



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1ST DAY OF DECEMBER, 2010** AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:33 a.m.

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

Item No. 1520 was pulled for discussion and on a Y-5 roll call, the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
<p>1514 Request of Barry Joe Stull to address Council regarding the CB2 receptor and treatment of neuropathic pain (Communication)</p>	PLACED ON FILE
<p>1515 Request of Jack P. Mongeon to address Council regarding current leaf removal program (Communication)</p>	PLACED ON FILE
TIMES CERTAIN	
<p>1516 TIME CERTAIN: 9:30 AM – Accept Year-One Progress Report for the joint City of Portland/Multnomah County Climate Action Plan (Report introduced by Mayor Adams) 30 minutes requested</p> <p>Motion to accept the report: Moved by Commissioner Fish and seconded by Commissioner Fritz.</p> <p>(Y-5)</p>	ACCEPTED
CONSENT AGENDA – NO DISCUSSION	
Mayor Sam Adams	
<p>1517 Proclaim Measure 26-117, General obligation bonds for fire vehicles and emergency response infrastructure, enacted and in effect (Proclamation)</p>	PLACED ON FILE

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<p>1518 Reappoint Harriet Cormack to the Housing Authority of Portland Board of Commissioners for term beginning December 6, 2010 to expire December 6, 2014 (Resolution) (Y-5)</p>	<p align="center">36832</p>
<p>1519 Reappoint Jeffrey Robertson to the Fire and Police Disability and Retirement Board of Trustees for a term to expire December 31, 2013 (Resolution) (Y-5)</p>	<p align="center">36828</p>
<p>*1520 Authorize a grant agreement with Resolutions Northwest, Inc. for \$32,500 for the Restorative Justice Program to reduce suspensions and expulsions and keep students connected and engaged in school (Ordinance) (Y-4; Fish absent)</p>	<p align="center">184272</p>
<p align="center">Bureau of Planning & Sustainability</p>	
<p>1521 Consent to the transfer of The Trashmasters Waste and Recycling Services, Inc. residential solid waste and recycling collection franchise to Waste Management of Oregon, Inc. (Second Reading Agenda 1490) (Y-5)</p>	<p align="center">184252</p>
<p align="center">Bureau of Police</p>	
<p>*1522 Accept a grant in the amount of \$50,000 and appropriate \$38,000 for FY 2010-11 for the Oregon Association Chiefs of Police for the DUII Traffic Safety and the High Visibility Enforcement grant program for personnel overtime (Ordinance) (Y-5)</p>	<p align="center">184253</p>
<p>*1523 Accept a grant in the amount of \$70,000 and appropriate \$53,000 for FY 2010-11 for the Oregon Association Chiefs of Police for the Three Flags Campaign/Safety Belt enforcement program grant for officer overtime (Ordinance) (Y-5)</p>	<p align="center">184254</p>
<p>*1524 Accept a grant in the amount of \$479,068 and appropriate \$180,000 for FY 2011 from the U.S. Department of Justice, Office of Community Oriented Policing Services FY 2010 Child Sexual Predator Program (Ordinance) (Y-5)</p>	<p align="center">184255</p>
<p>*1525 Authorize application to Oregon Department of Transportation, Transportation Safety Division for a grant in the amount of \$70,000 for officer overtime in order to assist the Multnomah County DUII Intensive Supervision program (Ordinance) (Y-5)</p>	<p align="center">184256</p>
<p>*1526 Add the Police Activities League of Greater Portland to the list of organizations eligible to use the voluntary payroll deduction system (Ordinance; amend Code Section 5.08.140) (Y-5)</p>	<p align="center">184257</p>
<p>*1527 Extend contract with Southeast Portland Animal Hospital for three years and increase by amount not to exceed \$60,000 for veterinary care for Police Bureau canines (Ordinance; amend Contract No. 38257) (Y-5)</p>	<p align="center">184258</p>
<p align="center">Bureau of Transportation</p>	

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<p>*1528 Authorize a Ground Lease Agreement with the Portland Development Commission for construction staging related to the SW Moody Avenue Project (Ordinance) (Y-5)</p>	<p align="center">184259</p>
<p>*1529 Amend contract with Bicycle Transportation Alliance for Safe Routes to School education and encouragement services for one year at \$300,000 (Ordinance; amend Contract No. 38140) (Y-5)</p>	<p align="center">184260</p>
<p>*1530 Amend contract with the Alliance for Community Traffic Safety for child safety seat fitting station services through June 30, 2011 at \$14,000 (Ordinance; amend Contract No. 30000065) (Y-5)</p>	<p align="center">184261</p>
<p>*1531 Amend contract with the Alliance for Community Traffic Safety for child safety seat assembly services through June 30, 2011 at \$8,000 (Ordinance; amend Contract No. 30000066) (Y-5)</p>	<p align="center">184262</p>
<p>1532 Designate a strip of land owned in fee title by the City abutting SW 1st Ave as public right-of-way and assign it to the Bureau of Transportation (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 8, 2010 AT 9:30 AM</p>
<p align="center">Office of Management and Finance</p>	
<p>1533 Adopt City of Portland Investment Policy (Resolution) (Y-5)</p>	<p align="center">36829</p>
<p>*1534 Create a new Nonrepresented classification of Principal Business Systems Analyst and establish a compensation rate for this classification (Ordinance) (Y-5)</p>	<p align="center">184263</p>
<p>*1535 Create a new represented classification of Timekeeping Specialist and establish an interim compensation rate for this classification (Ordinance) (Y-5)</p>	<p align="center">184264</p>
<p>*1536 Pay claim of Joanna Dalke (Ordinance) (Y-5)</p>	<p align="center">184265</p>
<p>*1537 Pay claim of Brenda Phikulchakorn (Ordinance) (Y-5)</p>	<p align="center">184266</p>
<p>*1538 Authorize contract with Clima-Tech Corporation for \$784,000 for the Portland Building VAV Controls Upgrade project (Ordinance) (Y-5)</p>	<p align="center">184267</p>
<p align="center">Commissioner Amanda Fritz Position No. 1</p>	
<p align="center">Office of Healthy Working Rivers</p>	

