



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **7TH DAY OF APRIL, 2010** AT 9:30 A.M.

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

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

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

	<b>Disposition:</b>
<b>COMMUNICATIONS</b>	
<b>458</b> Request of Ibrahim Mubarak to address Council regarding homeless (Communication)	<b>PLACED ON FILE</b>
<b>459</b> Request of Calvin Martinez to address Council regarding homelessness (Communication)	<b>PLACED ON FILE</b>
<b>460</b> Request of Ken Loyd to address Council regarding homeless issues, housing, sit-lie and anti-camping (Communication)	<b>PLACED ON FILE</b>
<b>461</b> Request of Teri Lyn Vik to address Council regarding mistreatment of City employees at the Bureau of Emergency Communications (Communication)	<b>PLACED ON FILE</b>
<b>462</b> Request of Charles E. Long to address Council regarding a semantic solution to police brutality (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>	
<b>463</b> <b>TIME CERTAIN: 9:30 AM</b> – Honor the significant accomplishments of the Jefferson High School’s 2010 girls and boys basketball state champion teams (Resolution introduced by Mayor Adams and Commissioners Fish, Fritz and Saltzman) 25 minutes requested  (Y-4)	<b>36774</b>
<b>CONSENT AGENDA – NO DISCUSSION</b>	
<b>Mayor Sam Adams</b>	

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<p><b>*464</b> Authorize Intergovernmental Agreement with Multnomah County related to the Youth Summer Program Videography Services (Ordinance) (Y-4)</p>	<p align="center"><b>183659</b></p>
<p><b>Bureau of Planning &amp; Sustainability</b></p>	
<p><b>*465</b> Accept a grant in the amount of \$215,320 from the State of Oregon Department of Environmental Quality for the Portland Clean Diesel Partnership (Ordinance) (Y-4)</p>	<p align="center"><b>183660</b></p>
<p><b>*466</b> Amend template to authorize the Director of the Bureau of Planning and Sustainability to enter into Intergovernmental Agreements with the Portland Development Commission to provide professional, technical and expert services (Ordinance; amend Ordinance No. 181358) (Y-4)</p>	<p align="center"><b>183661</b></p>
<p><b>Bureau of Transportation</b></p>	
<p><b>*467</b> Authorize an Intergovernmental Grant Agreement in the amount of \$337,045 from the Oregon Department of Transportation for a federal Transportation Growth Management grant to prepare an Outer Powell Boulevard Conceptual Design Plan (Ordinance) (Y-4)</p>	<p align="center"><b>183662</b></p>
<p><b>468</b> Revise permit charge for sidewalks, curbs and driveways (Second Reading Agenda 434; amend Code Section 17.24.020) (Y-4)</p>	<p align="center"><b>183663</b></p>
<p><b>Office of City Attorney</b></p>	
<p><b>469</b> Authorize the City Attorney to intervene on behalf of the City in Oregon Public Utility Commission rate case UE 215 (Resolution) (Y-4)</p>	<p align="center"><b>36775</b></p>
<p><b>Office of Emergency Management</b></p>	
<p><b>*470</b> Amend the Intergovernmental Agreement with Clark County so that the County may perform purchase obligations and to extend the time period for the distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant FY 2009 (Ordinance; amend Contract No. 52307) (Y-4)</p>	<p align="center"><b>183664</b></p>
<p><b>Office of Management and Finance – Human Resources</b></p>	
<p><b>471</b> Create a new represented classification of Botanic Technician II and establish an interim compensation rate for this classification (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING APRIL 14, 2010 AT 9:30 AM</b></p>
<p><b>Commissioner Nick Fish Position No. 2</b></p>	
<p><b>Portland Housing Bureau</b></p>	

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<p><b>*472</b> Authorize subrecipient Intergovernmental Agreement with City of Gresham for \$1,809,872 for the HOME Investment Partnership Program and provide for payment (Ordinance)  (Y-4)</p>	<p align="center"><b>183665</b></p>
<p align="center"><b>Portland Parks &amp; Recreation</b></p>	
<p><b>*473</b> Authorize an agreement with Police Activities League to provide payment for operational support to youth programs (Ordinance)  (Y-4)</p>	<p align="center"><b>183666</b></p>
<p><b>*474</b> Authorize agreements to facilitate field improvement and usage agreements for Buckman Field (Ordinance)  (Y-4)</p>	<p align="center"><b>183667</b></p>
<p><b>*475</b> Authorize payment of \$10,000 to Portland Public Schools for installation of playground equipment at Brooklyn School Park (Ordinance)  (Y-4)</p>	<p align="center"><b>183668</b></p>
<p><b>476</b> Authorize three-party agreement with Multnomah County Department of County Human Services–School and Community Partnerships and the Parkrose School District for the SUN Community Schools initiative and SUN Service System (Ordinance)</p>	<p align="center"><b>PASSED TO SECOND READING APRIL 14, 2010 AT 9:30 AM</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>477</b> Accept completion of Ash Creek Sewer Rehabilitation Project and authorize final payment to Dunn Construction, Inc. Project No. E08446 (Report; Contract No. 38393)  (Y-4)</p>	<p align="center"><b>ACCEPTED</b></p>
<p><b>478</b> Amend ordinance authorizing the Director of the Bureau of Environmental Services to execute Intergovernmental Agreements with the Northwest Service Academy to support the goals of the Watershed Management Plan (Ordinance; amend Ordinance No. 182338)</p>	<p align="center"><b>PASSED TO SECOND READING APRIL 14, 2010 AT 9:30 AM</b></p>
<p align="center"><b>Commissioner Randy Leonard Position No. 4</b></p>	
<p align="center"><b>Portland Fire &amp; Rescue</b></p>	
<p><b>*479</b> Accept \$321,221 supplemental grant from the Department of Homeland Security for Portland Fire &amp; Rescue related to the City's Metropolitan Medical Response System (Ordinance)  (Y-4)</p>	<p align="center"><b>183669</b></p>

