the other side, merriitt paulson's team, I mentioned him already, and this is the, the beginning of the end, and i'm sorry to be the end of the beginning, and now we can get, now we can get -- some days, it feels like that but now we can get going, and we have got a lot of work to do but we're up to it and the foundation of the term sheet allows us to do that. Aye. [gavel pounded] [applause]

**Adams:** Can you please call the roll on 1032.

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

**Adams:** Aye. [gavel pounded] 1032 approved, roll on 1033.

**Saltzman:** Aye. **Leonard:** Aye. **Fritz:** No. **Fish:** Aye.

**Adams:** Aye. [gavel pounded] we're done, council is adjourned until next week. [applause]

At 6:00 p.m., Council adjourned.