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<p>*1539 Authorize the Director of the Bureau of Environmental Services to enter into an Amended and Restated Portland Harbor Allocation Process Cost Trust Agreement (Ordinance) (Y-5)</p>	<p>184268</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p>	
<p style="text-align: center;">Portland Housing Bureau</p>	
<p>*1540 Delegate authority to the Director of the Portland Housing Bureau to review and accept Section 108 Guaranteed Loan Pool Funds from the U.S. Department of Housing and Urban Development (Ordinance) (Y-5)</p>	<p>184269</p>
<p>*1541 Amend the expenditure authorization for the subrecipient contract for an additional \$30,000 for services for low-income homeowners and renters through the 211info program and provide for payment (Ordinance; amend Ordinance No. 32000389) (Y-5)</p>	<p>184270</p>
<p style="text-align: center;">Portland Parks & Recreation</p>	
<p>1542 Authorize Portland Parks & Recreation to acquire permanent and temporary easements necessary for construction of the Waud Bluff Trail Project through the exercise of the City's Eminent Domain Authority (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING DECEMBER 8, 2010 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p>	
<p style="text-align: center;">Bureau of Environmental Services</p>	
<p>*1543 Authorize application to American Rivers for a grant in the amount of \$100,000 for Eastmoreland Golf Culvert Removal and Habitat Restoration Project (Ordinance) (Y-5)</p>	<p>184271</p>
<p style="text-align: center;">City Auditor LaVonne Griffin-Valade</p>	
<p>1544 Certify abstract of votes cast and proclaim measure approved at the Municipal Non-Partisan General Election held in the City of Portland on November 2, 2010 (Report) (Y-5)</p>	<p>ACCEPTED</p>
<p style="text-align: center;">REGULAR AGENDA</p>	

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<p>*1545 Authorize application to the Department of Human Services Regional Offices on Women's Health for a grant in the amount of \$2,500 for activities and events in support of Prevention of Violence Against Women and Girls (Ordinance introduced by Commissioners Fritz and Saltzman)</p> <p>(Y-5)</p>	<p align="center">184273</p>
<p align="center">Mayor Sam Adams</p>	
<p>1546 Add new and amend existing City Code provisions to address illegal gun use and violent gang activity in the City (Second Reading Agenda 1512; amend Code Sections 14A.80.010 and 14A.60.010; add Code Sections 14A.60.050, 14A.60.060 and add Chapter 14A.90)</p> <p>(Y-5)</p>	<p align="center">184274</p>
<p>1547 Accept report to ensure effective coordination, oversight, community engagement and measurable outcomes to prevent and reduce youth and gang violence (Previous Agenda 1513)</p> <p>(Y-5)</p>	<p align="center">ACCEPTED</p>
<p align="center">Bureau of Planning & Sustainability</p>	
<p>1548 Allow Bureau of Planning and Sustainability to charge a fee to any party that, with standing under Code Chapter 17.102, appeals BPS decision regarding solid waste or recycling to the Code Hearings Officer (Ordinance) 10 minutes requested</p>	<p align="center">PASSED TO SECOND READING DECEMBER 8, 2010 AT 9:30 AM</p>
<p>1549 Allow Bureau of Planning and Sustainability to charge fees to business and/or property owners who apply for extreme economic hardship exemptions to the Containers in the Right of Way rules (Ordinance; amend Code Section 17.102.290)</p>	<p align="center">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p align="center">Bureau of Transportation</p>	
<p>1550 Vacate a portion of SE 21st Ave north of SE Ochoco St subject to certain conditions and reservations (Hearing; Ordinance; VAC-10066)</p> <p>Motion to amend the findings to detail the comprehensive plan compliance: Moved by Commissioner Fritz and seconded by Commissioner Fish. (Y-5)</p>	<p align="center">PASSED TO SECOND READING AS AMENDED DECEMBER 8, 2010 AT 9:30 AM</p>
<p align="center">Office of City Attorney</p>	
<p>1551 Authorize the City Attorney's Office to join in an amicus brief and participate in court proceedings in City of New York v. Metropolitan Taxicab Board of Trade (Resolution)</p> <p>(Y-5)</p>	<p align="center">36830</p>
<p align="center">Office of Management and Finance</p>	
<p>1552 Accept bid of Wildish Building Co. for the Argyle & 13th Pump Station Remodel Project for \$838,300 (Procurement Report - Bid No. 112246)</p> <p>Motion to accept the report: Moved by Commissioner Fish and seconded by Commissioner Fritz.</p> <p>(Y-5)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>

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**Commissioner Dan Saltzman
Position No. 3**

***1553** Approve funding recommendation made by Children's Levy Allocation Committee for a collaboration grant with the Gates Foundation to fund the Trauma Recovery Services for High Needs Families project (Ordinance) 10 minutes requested

(Y-5)

184275

At 11:54 a.m. Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1ST DAY OF DECEMBER, 2010** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:08 p.m.

At 3:26 p.m., Council recessed.

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

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

<p>1554 TIME CERTAIN: 2:00 PM – Report from the Police Oversight Stakeholder Committee (Report introduced by Commissioner Leonard) 1.5 hours requested (Y-5)</p>	<p>ACCEPTED</p>
<p>*1555 TIME CERTAIN: 3:30 PM – Establish July 1, 2011 as the effective date of the River Plan/North Reach (Ordinance introduced by Mayor Adams) 15 minutes requested (Y-5)</p>	<p>184276</p>
<p>1556 Accept report on How to Calculate River Plan/North Reach In Lieu Fees as direction for the development of the administrative rules and the fee schedule to implement the River Plan/North Reach (Previous Agenda 1506; Resolution introduced by Mayor Adams) (Y-5)</p>	<p>36831</p>
<p>S-1557 Authorize River Plan/North Reach In-Lieu Fees and establish a North Reach Reinvestment Fee Credit (Second Reading Agenda 1507; Ordinance introduced by Mayor Adams and Commissioner Leonard)</p>	<p>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>1558 Authorize the development of rules for the River Restoration Program (Second Reading Agenda 1508; Ordinance introduced by Commissioner Saltzman; add Code Section 17.38.055) (Y-5)</p>	<p>184277</p>
<p>1559 Appoint members to the North Reach Advisory Committee for terms to expire December 31, 2013 (Previous Agenda 1509; Report introduced by Mayor Adams and Commissioner Fritz) (Y-5)</p>	<p>CONFIRMED</p>
<p>1560 Authorize agreement with University of Portland to establish conditions and process by which the City will remove environmental conservation overlay contingent upon natural resource mitigation by the University of Portland (Second Reading Agenda 1510; Ordinance introduced by Mayor Adams and Commissioner Fish) (Y-5)</p>	<p>184278 AS AMENDED</p>

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<p>1561 Accept and approve a conservation easement in accordance with the Agreement for Development between the City and Siltronic Corporation and direct staff to complete follow-up items (Second Reading Agenda 1511; Ordinance introduced by Mayor Adams) (Y-5)</p>	<p>184279 AS AMENDED</p>
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At 3:51 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

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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.