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<p><b>*480</b> Authorize application to the Department of Homeland Security for a grant in the amount of \$317,419 for the Metropolitan Medical Response System (Ordinance)  (Y-4)</p>	<p><b>183670</b></p>
<p><b>REGULAR AGENDA</b> <b>Mayor Sam Adams</b></p>	
<p><b>481</b> Appoint Megan Kahrs to the Portland Community Media Board of Directors for a term to expire November 30, 2012 (Report)  (Y-4)</p>	<p><b>CONFIRMED</b></p>
<p><b>Office of Management and Finance – Human Resources</b></p>	
<p><b>482</b> Authorize the Director of the Bureau of Human Resources, with the concurrence of the City Attorney, to commence legal proceedings to protect the City's interests during successor contract collective bargaining negotiations (Resolution)  (Y-4)</p>	<p><b>36776</b></p>
<p><b>Office of Management and Finance – Internal Business Services</b></p>	
<p><b>*483</b> Pay claim of Nicole Whitley (Ordinance) 15 minutes requested  (Y-4)</p>	<p><b>183671</b></p>
<p><b>*484</b> Award a contract with ACS State and Local Solutions, Inc. for red light camera system at approximately \$750,000 per year for a contractual cost not to exceed \$3,750,000 (Previous Agenda 402)  (Y-4)</p>	<p><b>183672</b></p>
<p><b>*485</b> Award a five year contract with ACS State and Local Solutions, Inc. for photo radar system at approximately \$750,000 per year for a contractual cost not to exceed \$3,750,000 (Previous Agenda 403)  (Y-4)</p>	<p><b>183673</b></p>
<p><b>Commissioner Dan Saltzman</b> <b>Position No. 3</b></p>	
<p><b>Bureau of Environmental Services</b></p>	
<p><b>486</b> Authorize a contract and provide for payment for the construction of the NE 60th Ave &amp; Klickitat Sewer Replacement and Rehabilitation Project No. E08908 (Ordinance)</p>	<p><b>PASSED TO SECOND READING APRIL 14, 2010 AT 9:30 AM</b></p>
<p><b>Commissioner Randy Leonard</b> <b>Position No. 4</b></p>	
<p><b>Bureau of Water</b></p>	

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<b>487</b> Amend contract with Analytical Services, Inc. to increase compensation for laboratory services for Cryptosporidium Analysis (Ordinance; amend Contract No. 30000364)	<b>PASSED TO SECOND READING APRIL 14, 2010 AT 9:30 AM</b>
<p style="text-align: center;"><b><u>WEDNESDAY, 2:00 PM, APRIL 7, 2010</u></b></p> <p style="text-align: center;"><b>DUE TO LACK OF AN AGENDA THERE WAS NO MEETING</b></p>	

At 10:51 a.m., Council adjourned.

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

By Susan Parsons  
Acting Clerk of the Council

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

**April 7, 2010**  
**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.

**APRIL 7, 2010      9:30 AM**

**Fish:** Sue, please call the roll. Captions paid for by the city of Portland.

**Fish:** Welcome, everybody, and welcome our special guests from jefferson high school. We're proud to have you with us, and before we do our official agenda this morning, we're going to celebrate some outstanding student athletes in our community. Would our three special guests from jefferson please come forward. [applause] before we acknowledge our guests, i'm going to see if any of my colleagues would like to say something. Starting with commissioner Saltzman.

**Saltzman:** Thank you, mr. President. I'm very proud today to recognize and honor the boys and girls teams of jefferson high school for winning the state basketball championships. This is the third year in a row the boys have won state and the second time in three years that the girls have won state. Jefferson has been dominant, not only in their league, but at the state level. And have two all-american players, ariel reynolds and terrence jones. But that doesn't mean that these wins have come easily or without the support of their fellow classmates, parents, teachers, coaches and the community. You have taken all of these people on your journey to state. And you can bet that every one held their breaths when jhaizmine smith stepped up to the free-throw line against crater and the boys against mountain view. What stands out about jefferson athletics is that so many talented athletes come out of this school. And do great things for the community. A jefferson demo, led the girls to the state win. Donny adair who works for us as the city coordinator for the city of Portland. Has be voice of the football and basketball programs for 10 years. His son, kenney, will be taking on the announcing duties next year, many famous graduate have come from jefferson high school. Tony hobson, who cocaptained the 1972 jefferson team. Started self-enhancement inc. To help youths overcome barriers to success. And nancy who became a senator and you have a tradition of outstanding athletic and academic performance, as well as service to your community. So I want to recognize our panel, our distinguished panel, dr. Cynthia harris, the principal of jefferson. Athletic director, mitch whitehurst and donny adair. So turn it over first to dr. Harris.

**Dr. Cynthia Harris, Principal, Jefferson High School:** Thank you very much. Today, mitch is going to be the facilitator, but I would like to thank you, dan Saltzman, for inviting us and nick Fish, who is our partner. Thank you. And to amanda and other commissioners. We're so honored to be here and appreciate this opportunity. My thing this year is it's our time to shine. I'm proud of the young women and men from jefferson, not just for their athletic ability. And I would like to signal out terrence jones who will be going to new york this year. Next week, yes? And he's been a super-star and doing well in his academics and his mom is behind him and we love and appreciate. And ariel reynolds, she's been all-american for the young women and just a joy and a pleasure. And then my own special mentee jhaizmine smith who will be speaking later. I wanted to make it my business to be here today to celebrate with the students and then Donny adair, who has been a mentor for me and a friend and the voice of jefferson and he has young men and young women at city hall for black history month and you'll remember tom potter who loved jefferson high school and came to city hall, so I said I have to go, I have to say thank you. I wanted to say it myself. So mitch, who has done an excellent job and still learning, but doing good is going to introduce our program today. I love you all and I thank you so much.

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**Saltzman:** Thank you.

**Harris:** Thanks again for honoring jefferson high school and the community as well, you honor our basketball program.

**Mitch Whitehurst:** We've had a very successful year and one of the reasons is because the gentlemen down here on the end -- the gentleman on the end, Donny Adair, has been donating his time for 10 years, introducing and announcing jefferson high school basketball and football and I want to say thank you to him. And I'm going to have him speak because he's the voice of jefferson high school. When you come to the games and in the arena, you hear him and understand what jefferson is all about. Donny.

**Donny Adair:** President of the council, members of the council, thank you for the opportunity to be acknowledged today. Particularly as I was sitting here, looking at Randy and I was thinking, wow, we got a grand general that's going to vote on a resolution in support of the jefferson demos. Really in the.

**Leonard:** I haven't voted yet.

**Fish:** That's the nicest thing anyone has said about Randy in months. You're scoring points.

**Adair:** I'm Donny Adair, resident of north Portland and also blessed to be employed with the city affirmative action office and a volunteer with jefferson athletics and served on the site council and with the parent-teacher association and I want to say again to these two teams which are really representatives of all jefferson athletes, it's been a pleasure to call their names many times as they accomplish almost unbelievable feats on the basketball court. We have a high expectation at jefferson. We expect to win. As I've shared with people, the 10 years I've been doing this, we haven't lost three games in our house.

\*\*\*\*\*: Whoa.

**Adair:** I'm spoiled. We win at jefferson high school. Not only on the court, but in the classroom as well. Students can achieve their academic goals at jeff and there's all kinds of examples and even in my own family. My son just graduated from the university of Oregon. My niece, I've got a daughter who is about to graduate from George Washington law school in June. So demos do achieve in the classroom. Council's given me on behalf of all of the unsung volunteers of our program, they show up and they work without compensation, filling snacks -- selling snacks and helping with crowd control and running out dry balls on a cold, wet rainy night and all kinds of things they do. Including the contributions of our coaches, which many of them are underpaid and we do have a lot of volunteer coaches as well. And last but not least, I congratulate the coaches who are the -- really the heart of our teams and the leaders of these young men and women and make them successful in sports. Successful in the classroom. Successful in life. And we indeed are demos for life.

**Whitehurst:** Now I'd like to introduce some of the students who are going to be speaking and representing jefferson basketball. The young lady you mentioned, Jhaizmine Smith, at the free flow line. And she's coming up with Noah Kone. And then one of the coaches is going to give you a gift and information so if you can come up, we'd appreciate it.

**Fish:** Welcome to city council. Give us your name and we're delighted you're here.

**Noah Kone:** I'm Noah Kone. I want to thank the council for the opportunity to be honored here. It's a great honor. And start off just want to thank the fans who supported us throughout the years. In terms of our family, wouldn't be possible without them. Our coaches for working hard and our school for supporting us and our administration especially, appreciate it and it wasn't easy. My freshman year we lost and we have a group of nine seniors and about six of us decided it wasn't going to happen again and since then, we pushed strong and able to make history. And the nine seniors we do have want to go to college and play basketball, and some football, and continue their education and that's the main goal to get the education paid for through athletics. What we're able to do.

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**Saltzman:** Where will you be going to school?

**Kone:** California Lutheran University.

**Fish:** Congratulations. [applause]

**Jhaizmine Smith:** I'm Jhaizmine Smith, a senior. And it's a honor to be here. Thank you for this opportunity. And like the boys, we lost our freshman year and took a toll on us and came back and worked hard. It wasn't easy. Had to adjust some things. And we took the title, and the following year, we lost. Which as seniors we really wanted to win by any means necessary and we had to adjust with a new coach. So we had a lot of the adjustment. And this whole journey was -- it was really a great experience and I'm glad it happened this way and glad we picked the title my senior year, a way to end it. And I want to thank the fans and our school and everybody who has been supporting this. Our community and everybody, it's been a blessing. And as Jefferson, and it's been very fulfilling for my senior year. I've met the majority of my girls and this was -- the majority of my goals and this was one of my top goals and I'm happy it happened this way and thankful to be here.

**Saltzman:** What will you do next fall?

**Smith:** In the fall, I'm attending Fisk University.

\*\*\*\*\*: Congratulations.

**Whitehurst:** We have outstanding students and before we leave, we'd like to be sure that all the students and players be seen and recognized as well. But one of the assistant coaches, could you please come up.

**Dale Baugh:** Thank you, this is indeed a honor and privilege to be here. To Randy, you should have been a demo, but we'll forgive you for that. One of the things that's been very exciting and as Noah referred to, this group of young men in the course of their first year, didn't make it to the championship game although we made it to the championship tournament. Since that time, this group that has gone 71-9, undefeated, rated 24th in the nation according to the U.S. Today in the final poll. No. 33, according to ESPN. And we have one of the top recruits in the country, Terrence Jones and is a player of the year for the second year in a row and the state 5A player of the year for the second year in a row. Only two other people have had that honor, back-to-back two-time player of the year award winners. This is a special group and not to be slighted. Stephen Madison and Terrence are also first-team all-state and Stephen has been selected to play in the Oregon-Washington game on the 17th of April at the Chiles Center. And Terrence is going to New York to play in the Jordan Classic on the 17th and this Saturday at the Rose Garden in the Nike Summit. U.S. Versus the World. So a talented and gifted young man. We would like to present you with a token of our appreciation and to the city, and the things that's kind of ironic about it, at the other end of this particular gift, are the Grant Generals. [laughter]

\*\*\*\*\*: This is kind of ironic. [applause]

**Fish:** Mitch, when we're finished with the presentation, could we get a picture with all the student athletes?

**Baugh:** I think that would be appropriate. And they're here right now and so what I'd like to do is have Terrence Jones and -- the coach.

\*\*\*\*\*: Will you come on up. A.J. Johnson, Stephen Madison. Noah Kone. B.J. Jones, Andrew Roundtree. Michael. The Jefferson Democrats: [applause]

**Janine Dunn:** For the girls, my name is Janine, I'm an alumna '76. I started with whole thing when I was assistant coach to Ikea. Full circle, and she's back coaching where I was her mentor and now she's coaching these girls. I want to introduce you to the girls on the team. Go to the boys and then the boys? Ok.

**Fish:** Congratulations.

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



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**Dunn:** For the lady demos. First, jordan reynolds. No. 3, we had denaya brazzle. And then arquezia jackson. And then ariel reynolds and then aubree car. And then we have charay. I'm so sorry. Were there two other names? Then I have -- in the absence, we have ikea newton and marshal baut. [applause]

**Saltzman:** I wanted to conclude by saying we have a resolution we'll be voting on right here and provide you with a suitable-for-framing final copy of this version. I hope it's unanimous and I wanted to read the final resolves. Jefferson high school has produced two of the only seven all-american players in Oregon history. And we also -- the whereas -- mayor Adams and march 18th, declared it a day of appreciation for both teams and it's resolved that the city of Portland celebrates the 2010 jefferson high school democrats girls and boys championship basketball teams and recognize that these would not have been possible without the as for of the parents, teachers, coaches, administrators and community members and further resolved that the city also recognized Donny adair, a jefferson alum, for over 10 years of service as a football and basketball announcer for jefferson. We'll get you a suitable for framing copy once we pass it.

**Fish:** Who would like to move it.

**Saltzman:** I'll move it.

**Fish:** A second.

**Leonard:** Second.

**Fish:** The resolution has been moved and seconded. We'll move to a vote.

**Susan Parsons, Acting Clerk:** Let me read the title into the record.

**Fish:** Well, you honor us with your presence today and when I was your age, a coach once said to me, be the best on and off the field. And you epitomize that. Giving your very best in the classroom and doing your very best in your chosen sport and in doing so, bringing great distinction to your schools and families and our community and we're honored to have you here today and i'm very honored to support this resolution. Aye.

**Saltzman:** The demos, you make us very proud and pleased you could be here so we could honor you in our city council chambers with our highest recognition and we want you to keep it up. The seniors, we're counting on not only reading about you in the headlines but want to know that you're finishing schools and going ton successful careers and you have the stuff for success. Best of luck and we look forward to doing the celebration again next year at this time as well. Aye. [applause]

**Leonard:** Today everybody in Portland is a jefferson democrat. So you've done the city proud. Aye.

**Fritz:** It's very appropriate that president Fish put this at the very start of the agenda, because we know you have to get back to school. And it's important to note that success on the basketball court also means success in school. You can't play unless you're doing well in school and you've been good ambassadors for your community as well as the basketball team. My son played basketball for wilson and not to this level, and I would have to say that I know how dedicated you have to be and your families have to be to make it to the practices and get your homework done and everything else that's required as students. Parents, jones you're -- terrence jones, congratulations. And I also mentioned that jefferson high school dual credit program or middle college with pcc cascade where you've been able to earn college credit while in school. That's a wonderful program. Jefferson high school is a jewel in our community and I hope this is one more thing of the wonderful list of accomplishments of jefferson high school students. Congratulations. Aye. [applause]

**Fish:** The resolution passes unanimously. We'll suspend the rules and applaud our hero. [applause]

**Fish:** Thank you all for coming, you're free to stay if you would like to watch the rest of our business. But if you have to go back it school, again, thank you for your time and thanks to the family members and friends. Again, we're honored to have you. Sue, we have council communications. Would you please read item no. 458.