DECEMBER 1, 2010 9:30 AM

Adams: Before we take roll call, i'd like a moment of silence to recognize today is world aids day and we've lost a lot of people around the globe to this devastating disease and if you would join me in a few moments of silence and reflection, i'd appreciate it. Thank you very much.

Adams: Good morning, Karla. How are you?

Moore-Love: Good.

Adams: Good. Can you please call the roll. [roll call]

Adams: The quorum is present and we'll proceed with communications. Two people signed up. Please read the title for 1514.

Item 1514.

Adams: Mr. Stull, hi, welcome back.

Barry Joe Stull: Good morning. I think you've had -- each had a chance to hear a little bit of my history and how I have a central neuropathic pain condition. And my neurologist, dr. Grim, just retired this past year but he wrote under the medical marijuana act for severe pain and nausea. As fate would have it, I stumbled across a "scientific american" from 2009 and it talks about the mechanisms of chronic pain and the -- the ability of cannabis to mitigate it. Particularly important is the fact that the class of chemicals common to what we might call a marijuana plant, they're a naturally occurring substance that each of us are making. Every one of us. The police officer over there is making them right now because they're a natural part of our human body. That's why, although i've used cannabis on an almost daily basis for almost 30-plus years, I have -- with the exception of my pain condition, a really healthy lifestyle and body. One of the problems i've had is when I first identified my understanding and what was going on with my condition and spoke with dr. Grim, oh, about eight years ago or so, he says you're going to be rich. Now, i'm not rich. I'm actually kind of like broke. And that's a direct product of an ongoing extra judicial assault against my interests. A couple doors down here at the Multnomah county circuit courthouse and I saw judge edward jones out front a week or so ago and told him I was going to take him to federal court for violating the ada. Another option, I could have drug him over here and rung the liberty bell with his head until one of them cracked. But that wouldn't be my philosophy of nonviolence. The Portland police bureau, is drawn in and now mayor Adams, you're drawn in. It's like a tag, you're it. On october 19th, I gave your office a copy of this, which i'm giving to council. It's the circuit court file, the entirety, a certified copy. Cost about 25 bucks. But it has my chart notices in there and they know what my problem was when they put me through this whole thing and so I expect your office to produce a police report against judge jones. And if you don't, you're going to be on the lawsuit. It's your choice. Now, i'm somewhat recovering from my cases. I have an ongoing complaint with lewis & clark college. They assaulted me and the Portland police officers wouldn't take a police report. If you give me a few seconds. Officer kaye allen, met me at the justice center and said he would put these emergency room records in the file but then in officer repeatedly. A sergeant repeatedly refused to take a police report so i'm in a situation where you all keep charging me and won't take the police reports --

Adams: Mr. Stull, thank you -- i've given you 40 extra seconds.

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Stull: And i've given you 40 extra pages.

Adams: Thank you, I appreciate it. Seems like a fair trade. Can you please read the title for item number 1515.

Item 1515.

Adams: Mr. Mongeon. All right. We'll move to the consent agenda. I understand that 1520 is pulled to the regular agenda. Anyone else who wishes to pull an item from the consent agenda? All right. Karla, please call the vote on the consent agenda.

Leonard: Here -- or, excuse me. Aye.

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

Adams: Aye. [gavel pounded] consent agenda's approved. We have a 9:30 time certain to accept a report. Can you please read the title for 1516.

Item 1516.

Adams: Thank you. Members of council, climate change represents one of the toughest challenges to Portland's well-being, to the nation's well-being. We'll see locally, physical impacts, including stresses on our natural environment and infrastructure but also impacts on the social, health and economic fabric of our community as well. In 2007, the city council adopted a resolution directing staff to develop a strategy to reduce local carbon emissions by 80% by 2050. As a result, the city council along with Multnomah county board adopted the climate action plan, in october 2009. The strategy identifies nearly 100 key actions that the city and county must undertake before 2012 to be on track to achieve our carbon reduction goals.

Susan Anderson, Director, Bureau of Planning and Sustainability: While Portland may be ahead, the latest science suggests that dramatically more ambitious actions are required to mitigate the extreme impacts of the changing climate. I'm pleased to report that the local client emissions in 2009 were half a percent lower than in 2008. But I think we need a big asterisk next to these numbers given we're in the worst economic recession since the great depression and that might be the slower economic growth, the slower economic activity might account for that he is reductions and actually might be masking what might be strategic, or I should say structural increases in our carbon producing experts. So we have a long way -- efforts. And we have a long way to go and the role of the city council and the county board and other community partners to keep at these efforts. We need to be accountable for doing what we said we'd do in the climate action plan and to be transparent in our success in those efforts. Susan anderson, michael armstrong from the bureau of planning and sustainability are here today to present a progress report on the first year implementing the climate action plan. And david shaff in from the water bureau and jeff baer from the office of management and finance will be here. With me is michael armstrong, 17 years ago, Portland became the first city to deposit a local action plan on global warming, we called it then and last year we adopted a new climate action plan with a much more rigorous goal. Originally, it was a 10% reduction. And we've learned a lot what cities can do to reduce greenhouse gas emissions.

The new plan has a 80% reduction. Today, we're here to talk about the significant steps that have happened in one year. As the mayor indicated, we're at 2% below 1990 levels and on a per capita basis, 20% lower. 20% less perfect person than in 1990. In the u.s., it's up almost 10%. Clearly we're doing something differently in Portland and can serve as an example for the rest of the nation.

Michael can outline the specific efforts. But I want you all it think about the good work that's happened to date wasn't necessarily because any of us cared a whole lot over the last 20 years about global warming, we took the actions because it helped us save money and made our homes comfortable and businesses efficient and made us healthy by walking and biking and taking transit.