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**Fish:** Mr. Mubarak, are you here? Apparently not. Could you please read council communication no. 459.

**Item 459.**

**Fish:** Mr. Martinez, are you present? Ok, could you please call council communication no. 460.

**Item 460.**

**Fish:** Mr. Ken Loyd? Welcome to the city council. Thanks for joining us.

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

**Fish:** If you could give us your first and last name and you have three minutes, sir.

**Ken Loyd:** Ok. My name is Ken Loyd. Or Reverend Ken Loyd would be my title. I'm a resident of the Boise Elliot neighborhood of North Portland and lived there for 11 years and copastor for a church for those who live outdoors in downtown Portland and a board member for Christian values and I was at a meeting on Monday, and which is a -- thank you, Commissioner Fritz, for doing that for us, because it's an amazing forum for people with different viewpoints on the issues of sidewalk use. To get together and discuss in a courteous manner. And so at one point, it was said, are there any clarifying questions and I had a clarifying question. I knew there were three members of the mayor's staff at the meeting. And so I turned to them and said -- it was our lawyers and my friend that were instrumental in getting the previous sit-lie ordinance declared unconstitutional. What can you tell me that will make a difference? How is it different this time? What can you tell me that will convince me to tell my lawyers to stand down in this situation? And I was informed by one of the members of the mayor's staff that the law was different. He didn't know exactly how it was different, but it is indeed different and the police were asked, how will this be differently enforced and we were again informed it will be different but don't know how it will be differently enforced. Sitting at my table, everyone at my table represented business interests. I represent the interests of the homeless in the city. Sitting next to me was the facilities manager of Powell's bookstore. Next to him was the manager of Powell's bookstore. I felt like I was being thrown to the lions at this point. It was an uncomfortable experience but I learned something that absolutely startled me. The manager and facilities manager of Powell's bookstore said the proposed law will not do the job of reducing the congestion in front of their store. And so I have a modest proposal. Why don't we scrap this, and set up again a committee, a group, a working group of people, to actually innovate a response to the use -- for the use of sidewalks in the city of Portland, so that all people, homeless, business, disabled and citizens can be included in this? Thank you for letting me speak.

**Fish:** Thank you, very much, Mr. Loyd.

**Fritz:** May I?

**Fish:** Commissioner Fritz.

**Fritz:** Thank you for being here and I appreciate -- it was a beginning, a draft and the beginning of the discussion so the mayor and I will be working with the rest of the council to have those ongoing conversations. Thank you.

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

**Fish:** Thank you, sir. Sue, please read council communication no. 461.

**Item 461.**

**\*\*\*\*\*:** Clerk: Is Teri Lyn here?

**Fish:** Not doing well this morning. Let's try 462. I see Mr. Long is here.

**Item 462.**

**Fish:** Mr. Long, welcome back to city council. If you could state your first and last name and you have three minutes, sir.

**Charles E. Long:** My name is Charles Long. I'm certainly -- I certainly appreciate the honor that Jefferson High School has received. They -- it's a great honor for them and they have a school that struggling to stay alive, actually, and they're having problems in that regard. Semantic is a term connoting the meaning of words and the impact on the psyche and philosophy and eventually the

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actions of people. Words have consequences. The current police gives a wrong connotation for the purpose of law enforcement. Police replies suspicion, confrontation, aggression, attack and assault. Law enforcers should be called peace officers in the Portland peace department. Peace suggests conciliation, reconciliation, restoration and, yes, mercy. When tom potter was mayor, I gave him a copy of chuck cole son's pioneering book "justice that restoring." I indeed think that should be the goal of law enforcement. Not annihilation. Today, the police have a wrong conception of themselves and their function. They seem to have a sanctimonious arrogant self-righteous demeanor and sense of infallibility. I think too often, they perceive themselves as prosecuting attorney, judge, jury, jailer and executioner. I think that all police killings of the past decade were unnecessary. And the result of flawed police procedures. Including the most recent one at the arboretum. Jason responded on his own initiative and had no police backup and did not use non-lethal methods. His only solution was to kill. Chief rosie sizer's comments on reform of the independent police review process was disappointing. I think she should be replaced by someone that believes in reform. Such as reverend dr. Leroy haines of the albina ministerial alliance. So much to say in so little time, but thank you.

**Fish:** Thank you, mr. Long. We'll move to the consent agenda. Are there any items which any member of the council would like pulled? Hearing none, sue, please call the roll.

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

**Fish:** We're now going to move to our regular agenda. Sue, would you please read item no. 481.  
**Item 481.**

**Fish:** Commissioner Fritz.

**Fritz:** Thank you, president Fish. I asked for this to be on the regular agenda so I could say a few words about megan even though she's not able to be here. She's worked for young audiences of Oregonian and the regional arts and culture commission and served on the Portland community board. It's an independent nonprofit. Like many nonprofits that are facing difficult financial times beyond the mandate cut from the city -- mandatory cut from the city. Is I request your approval of this appointment.

**Fish:** Thank you. Has -- is there a presentation?

**Fritz:** No, that's it.

**Fish:** Anyone signed up to testify, sue?

**\*\*\*\*\*:** Clerk: I did not have a sign-up on this one.

**Fish:** Is there anyone here who would like to testify on this appointment? Ok. Let's take the vote.

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

**Fritz:** Thank you, it's really important to recognize our volunteers who put huge amounts of time into service for the city and nonprofits. Aye. [gavel pounded]

**Fish:** Congratulations to ms. Kahrs. Please read council item no. 482.

**Item 482.**

**Fish:** Ms. Decker welcome.

**Yvonne Deckard, Director, Human Resources:** I'm yvonne deckard, the director for the bureau of human services. I don't have a lot to say about the resolution. This is a resolution I want it make clear is limited to these contract negotiations. Only. And to let council know that we have an executive session set for the 27th, and certainly there are a couple of issues that we are having in negotiations that we're currently working on strategies as far as what our approach should be. This resolution allows me the flexibility that I need to move quickly. With consultation with, you know, council and the mayor. I do brief the mayor weekly concerning contract negotiations and so the mayor felt that it was appropriate for us to move forward with this resolution. I'm going to let stephanie harper talk a little bit about -- stephanie was the drafter of the resolution. Just cover a few more issues.