A healthy community and healthy environment and economy go hand in hand, as a result, when you look at the city's economic development strategy and the climate action plan those two things are integrated and there are many objective in both plans and we'll continue to see that as we develop the Portland plan, the connections. So I think the results of having those things together

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can be seen very specifically in the hundreds of companies earning millions of dollars by selling sustainable green products and services not just in Portland but throughout the world. A decade ago, commissioner Saltzman and I would have been doing this presentation and pretty much at that time, the climate action plan was something that the old office of sustainable development was really the leader on. That's not true anymore. I think the plan is owned by all of the bureaus of transportation, water, pdc, bds, parks and everybody is in on making the items in the plan a part and integral to their own strategy planning. They'll come up a few of them to talk about what they're doing in their bureaus to help save money. And while city bureaus are in the lead and doing a lot of the right things and being a model, it's the hundreds of thousands of people in our community that's making this work. We have dozens and dozens of different partner areas. Boma, business groups, the neighborhood coalition, green light greater Portland, metro, tri-met. You name it, people are beginning to understand that this is an issue both from the climate perspective and efficiency and saving money that's important to their work too. Finally, I want it let you think about that it's your leadership, both this council and councils before us and the support for taking action on this that's made a difference. You know, when mike lindberg and I came to council 17 years ago with the co2 reduction plan or something, we thought we were just -- you've done a whoa lot of plans. You know how it is, you write a bunch of stuff down that you think will happen but you're putting a lot of stuff in there that you're wishing these things will happen. I never thought a lot of those big ideas would become real and yet they have. A decade or more later, we have wind farms and solar popping up and we have solar world and biodiesel at the pumps and we shrug when another leed green building is built. It's the common way of how we do business and how we live in Portland. So I can only hope now, as other cities look at us and see the 80% reduction goal, they're saying, that's not going to happen and I hope that people really think that this outrageous goal, we really could get there and do it because it's not just doable, it's common sense and that it will lead to a more prosperous livable city and it's not just about climate change. Michael is going to go over the specifics and things that have happened in the past year and david and lavinia and jeff will talk about the work in their bureaus.

Michael Armstrong, Sustainability Manager, Bureau of Planning and Sustainability: Good morning, mayor and commissioners. I'm michael armstrong with the bureau of planning and sustainability. I want to go through slide that's highlight a number of actions during the past year and identified some of the things that we haven't dug in yet on. As susan noted, we have our sights firmly set on a 2050 goal of reusing emissions 80% from 1990 levels and focused on the big actions we can take initially in the first three years to shift our trajectories and we'll review how we'll doing and identify the next set of actions and i'll talk about our progress in moving forward on the first three years of actions. The mayor noted between 2008 and 2009, emissions dropped about half a percent. That's the right direction. It's potentially for the wrong reasons this year. And I would point to -- our goal is 80% reduction over the next 40 years, a 2% reduction a year to hit that goal. Even in this climate, we still have more to do on emission, it's an important cautionary tale. It gives us something to build on that most communities do not have. The climate plan is divided into eight areas and i'll go these quickly and hit on some challenges in each area. Start with an overall of all of the 100 or so actions in the climate plan, subjective assessment, based on collecting data on the different effort, just over half of them are on track. We think it looks good to get them down within three years. Another third are making progress. There are challenges or obstacles. About 10% we haven't yet started. In some cases, it's timing, a code development cycle that doesn't happen until next year or something. And lastly, we have a handful of actions already complete. Going through each of the action areas quickly. Buildings and energy. You've heard about clean energy works, it's a national pioneering program that providing energy efficiency financing. And raising \$50 million to fund those retrofits. We've secured a little over \$25 million with a couple more million that look likely to come. The leverage is somewhat over \$100 million. We've got a little further to go, but

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that is moving along quite nicely. We've retrofit -- coming up on 400 houses and expect to do 6,000 within the next three years and we're on track. One of the encouraging pieces we expect lifetime energy bill savings of over \$125 million from this. It's an investment both in the quality of our housing stock but puts dollars in our residents' pockets and that's important. The climate plan set a goal of installing 10-megawatts of solar in the next three years. We'll be at 9.8 at the end of this year and seen a rate of increase. Some of that is do to the neighborhood solar program. Solarize. And we're seeing wonderful new innovative models that are changing how quickly this gets done and continued growth in the other installations so nice progress on solar to report. One of the other major developments is pge's proposal to close the boardman coal-fired power plant. And this has come about through an open minded attitude on the part of the utility, as well as an active group of stakeholders, allies that have found a way to do this and accomplishing the carbon reduction goals and this is looking increasingly likely and it's a tribute to pge and many other stakeholders and the city has been involved as well and it's important to focus on both stopping coal operations at boardman but looking at what we replace that coal with. If we replace it with natural gas, it's a carbon benefit but not a giant one. So we have to look at the replacement and that needs to be worked out in the years to come. There are a couple of big pieces in the building and energy sections that we have not yet made progress on. One is a policy that looks at energy use in existing commercial buildings and we have a nice program for existing homes and exploring options for existing commercial buildings and we would like them to have the same reason to improve the efficiency of their buildings and hope to be back with policy options around that. Another area we're working on but don't have progress is big energy efficiency opportunities. Promising financial advantages but it's a heavy lift to get that off the ground the we're doing initial leg work on that now. The section is urban form and mobility. Looking at how people get around. One of the key needs identified in the climate plan is to focus on shaping neighborhoods that are walkable. That have bikeable connections to other parts of town and this is what we call the 20-minute complete neighborhood concept. It's still getting aired out through the Portland plan process but figuring out what it takes to make our neighborhoods walkable is the single most important things we can do that will position us to succeed in the long term. The Portland plan itself is where a lot of the bureau of planning and sustainability, as well as the other bureaus involved in long-term planning, a lot of effort is going into that plan. This is a once a generation adjustment to the plan. And open space, affordable housing, all of these different issuance so i've been encouraged at the way the Portland plan is taking place, a huge amount of work already done and still a huge amount of work to be done. This is one place we'll focus on in the next year, as we have in the past. I'm going to touch quickly on a couple of highlights from the transportation section. The east side streetcar construction is progressing. That's great to see. Likewise, council look action on a major new bicycle plan within the past year and many the pieces are under way in terms of neighborhood greenways and other infrastructure investments as well as support for individuals. Council took action as well on electric vehicles. This is an important piece of the long-term climate strategy. We're weeks away from seeing the first electric vehicles released the first mass-produced here on the roads in Portland. Pdc has done a great job of coordinating a number of players from a variety of bureaus and it will be interesting to come back a year from now and see if electric vehicles are a noticeable presence on the -- a noticeable presence on the street. One thing I want to highlight in this chart is that for the first time in a long time, the total volume of garbage and recycling combined has dropped. The amount of stuff we're disposing of has come down and our recycling rate had been going up, but so is the amount of stuff we're throwing away in total. And so the initial numbers for '09-'10 suggest that that total volume has dropped again. Again, as the economy turns around, we'll want to see if -- we'd want to lock in the gains we've had while not constraining job growth there. Urban forestry and natural system, the bureau of environmental services has done an enormous amount of work as they have over the past decades and parks and a lot of bureaus