**Fish:** Ms. Harper.

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**Stephanie Harper, Deputy City Attorney:** Good morning. I'm stephanie harper, a deputy city attorney with the city attorney's office. As yvonne mentioned, the bargain be processes require a high level of flexibility and nimbleness at the bargaining table and in order to protect the city's interests, in historically speaking in past negotiations there have been times when it would be in the city's interest to file -- if need be -- legal action such as unfair labor complaints in order to obtain clarity about scope of bargaining kinds of issues. For example, what issues must we bargain about versus what issues may we bargain about and the state employment board is there to provide clarity if there are disputes and also allows the parties to take action if a party at the table is acting contrary to the good faith bargaining obligation at the table and we want to be prepared in the event that this authorization is required, then we can move quickly in order to protect the city's interests, if need be, at the state employment relations board.

**Fish:** Thank you the questions from councilmembers. Commissioner Fritz?

**Fritz:** One clarity about how it's limited to this successor bargaining discussions rather than later ones?

**Harper:** This is the -- our current -- this does talk about the successor bargaining negotiations and then refers to the contracts that are currently expiring effective june 30th, 2010, that we understand that to apply only to the current negotiations.

**Fritz:** It's ok with the legislative intent, the successor would not mean any future?

**Harper:** No, the current contract negotiations underway.

**Leonard:** At last revolve, it says the human services director reports back to the council regarding such action. How do you plan on actually doing that?

**Deckard:** Commissioner, I would do as a normally do, either I will be scheduling executive sessions and also continue to do my walk-throughs with council. I'm constantly calling to say i need to get on your schedule, we need to talk about a issue.

**Leonard:** Not in a forum like this, but one on one?

**Deckard:** Correct.

**Fish:** Other questions? Sue, did anyone sign up to speak?

**Parsons:** No, they did not.

**Fish:** All right. Hearing no more questions. Thank you very much. Council discussion? Sue, let's take it to a vote.

**Fish:** I appreciate this -- well, this is a resolution. Do I need to -- do we need to have it --

**Parsons:** We already did.

**Fish:** Excuse me. Yvonne, I appreciate the briefing I got from you on this and the -- the surgical impact of this particular resolution and my confidence is further enhanced by the fact that we will -- you will be consulting with us at the very least, after the fact, and the mayor, who leads our labor negotiations, but the council, could at some point, weigh in and we could revise our strategy if that was the will of the council. I believe there's efficient checks and balances in this proposal to move forward. Aye.

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

**Fritz:** Thank you both for answering my questions and concerns. Aye.

\*\*\*\*\*: Thank you. [gavel pounded]

**Fish:** The matter passes. Thank you. Sue, please read council item 483.

**Item 483.**

**Fish:** Welcome to city council.

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

**Fish:** Who would like to start.

**Jennifer Johnston, Deputy City Attorney:** I'll start. I'm jennifer johnston, deputy city attorney with the city attorney's office. I'm here to recommend that we pay \$170,000 to settle the lawsuits that nicole whitley has brought against the city of Portland. Prior to this session, I made available

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to those of you who requested it additional information about the particulars, but in general, we do recommend we make this settlement e settlement to avoid the risk of a higher jury verdict and the potential being required to rehire ms. Whitley as a Portland police officer.

**Fish:** Questions.

**Saltzman:** Want to add anything.

**Fritz:** I don't have anything.

**Fish:** Ok. Thank you for your presentation. Sue, anyone sign up to testify.

\*\*\*\*\*: Clerk: No, they did not.

**Fish:** Let's take it to a vote.

**Fish:** These are -- these are not proceedings that I or any other member of this council relevant issues having to vote on -- relishes having to vote on. The potential that the city could get an adverse ruling and in addition to having a award of damages, be required under the applicable civil rights statute to pay the attorney's fees of the plaintiff. And particularly federal court litigation, those fees can sometimes dwarf the amount of the damage claim. As custodians of limited resources and to make the best judgment, our decision does not reflect on the underlying facts or our resolve to prevent these from happening again. That's for a different forum, but today, it's whether we follow your recommendation and settle the case. I'm persuaded the risk to the city is sufficiently high that this is a prudent decision and one that I regretfully support. Aye.

**Saltzman:** Well, I am loath to settle this lawsuit. I do believe the recommendations of the city attorney's office and risk management are sound. Unfortunately, at the crux of the lawsuit, are inappropriate comments made by a trainer who was not employed by the city of Portland. But rather by the department of public safety standards training. The Portland police bureau and the city attorney's office have taken accepts to ensure that comments like this are not made by ppst personnel to our recruit in the future. And due to the risk identified by our city attorney, i'll also support this september. Aye -- this settlement. Aye.

**Leonard:** Aye.

**Fritz:** I concur did commissioner Saltzman's comments and commissioner Fish's wise counsel and appreciate this as a public hear something that opponents could come forward to give a different side of the story. That's a important piece of the public process to me. Aye.

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

**Fish:** The ordinance passes. Thank you both very much. Sue, please read council no. 484.

**Item 484.**

**Fish:** Welcome to city council. Who would like to go first. Commissioner Saltzman.

**Saltzman:** Thank you, mr. Mayor. At the -- mr. President. I have these items rescheduled and moved to our regular agenda. Commissioner Fritz had questions about the photo radar system contracts and commissioner Fritz and I also felt there was a community interest in learning more about photo radar programs in the city. As traffic, pedestrian and bike safety are one of the top liveability issues for many Portlanders and the Portland police bureau traffic division, it's of prime importance to ensuring liveability in our city. I'd like to welcome up representatives of purchasing and the captain of our traffic division.

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

**Christine Moody, Procurement Serivces:** Christine moody, procurement services and today, we're presenting two ordinances to acs state and local solutions for photo radar systems and red light cameras. For an estimate \$750,000 not to exceed 3 mill \$750,000 contractual terms. And three responses received for each rfp. An evaluation committee made up of five evaluators selected acs as the most qualified receiving the highest score on both rfps. 20% of the contract dollars will go to local mwesb firms. I'll turn it over to the captain to give a brief overview.

**Captain Eric Hendricks, Portland Police Bureau:** I'm captain eric hendricks of the traffic division. The Oregon legislature mandated or give us the legal ability to conduct both programs

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back in 1995. The photo radar program started here in Portland in 1996 and the red light camera program added in 2000. The current vendor is acs state and local services from Portland. In an early ordinance, council directed the police bureau to employ photo radar vans in school zones, highway work zones and residential streets. Arc to conduct an evaluation of the program and submit a report to the legislature. The program goals of the police bureau are to reduce speeding, collisions and to save lives. The traffic division currently employs two full-time photo radar vans and two full-time police officers devoted to exclusively to that program. Additional 13 officers within the traffic division trained to use the equipment. The primary areas of enforcement are school zones, work zone, what we call safe zone, strategy -- high-crash corridor and a street that pbot identifies. They'll designate a safe zone with us and there are currently 18 safe zones in the city. Once again, we deploy the vans in areas that have a history of speed-relate the crashes and that have generated a large number of citizen complaints. A -- the last year, 2008, the top five were the 2200 block of s.e. 92nd avenue. A posted school zone. The morrison bridge eastbound. A long history of collisions there. The third one was 75th and northeast killingsworth. A history of speed-related complaints. 108th and southeast stark. And the 2300 block of s.e. 148th, once again, another posted school zone. 11 intersections around the city with red light cameras. Those locations chosen by the bureau of transportation. Once again, based on a large number of red light related collisions. I don't think i'm going to go through all 11 but there is one down the street at fourth and jefferson.

**Leonard:** I know there's one at 20th and burnside, as well.

**Hendricks:** Yes, there is. I came very close -- came close to getting one myself over on grand the other day.

**Fritz:** Do we have those lifted on the city's website?

**Hendricks:** I don't know, but we can provide that -- pbot can provide that.

**Fritz:** The goal is to have people stop running the red lights. It would be good if they run those particular red lights -- I it's a good thing to have.

**Leonard:** I would suggest they not know where they are at all and think that everyone has a camera.

**Fritz:** That's a point there. Keep going, sorry.

**Hendricks:** 2009, photo radar issued 21,206 speeding citations and 10,800 citations. By way of comparison, plaintiffs in the city last year issued about 70,000 citations. 40,000 of the traffic division and 30,000 in the precinct. About 70% of all the citations issued are issued by actual, if you will, live police officers. We believe the photo radar program is a force multiplier within the traffic division. Every division of the police bureau would like to have more personnel resources. The traffic division is no different. I've currently got about 30, what I call primary ticket writers. Most of the officers ride motorcycles and we have about 30 of them. Photo radar is a force multiplier. I can set up one in a school zone or work zone or an area that has large number of speeding complaints and it's an efficient way of following up on citizen complaints and complaints with officers or pbot regarding high-crash areas or a non-compliance with the speed laws. Surveys in the past have shown both programs, the photo red light and radar have a high degree of public acceptance. There was a survey in 2003 by david and hibbits showing drivers disregarding was a high concern following that of impaired drivers and city residences concerned about speeding and another poll showed 68 of respondents agreed with the use of this program in school zones and 85% stated they'd drive slower all the time if they saw photo radar used three times a week. In the 2009 biennial report on the photo radar light program stated their statistics showed that injury crashes reduce bid 30% at intersections where photo radar equipment was installed. The bottom line on this new five-year contract, proposed, it's a continuation of our existing program and it allows us for the updating of obsolete equipment and essentially our old equipment relies on wet film, just like the camera i've got in my closet. You take out the film and take it to fred meyer and have it processed.

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The new equipment will be entirely digital and allow a citizen that gets a photo red light or photo radar ticket to get on the website provided by the vendor and look at it on their home computer and make a determination as to guilt or innocence. That more efficient new technology has the potential to reduce officer court time and allows for future expansion of the program if requested by the bureau of transportation, citizen complaints and input from elected officials and other partners.

That's a summary of the program.

**Fish:** I have I question about how these are legally tested in court. I understand in commissioner Leonard's case, he claimed it was ty kovatch behind the wheel. But that didn't carry the day. What are -- when you have a photograph that shows a person behind the wheel and there's -- it's a clear picture and I assume with digital, it will be even clearer and you've got the identifying information in terms of time and -- what are the legal challenges that -- that people can raise to such a citation?

**Hendricks:** Well, the first thing, the equipment has to get a picture, a clear -- the equipment has to get a clear picture of the driver and of the license plate. And once there's a clear picture of the license plate and the driver, the registration is ran and the citation is sent to the registered owner of the vehicle. And if they believe it's not them, they can complete what they call a certificate of innocence, and send that back to the court and say, hey, I wasn't driving the car. At 17th and burnside on february the 1st. After a number of those certificates of innocence are collected by the court, they're sent to the traffic division, a member of my staff, sergeant todd davis or one of the officers, will download the photographs and compare the photograph taken by the photo radar equipment to the photograph on file at the department of motor vehicles of the registered owner and determine if this is the same person. If it is, we go ahead with the issuance of the citation. If it's not, then the citation will be dismissed. With the old equipment, there's a high rate of non-issuance based on that. The registration is run and it's not the registered owner or the photograph is less than clear or there's no front license plate or a myriad of other factors. The new equipment will likely make that more efficient and the issuance rate higher than it is now.

**Fish:** Thank you.

other questions. Commissioner.

**Fritz:** Thank you to commissioner Saltzman for having this hearing and christine moody and captain, you've been helpful to my staff. Can you describe to me the net gain after experiences to the city. Do we know how much money goes into the general fund from this program.

**Hendricks:** I'm going to defer to the senior financial analyst from the police bureau.

**Fritz:** Thank you.

**Fish:** If you could come to the mic, please.

**Bob Del Gizzi, Portland Police Bureau:** I'm bob from the business operations supervisor for the police bureau. Last year, net of costs, \$19,000 of net revenue was generated.

**Fritz:** Ok. And so -- thank you. What about commissioner Fish there asked questions about challenging it. Challenging between yellow light and red light. How is that dealt with?

**Hendricks:** I made this question to the sergeant, todd davis, the expert. Well, i'll just defer to sergeant davis. Can you answer the commissioner's question?

**Sergeant Todd Davis, Portland Police Bureau:** Good morning, i'm sergeant todd davis, from the traffic division. The red light cameras, under Oregon state law, you're required to stop at a yellow light unless it's unsafe to do so. With the red light camera program, we give the violater the yellow light. They have to cross the stop bar against a red light in order for the cameras to be triggered and a citation to be issued. Right now, 10 of our current intersections are one-dimensional wet film intersections. One frontal view and transposed on the photograph, is a data bar that shows the yellow light was x amount of seconds and the light was actually red for x amount of seconds when the person crossed the stop bar. The last intersection that we put in, the 969th and foster, is how we want you'll the intersections to look. A dual digital camera system that has a 12-second video clip and as the captain stated you'll be able to look at this online and shows a high-quality digital photo

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of the front of the vehicle, the driver, but from the rear, it will show a video clip of the vehicle entering the intersection against a red light. We did a demonstration to the traffic court judges with this technology and they were impressed and indicated they would like all of the intersections to look like that.

**Fritz:** Thank you, one question about photo radar. Is there any margin of error for a certain amount over the speed limit?

**Davis:** We have a threshold of 11 miles per hour over the speed limit. Which we think is more than fair, especially in a posted school zone.

**Fritz:** Thank you.

**Fish:** Other questions.

**Fritz:** One final one. You had mentioned about the report to the legislature. Does the council get a copy of that report?