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involved in the city wide tree project. And the city planted 100,000 trees and shrubs as part of the water restoration and working on green streets and 169 green street facilities in the last fiscal year alone. And to figure out how to treat trees and natural resources as capital assets that we can invest in and that is difficult and that remains a challenge ahead of us where there are both federal issues that make that very hard if not impossible and we're not used to doing it that way and we're trying to figure that out.

Saltzman: What are the federal issues to that?

Armstrong: I don't know the details. I'd be happy to track that down. We had an initial conversation with the planning and sustainability commission and trying to connect on that more specifically. With food and agriculture, this is the notion that our choices of what we eat and how it's grown and how it gets to us has a carbon impact and they do. One of key needs, additional community garden plots in the city and it's great to report since this plan was adopted. 225 new community garden plots created. Some by parks and others through partnerships with community associations so we help to identify the policy goals and work together to achieve them. And we're in the early stages of a zoning project. There are some things in the zoning that make -- zoning code that makes harder than it needs to be. Susan noted there's a lot the city and county can do. We need the city and the residents engaged and a couple of actions we've taken here, certainly, a website that provides opportunities for residents to get access to resources to help take these actions. We're out in the community at fix-it fairs and good neighborhood and a whole host of community events providing information, trying to help people access resources. Likewise, trying to work closely with governments. In the old days, it was simple, because the city of Portland was the only one working on this and there wasn't a lot of coordination that needed to happen, That's not true today. It's fantastic that so many local governments, metro and the state and a regional level, there are a lot of people working on this and gives us a lot more opportunity to coordinate and -- cooperate.

Fritz: What are Clackamas, Washington and clark county doing.

Armstrong: Clackamas county is doing a long list of things. Not always under the climate banner. But if you look at what they're doing around transportation, certainly, I think there is some really promising developments there. Metro is working specifically on climate change and talking to the counties and other local governments about what their role can be. Is it providing technical assistance for the individual plans? So -- I don't want to point to a specific list of client plans around the region but there's a lot of thinking about how to carry out actions that are going to reduce carbon emissions. Lake Oswego, Oregon city, for a number of years now, and beaverton, Gresham. There's a lot of activity. I'd point to efforts in the business community as well. There's a relatively new one from the building owners and management association. To get building owners to reduce energy use and water use and overall carbon footprint. And get more people to participate and similarly a region wide climate prosperity project that engages with counties and private businesses. Nike has been involved with this. You know, Lane Powell, Green Light Greater Portland and the sustainability institute have put a lot of resources into this region wide effort. And following in the footsteps of PDC was a key player. That kind of cooperation is encouraging. One thing we've done a lot of work on in pieces is adaptation. There's a brand new report from the Oregon state climate change research institute that identifies impacts from climate change in Oregon that will be helpful. The water bureau has done quite a bit of work on this over the years. The city has not done an assessment of what our vulnerabilities are. And we're doing initial scoping and I hope a year from now, we can come back and say we've made progress on because we're still getting organized around it. And finally, local government operations. The city accounts for 1% of total community wide emissions in our own operations. It's not a huge chunk but it's not nothing and certainly the symbolic leadership and walking our talk is key. If you look over the past year, in significant part due to the federal stimulus funding we've been able to move forward efficiency projects. The led signals in

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town. Better energy performance. And renewable energy is 10% of all city operations and that's solar, on fire stations, at water bureau facilities and biogas turbines out of the wastewater treatment plant and active in installing turbines and smaller projects as well. 10% of our total use, our goal is 100%. Again, some good progress. A long way to go. There's good energy retrofits at community centers and Portland building and jeff will talk in a minute about other things that the facilities has been doing with their operations that are really quite -- they're both basic and really exciting and exactly what we need to be doing. Like wise with the fleet. Jeff will talk about as well. I've touched on a couple key things we hope to take on in the next year. And this is the kind of thing we look feedback from you. The Portland plan is a key need. We'll be looking at policy options for existing commercial buildings and we still have a transportation funding system based on the gas tax and this is not the kind of thing we can solve alone but it's a long-term need. We need to reduce our gas use. We're strapped for transportation maintenance funding and we've got to solve that problem and the other is the climate application plan. The last thing I want to leave you with. Just this morning, we got the translation into mandarin of the climate action plan --

Adams: That's really Great.

Armstrong: That was done by an independent organization which has a need nor this information in china and to me it illustrates there's so many local governments working on this. We have a lot to learn from other cities and other cities can learn from us. So it's a independent third party takes it upon them to translate 70 pages of climate action plan into chinese is really quite striking to page through it. We'll be happy to share that with you.

Adams: That fourth character is misspelled. [laughter]

Armstrong: It does make you wonder if there's any mischief tucked away about who said what. With that, I would suggest we bring up the other bureaus. I'd be happy to answer questions if you have them now or at the end.

Adams: I heard that comparison of the national trend versus the trend that we've reported today, what's the national trend compared to our trend?

Anderson: There's two sets of number. Our total is 2% below 1990 levels and the national is at about somewhere between 7% and 10%. There's a bunch of different numbers out there for last year. Part of that is

Adams: 7% to 10% what?

Anderson: Below -- I mean above 1990 levels.

Adams: To be clear. Ours is apples to apples --

Anderson: About 10% better.

Adams: Our climate emissions based on 1990 is 2%, in real terms, not per capita. While the nation is up 7% and that takes into account 2009?

Armstrong: Yes.

Anderson: I think what's confusing is many cities are just starting now. A lot of the world is just starting now and looking to change the date to 2000. We went up from 1990 to 2000 and then started dropping. If they do that, it makes us look better that doesn't change the reality, but makes Portland look better.

Adams: It's a national recession but there are different pockets worse than others in terms of the national recession. What is important is the apples to apples comparison. We're down 2% in terms of climate emissions since 1990 while the nation is up 7%.

Anderson: Correct.

Adams: Thanks. All right. Thank you both very much. Anyone signed up to testify -- oh, we have david shaff we have lavinia and we have jeff baer, great. Welcome. Glad you're here.

Armstrong: Your slides are ready when you are.

Lavinia Gordon, Bureau of Transportation: Good morning, i'm lavinia gordon from the bureau of transportation. I just wanted to start with the fact that we at the bureau of transportation are

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keenly aware that 40% of greenhouse gas emissions in the Portland area are from transportation sources and for that reason, we've been actively involved in the development and implementation of the climate action plan. One of the key objectives of the plan is to reduce vehicle miles traveled. Vmt and the following projects completed are the identified action items in the plan to help the city achieve that goal by increasing access to healthy active transportation. One of the most effective tools we have to reduce vehicle miles traveled is the smart trips program. We completed that last year around the green line in east Portland and we reached 31,000 households. And as a result of that, we reduced drive alone trips by close to 15%. Which is significant. So we are trying to do that program in as many areas as we can but we completed that last year. And that program essentially provides people with information about the actions that they have available to them. And by getting information, they change their behavior. Another options program is the Portland safe routes to school program. It's served over 70 elementary schools last year in Portland and the program is showing measured success in reducing drive alone trips. And the third program completed last year was sunday parkways. It was held on five successive sundays during 2010 and reached 91,000 participants.

Adams: Lavinia grimaced and looked at me because I -- grimaced and looked at me, gives me an opportunity to thank you and your team with very little additional staff. Going from zero and then three and then five in a very short amount of time and there are few events in nation that have combined participation of 91,000 across -- in this case, across the city. So I just thank you. Appreciate you pushing hard and stretching everybody's ability and time to do that.

Gordon: Well, the beauty of sunday parkways and we hear many, many stories of people dragging their bikes out the garage and suddenly riding to work and that's what it's all about. And --

Fritz: And it's done mostly with private donations, right, to fund it?

Gordon: Many. Kaiser has been a huge supporter.

Adams: Thanks for pointing that out.

Gordon: In addition, pbot built more than 2,000 -- sidewalks in the past year. Two miles fill in gaps on northeast glisan, 82 and southwest barbur boulevard near schools and elderly housing and bus stops. And widening sidewalks in places like lents, gateway and lower albina and northeast kelly boulevard that had gravel previously. In addition to sidewalks, 50-miles of active neighborhood green way projects. These projects provide safer bicycling and pedestrian connections and reduce speeding and auto cut through and help people cross busy streets safely and we'll initial another 50-miles by march of 2011. In terms of future actions, the climate action plan also calls for development of a methodology to project the life cycle carbon footprint of transportation investments. And we will continue to work with metro and odot on tools to measure the carbon impact of our transportation capital projects. So these are just a few of the projects we've completed and there are many, many more projects that have a positive impact on climate we're excited to be involved in that and keep working on them in the future. Thank you.

Adams: David -- or jeff, sorry.

Jeff Baer, Director of internal business services, Office of Management and Finance: Good morning, mayor Adams and members of the council. I'm jeff baer, director of the international business services with the office of management and finance. A couple things we're doing in omf related to the report that michael and susan were showing. On electric vehicles, you might recall in july, there was a resolution passed establishing the goal of 20% of the city's fleet be electrical by the year 2030 and as a response, we're in the queue or the waiting list to acquire a number of the new nissan leafs. We've identified several homes, including bes, fire, planning and sustainability and they're going to add a couple into the motor pool which will be available for all bureau to use for short-term trips. We just got -- received yesterday from the environmental protection agency, the fuel economy label for the leaf and it identified that as being best if class for a number of different factors the mileage, obviously and for based on no emission of any greenhouse gas emissions. So

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we're awaiting the rival of that and expect it to be this month, in december. It's rolling out to a number of state, Oregon being one of those. And one of the other things we've added to our motor pool is electric bicycles. If you're interested in doing an electric bicycle trip we have those available for use and you can reserve those using the online reservation system. It it's quite fun. I've ridden them myself. It's a blast.

Leonard: Isn't that cheating?

Adams: No, You still have to pedal. These are only pedal assist.

Fish: If you put an electric motor on the bike, does it become from a bike it a motorcycle?

Baer: No, there's a horsepower range.

Adams: there's a horsepower range, and these are all pedal assist. If you sit on the bike and do this, you'll go nowhere.

Baer: You can pedal it. But you can do the throttle and engage the electric motor and go.

Adams: Not without moving the pedals.

Leonard: It just makes you feel better.

Adams: It just makes you feel better, yes.

Fish: When commissioner Leonard's office won the bike challenge, do you know if they used any of these bikes? [laughter] my recollection is that commissioner Leonard lives in outer southeast --

Leonard: You have to consult my attorney on this.

David Shaff, Director, Water Bureau: The water bureau electric bike was heavily used during that period of time. [laughter]

Leonard: No, no, no.

Fish: The legal fees will be reimbursed by the city.

Adams: You're not getting a holiday bonus. [laughter]

Baer: Some of the other things we're doing in regards to fleet, we're in the progress of upgrading and adding to the fuel stations to accommodate alternative fuels and continuing to work with the bureau of planning and sustainability the idle reduction and completed a retrofit with different emission control devices and a lot is occurring in our fleet area is occurring. And in our facilities, michael alluded to the Portland building to which we're pursuing leed certification. It's a sizeable amount of work in terms of tracking and identifying what is involved with pursuing that. Along with that, we've aligned the sustainable procurement policy related to the contracting things that need to happen to achieve the leed certification and regarding the implementing of specific building plans such as building exterior and solid waste management plan and we're expecting to achieve that next year and probably the latter part of 2011, but actively pursuing that and hopefully be able to bring that in sooner. Related to compost can, we began this year -- composting, we began with implementing a composting program in the Portland building, city hall, the 1900 building and at Portland communications center and assisted the water bureau at the interstate facility for launching a composting program. And it's actually increased our recycling by approximately 10% and we have challenges associated with that. One of the major components of composting is -- and working with the facilities that compost it, is the restroom paper towels which accounts for 10% of the Portland building's waste stream and we're working with them to see if we can add that to the composting ability. With that, i'll turn it over to david.