**Hendricks:** I can provide that.

**Fritz:** I'd like that, thank you.

**Hendricks:** Yes.

**Fish:** Ok. Sue, anyone sign up to testify.

**Parsons:** Yes, andrea meyer.

**Saltzman:** It's --

**Leonard:** It's good to see you back.

**Hendricks:** Nice to be back.

**Saltzman:** Looking at you, most people wouldn't realize what a serious traffic accident you and your wife were involved in last september when a car crossed the line on highway 30 and hit your car and you were life flighted to emanuel and we're glad to see you back and hope your wife is doing well.

**Hendricks:** Thank you, commissioner.

**Fish:** We'll have testimony and then vote on this. Thank you, gentlemen.

**Hendricks:** Thank you.

**Fish:** Andrea, want to come up? Welcome to city council. Give us your first and last name and organization affiliation.

**Andrea Meyer:** Good morning, andrea meyer, legislative director for the aclu of Oregon. I'm here because there are important questions that need to be answered before you proceed with what are two ordinances totally over a \$7.5 million over a five-year period for the red light and the photo radar. The first issue is a due process. The problems around the country and you've touched on them briefly, around the calibration, even minor changes can greatly affect the number of tickets. There's an incentive for increased number of tickets and that's the model we have here in Portland. And there's a question about when there's no issuance or recovery of the ticket that you just talked about, what happens? Does acs still get payment for that? What steps are taken by the city to see if there's ongoing oversight to the operations. There's a privacy issue I want to bring forward as well.

As part of any contract with a third party vendor, authorizes and access to the government records there's a risk of mission creep. What in the contract prohibits them from using the data it collects from the government databases for any other purposes. Acs is owned by ibm and has significant work it does for the government across the country, including contracts to track down delinquent child support and student who's fail to pay their loans on time. There should be an provision that protect them from being able it use that data or information for any other purpose. And we urge you to have that happen. I want to raise issues about compliance with Oregon law. If I run out of time, I hope i'll be able to finish. I have limited comments -- they're important legal issues. Oregon law gives local jurisdictions the authority to use photo radar in residential areas, school zones and in other areas, I quote, if the governing body of the city makes a finding that the speeding has had an negative impact on traffic safety in those areas. Ors 810.482 (a) and (b) and allows the department



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of transportation to operate photo radar within a highway work zone and at its own cost, odot may ask jurisdictions authorized to do so. Section 12 of the photo radar ordinance and I apologize, I don't have numbers attached to the copies but it's photo radar version, directs the police bureau to deploy the photo radar vans in school zones and highway work zones and residential and safe zones and states that the strategy and -- those locations having a high number --

**Fish:** Andrea, i'll grant you an additional minute.

**Meyer:** Thank you. The -- so there's two issues raised by this. One, you've heard testimony today and I hope it was maybe more careless than accurate about use of these in work zones. It only authorizes use in highway work zones and I hope the various bureaus are keeping records. More importantly, I believe in a -- and found from other legal counsel advice the city of Portland, your council is the governing body and you can make decisions about finding other zone areas that authorize the use. But you may not necessarily be able to delegate this, so I really want to reiterate and urge caution whether you have actually authorized the use of photo radar vans in 18 or so zones. It does seem to not comply with the state law which was pretty limited in its use. Finally, briefly on the evidence of success. The photo vans talks about reduction in speed but not accidents and we've seen studies across the country while expected to reduce accidents, these photo radar red lights and zones have not necessarily done that and I hope there's continued independent thorough analysis of the effects of these. So I hope before council proceeds, you'll take steps dealing with the contract and the scope of use of this law. And i'm happy to answer any questions. Thank you.

**Saltzman:** Thanks. I would like to ask -- I want to ask a follow-up.

**Meyer:** I appreciate that very much.

**Fish:** Can we get the team back up. Thank you.

**Saltzman:** I'm concerned about do we have any -- anything in our contracts about prohibiting the acs from using this data for any other purpose?

**Christine Moody:** Yes, in the contract, theres a proprietary and confidential clause. That the contractor cannot release any information to a third party.

**Saltzman:** Ok. But what about if it's not a third party but acs itself? Can they use that information for anything other than what we intend it to be used for?

**Moody:** Not without our -- the city's prior written consent.

**Hendricks:** A little more on that. Actually state law prohibits the use of photographs obtained by photo red light or photo radar for any purpose than just that -- the enforcement of that particular law.

**Saltzman:** It doesn't matter if it's a third party or the vendor itself?

**Hendricks:** That's my understanding.

**Saltzman:** Ok.

**Hendricks:** I'll add a little bit how the photographs are retained. Under the current contract, we stored them for five years and that was for issuance and non-issuance and that was a decision made under a prior captain of the traffic division, the concern was if there was an appeal. And after five years, they were destroyed the current contract will bring in the storage of photographs in compliance with current public records law for a non-issued citation. The contractor stores the photograph. We don't. We have a secured facility in the state of new york and after 30 days, the photograph is destroyed. For an issued citation, public recorded law mandate we store it for two years and after two years, once again, the contractor, acs, destroys that photograph.

**Saltzman:** Thank you.

**Fish:** The one question I have, on the privacy issue, if we have a clause that make it is clear it's proprietary information and can't be shared with a third party, how do we monitor compliance with that? It would be a contractual violation if this came to our attention, and we would have remedies, but how would we monitor compliance of that particular contractual term?

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**Hendricks:** It would be best if I defer to mr. Vince parks. Would you mind listening testimony from him.

**Fish:** Great. And the question does not assume we anticipate a breach of any contractual duty. We're following up on what the protocol is so we can be ensured this is honored.

**Vincent Park:** Commissioners, Vincent park, acs state and local solutions, a xerox company, not ibm. We are -- we maintain our records and gain our registration information through the dmv and only the information required to issue citations. We don't get any other information as far as whether child support is owed or any financial obligation is owed by the accused violater in any way, shape or form.

**Fish:** And just to connect the dots, sir, the data you acquire in performing this contract is not used company-wide for any other purpose.

**Park:** Absolutely not. Once we utilize the information to issue the citation, the database is cleared. We get our information, billing information and that from the Multnomah county circuit court and then it's deleted from the ftp site.

**Fish:** Thank you.

**Fritz:** I'm wondering, have we adopted findings of the scope and place of where these devices are located? There was a question where specifically they can be located according to state law and we have to have findings to establish that.

**Hendricks:** Yes, and commissioner, regarding the safe zones, strategy focus enforcement zones, an acronym, I call them high-crash corridors, that information is provided by pbob. There's 18 zones designated in the city and pbob is the one that designates those. I know there's a representative from pbob, if you like to hear from them, they can probably elaborate.

**Fish:** On that point, the issue before us is adopting a contract. And this goes to the question of then how does the bureau enforce this particular law. I wonder whether it's outside of the scope of what we're doing this morning.