Shaff: Thank you, mayor, city council. I'm david shaff.

Saltzman: So we're not supposed to put the towels into the compost?

Baer: The paper towels as I understand it, the restroom paper towels are not compostable at this point. And we're working with the composting facility to be able to do that.

Adams: We're composting our paper towels. So --

Baer: We won't stop that.

Saltzman: Yeah, I --

Baer: I'll follow up to make sure it's accurate.

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Adams: Yeah, we're composting ours. It's an evolving science, folks. Thank you.

Shaff: Just to follow up on something that jeff said, we have an electric bike at interstate and a couple of regular bikes and they're regularly used by employees who have to come to meetings downtown or vice versa. I regularly lose the commute challenge because I ride a motorcycle and i'm always beaten by the bike, the electric bikes and the other commuters. It's something that the water bureau is very active in. Jeff, would you help me? I'd like to go threw the water bureau's progress on the climate action plan and I just want to go through our energy goals. Our goal is to reduce overall electrical use by 5% and reduce our electrical use by 5% at our top 10 facilities. Those are the highest that -- the highest-using facilities we have. We also intend to install renewable energy facilities with a minimum capacity of 400 kilowatts. We're at 300 now. We're looking at innovative ways to save energy. By favoring our most efficient pump stations. In the southwest hills, carolina and fulton and by using fulton more, we achieve energy savings. As you know, we'll be rebuilding fulton and we'll use the Washington supply line and that will how us to use smaller and more efficient pumps and generate more savings. We're operating the groundwater solar array. It has a 270 kilowatt capacity and generates 300,000 kilowatt hours a year. It is the equivalent to power 50 homes. And 5% of the groundwater facility. And we're operating the meter shop that we just had our grand opening with a -- about a month ago. It has a 12 kilowatt capacity. Enough to power one to two Oregon homes. 8 to 10% of the building's normal electrical load and 100% of the hot water needs about half -- half the year. And then we have the plan -- the planned hydro-facility at vernon. We call it a couple different names. Vernon tanks. Up between prescott and skidmore. And it's known as the sabin hydro-park and we're going to put in a micro-hydro-facility in place of the pressure reducing valves and that will tap the unused energy within the existing system. 25 kilowatt capacity or the equivalent to power 12 Oregon homes. In addition, a number of tiny projects. In this year, we've replaced 100 fixtures in various facilities and generated savings -- on an annual basis and looking for opportunity to make changes and get involved in doing our share. So I really appreciate it and we have enjoyed our collaboration with the bureau of planning and sustainability.

Adams: Thank you. Thanks for being leaders within your bureaus, helping to make this happen.

Shaff: Thank you.

Adams: Karla, anyone signed up?

Moore-Love: No one else signed up.

Adams: Anyone wish to testify on this matter? I'll entertain a motion to accept the report.

Fish: So moved.

Fritz: Second.

Adams: Moved and seconded. Karla, please call the vote on accepting this report.

Item 1516 roll.

Leonard: Of course, each of us are pleased about the goals achieved since the climate action plan was first rolled out. And i'm particularly proud of the work the water bureau has done and I will tell you that five and a half years ago, when I was assigned the water bureau, I don't know that it had the capacity to do the things they've done in the last five and a half years and it's directly due to the leadership of david shaff and the team that he and I worked hard early on to assemble that caused them to be a little more community-oriented than what they were up to that point. It's a very, very progressive organization, along with the other bureaus we've heard from that i'm exceedingly proud of. I appreciate all of work. Aye.

Fritz: Thank you and all the work that's been done. The planning and sustainability and the leadership, mayor Adams, following up with commissioner Saltzman and commissioner lindbergh and it was good to see the history how long we've been working on this. I want to make sure we remember the old things as well and we're working on sidewalks in neighborhoods that don't have them. And particularly as we discuss electric bikes and cars, we need to find way to fund tri-met

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and make sure we have more buss to serve people. There's -- they're so dependent on payroll taxes during this recession and had to cut back services and unless you're going downtown at rush hour and come can back at rush hour, the buses are completely packed and it's hard for people. As was mentioned, some of the things we do is because it's the right thing to do and reducing global warming and some is because it's economics and we need to do it. That's a particular concern for me, that we figure out how to provide the sidewalks and buses as well as all of the interesting new stuff and I know that mayor Adams is working on those issues also. So I appreciate that. Aye.

Fish: I want it join with commissioner Fritz in complementing the mayor, the leader he's given and susan and michael, a pleasure to work with. And sometimes we get asked why do we work on plans and how do they affect behavior? That's a fair question. There's a history in the city of plans being put on a shelf and becoming ecoroofs. The difference here, this is a plan that's set forth a blood pressure and shaping and guiding how -- a blueprint and shaping how we do things differently. I was disappointed that david shaff did not present a plaque as he did last night in another event. Parks is strapped for funds, we can't afford a plaque. But I want to point out two other ways in which institutionalizing these things changing behavior. We'll open the resource access center, which will be a leed plat full building. A direct result of the climate action plan and the values reflected and on the question of community gardens, we had a slide that the parks bureau is working on, I want to thank effect for the collaborative effort that's brought us this far. I was delighted to hear michael say we have three years. That allows us to bring in the growing season in the beginning of 201278 because of the sense of urge -- in o'12 and because of the urgency and we can celebrate indeed 250 plots of which the city put in 150 and two were at schools, so the benefits of that partnership is quite remarkable. 250 plots will be installed this spring. And we have partnerships planned with the school districts and churches and neighborhoods and other groups to meet our goal under this. Which we'll do in partnership with bps, congratulations to the mayor and to those who wonder why we have a plan, it creates a blueprint and sets clear expectations which we as a council are striving it meet. Aye.

Saltzman: This is a good progress report and a good plan. I think it's good that the county and city are both engaged in this effort as if fully encompasses the operations of guilty and while we have a lot to be proud of, an important backdrop is that we do have a business community and our citizens fully engaged in these efforts to reduce carbon emissions and become more energy efficiency and build -- energy-efficient and build more leed certified buildings and we can point to the good trend in terms of carbon emissions reduction for the city and county. Good work for the mayor and also our county chair jeff cogen, Aye.