**Fritz:** That's a good point. Maybe an ongoing question -- pbob has identified the zones, but if council needs to adopt them as findings, that can happen subsequently. And I had one final question and that was the request -- the number of tickets issued. What's the rationale for how we're doing it in this contract?

**Parks:** I get a billing file from the court every month and we bill accordingly on a slide be scale for so many tickets per month at one price. So many tickets for another price. It's a sliding scale in a downward trend and do not charge the city for anything that the city does not get paid for. Just because I mail it, just because it goes to a an accused violaters, unless the city gets paid, acs does not get paid.

**Fritz:** Not have a set fee for renting the machine?

**Parks:** It's the way the city elected to.

**Fritz:** Do you know why?

**Moody:** I do not. I think that the representative from pbob would probably be able to answer that question.

**Saltzman:** If a photo is taken, turns out it wasn't the driver, then you don't get paid for that?

**Park:** Correct, commissioner.

**Davis:** I can answer that question. Commissioner Fritz, I was on the rfp evaluation committee and they were bid both ways and we did the math on a set fee as opposed to a smaller lease per citation basis and this per citation was more cost effective to the city. Actually paying for services used. If for some reason, we didn't deploy photo radar for a month, we'd be paying a high lease fee for something we didn't use.

**Fritz:** Thank you.

**Fish:** Further questions?

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**Saltzman:** I have just one final question. Captain Hendricks, I guess. This council is big on two-fers. So if a red light photo shows somebody texting or on a cellphone, are we able to issue a citation for that as well?

**Hendricks:** No.

**Saltzman:** Prohibited by state law or haven't explored that.

**\*\*\*\*\*:** I think we're prohibited by state law and, yes, she can provide the legal answer.

**Linly Rees, Deputy City Attorney:** I did this five years ago, worked on photo radar. You're limited to the violation for which the photo is taken.

**Saltzman:** If we did want to broaden it, we'd have to go through the state legislature.

**Rees:** Yes.

**Saltzman:** Ok. Thanks.

**Fish:** Other questions? Thank you for your presentation and before we go to a vote, I'll clarify on the record that we would like from Pbot and the police bureau clarification under ORS 810.4382 (a) and (b) what findings have been made by the governing body as to the locations of the various cameras. So with that clarification, Sue, please call the roll.

**Fish:** Thank you for a very informative presentation and you've answered all the questions I had to my satisfaction. I'm pleased to support the ordinance. Aye.

**Saltzman:** Well, thanks for the answers and the questions and I appreciated the discussion and I think a lot of people have questions and hopefully some of those questions were clarified today, but I think at the bottom line of all of this is public safety and pedestrian safety and red light cameras and photo radar are proving to be a deterrent to people to speed and run red lights and that's the bottom line of what this is all about and I think this is protecting privacy and pleased to support this new contract. Aye.

**Leonard:** Aye.

**Fritz:** Once again, my staff and I had lots of questions and I thank you all for answering them and it's evident that city staff and our contractors do look through all the questions -- you've already asked the questions and those have been addressed, most of them and the other ones we'll get clarified. I do want to mention in the information provided to me, the terrific reduction in crashes at these intersections so there's objective evidence that they are serving the purpose for which they're intended and I would like to suggest to council that we consider targeting the money, the net revenue from this, specifically back to transportation. To intersection improvements that we'll lead to receiver conditions rather than going to the general fund. I think that very few people like to be taxed or get citations and fines but if you know they're going back to making improvements in the system related to that tax or fine, I think that becomes more acceptable and I'd like us to consider that. And thank you very much. [gavel pounded]

**Fish:** Passes. Thank you very much.

**\*\*\*\*\*:** Thank you. Christine -- excuse me, Sue, please read the number 485.

**Item 485.**

**Fish:** Christine, is there any new information we need?

**Christine Moody, Procurement Services:** I'm sorry I didn't make that clear. We were doing the presentation on both contracts.

**Fish:** Take it to a vote.

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

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

**Fish:** The matter passes. Sue, please read no. 486.

**Item 486.**

**Fish:** Commissioner Saltzman.

**Saltzman:** Thank you, Mr. President. This project is significant and I wanted to bring it to council's attention. We will preplace a 09--year-old, 36-inch diameter sewer line that runs between

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northeast 60th avenue between klickitat brazie street. There's 70 residences impacted. The contractor needs to do work on private property at about 15 of the residences, mostly in driveways of the city will restore all driveways and sidewalk and pavement after construction. The estimated cost is \$5 million. And will create over 50 family wage jobs. Staff is here if council has any questions.

**Fish:** Questions from council? Ok. Let's -- without objection, let's take it to a vote. Sue?

**Parsons:** This one is non-emergency.

**Fish:** Excuse me. Passes to a second reading. Thank you, commissioner. Sue, please read council item 487.

**Item 487.**

**Leonard:** Thank you, the purpose of this ordinance is to amend the contract with psi to allow for an expanded of source water analysis beyond the scope of the contract. This includes employing a modified analytical -- including high frequent and increasing the scat sampling data questioned by the epa in response to our submitted plan. The contract amend to increase funding by \$575,000.

**\*\*\*\*\*:** Welcome to city council.

**David Shaff, Director, Water Bureau:** Good morning, darn, you took my thunder and pretty much said what I was going to say. So i'm here to answer questions. Our regulatory compliance manager for the water bureau is here. She's the project lead for our lt2 various project. As commissioner Leonard said, this is a contract modification and it's necessary because with all of the additional work that the epa has asked us to perform, in attempting to get a variance for our treatment program, or our variance program. We've had -- we've basically expended the original \$200,000 for the contract. If you approve this, we will have approximately \$227 left on the contract by the time the amendment kicks in sometime in may. And we be using most of this, approximately \$175,000 in a contingency for unforeseen circumstances over the next year for monitoring. It's a different pathogen to test for and we've had challenges in working through water chemistry and lab protocols to make sure that the data we're pulling together for the epa will meet their criteria. We're here to answer any questions you may have.

**Saltzman:** This is specifically in bull run?

**Shaff:** Yes, for the raw water sampling. We have taken 2,653-liters of raw water sampling from december to march 17th and discovered so far zero.

**Fish:** Other questions? Thank you, david and team. This matter goes to a second reading.

**Fritz:** May I make a comment.

**Fish:** We're not voting, but sure.

**Fritz:** Thank you again for informing my staff and to note it's unfortunate that nobody from the community is here to applaud this increased effort, dedication of ratepayer funds to seek the variance and thank you, commissioner Leonard for your ongoing work and perseverance in getting that -- trying to get that variance.

**Leonard:** Thank you.

**Fish:** That concludes or official agenda. Are there any other matters? Hearing none. The hearing is closed. Thank you.

At 10:51, Council adjourned.