Adams: We do stand on the shoulders of former city commissioner, Mike lindberg and current city commissioner, Dan Saltzman, thank you. I thank commissioner Lindberg, for early pioneering work. I too want to thank publicly well deserved again, susan anderson, michael armstrong, also lisa libby and the planning and sustainability team in the mayor's office. I say this phrase in local meetings and venues and say it when I travel nationally, invited by others to share the Portland experience on climate action and our environmental -- and combined economic development efforts and as highlighted by the trends, this is great work. This is inspired, reducing our carbon emissions and we have to be humble that it's high praise on a low national standard and we have a long way to go to reach our full potential. The actions and accomplishments noticed in this report should give us encouragement and inspire to move forward in a tough recession and we're making progress and doing it in a way that puts Portlanders back to work. Aye. [gavel pounded] please read the title for -- yeah, please read the title for 1520.

Item 1520.

Fritz: Thank you, I asked for this item to be pulled because I think it's wonderful and I wanted people to know about it. I heard about it from a board member at resolutions northwest and asked mayor Adams if we could have folks come and tell us about it. Please go ahead.

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Rob Ingram: Thank you, and good morning, I'm Rob Ingram, the director of youth violence prevention and we've heard about the project for a year and a half and tried opportunity appearance efforts to try and figure out how to get funding. Good morning, Mayor and Commissioners. As the director, I'm pleased to bring you a well-proven at-risk prevention program which is asked to be sponsored through a grant agreement with your approval. The goal is to prevent opportunities for violation to occur by connecting community and service providers dealing with at-risk youth and their families. We accomplish this by facilitating communication and Mayor Adams through the office of youth violence prevention has offered to assist with grant funding for a second year of collaborative programming with the Parkrose School District. This program, during 2009-2010 and it helps Parkrose and middle and high schools turn disciplinary situations from negative to positive situations. Through this program, 96 days of out-of-school suspension were avoided as well as nine days of in-school suspension. And 105 days total. Next, I would like to introduce Betty, the executive director to further describe the program.

Betsy Coddington: Thank you very much and thank you for requesting we be able to give this information. We're in the third year of a three-year pilot project. Two years being collaborative pilot program with the city and county. In the Parkrose School District. We're focusing on Parkrose Middle School this year. Because focusing on both the schools last year was more than our resources would allow us to continue to do. This was a pilot project that was started at the request of the Department of Community Justice. As well as Parkrose Middle School, the D.A.'s office was involved with it for a short time. And we aimed to reduce the number of juvenile justice referrals directly from the school to juvenile justice. Decrease the disproportionate minority disciplinary referrals within the school system and to juvenile justice. Offer alternative processes, restorative processes for traditional discipline procedures within the school. And by doing so, repairing the harm that students created in whatever incident they were involved with, but also to provide real accountability for those students. And what we have seen is increased engagement of students within the school, engagement in academics by saving the days of suspension and expulsion. Long-term goal would be to impact the eighth to ninth grade counts. Which we think we're seeing it's happening and ultimately impact graduation rates favorably. The types of cases handled are anything that would go to the typical disciplinary procedures and/or juvenile justice. Harassment, criminal mischief, low-level assault. And theft. And we've prevented fights we've heard about that are going to happen after school. So it's not only intervention, but prevention as well. In addition to the 105 days of suspension, expulsion avoided, we served 60% of the students referred for disciplinary action were minority students and so we're really impacting the disproportionate minority group at Parkrose Middle School. 91% of the contracts that the students came together to agree upon were completed. And an additional 4% to 5% are pending but overall success rate if terms of contract completion is 96%. We're hoping that not only are we going to continue to keep kids in school and engaged, but again, improve the eighth to ninth grade counts as well as graduation rates if we can keep the pilot program going with the students we started with three years ago and track them through graduation. We'll have data to be able to prove that. We served 435 students last year. 262 unduplicated students so there are students who continue to get into trouble. And 208 different incidents were dealt with with restorative interventions. And I think that's all I have to share and I'd be happy to answer any questions that you might have.

Fritz: If I could just summarize.

Coddington: Yeah.

Fritz: You had 262 students at the middle school who do something they would normally get suspended for and instead, you bring them in for counseling and if necessary, talking with another student if it's an issue with a fight. Is that essentially the program?

Coddington: Correct.

Fritz: And what do you mean by restorative justice?

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Coddington: restorative justice Essentially relies on asking three questions: What's the harm? Who did the harm? What's the impact of the harm? And how can you repair the harm and avoid doing the harm again in the future? So what are our person housed at the middle school is walk the kids through those three steps and gets them to think of the consequences of their actions and get them to talk about how they're going to repair the harm. We're also providing relevant community service opportunities for these kids. So rather than suspension, they actually get to fix whatever it is. And that's really relevant to whatever the incident was.

Fritz: Thank you both for being here. I very much appreciate it.

Coddington: Thank you very much.

Adams: Anyone else who wishes to testify on this matter? Karla, please call the vote.

Item 1520 roll.

Leonard: Aye.

Fritz: Thanks for being here. This is an example of the mayor and council and the whole -- the news broke about a student who grew up in Portland public schools and people ask what do we do to help troubled kids and this is a great example. And thank you for your work at youth violence and resolutions northwest. It's also an example of later today we'll be voting on the gun restrictions that mayor Adams and the police have asked for and it's an example of what else we're doing to address the whole picture of what's going on in our community. I greatly appreciate the work you're doing. Aye.

Coddington: Thank you for your support.

Saltzman: Very impressive results. Good work. Aye.

Adams: Thank you. Aye. So approved. [gavel pounded] please read the title for item 1545.

Item 1545.

Adams: Commissioner amanda Fritz.

Fritz: Thank you, it's something I have on the regular agenda to highlight the work that commissioner Saltzman is doing with prevention of violence against women and girls. Which i'm happy to partner with him on working to put in this grant. It's not very large but it's another action in helping to deal with human trafficking and domestic violence in our city. Because of our proximity to marine ports and airports and i-5 apt progressive attitude of many of our citizens are, our city is a magnet for human trafficking and another reason to have this on the agenda is it's high time to recognize that prostitution is not usually a action that happens between consenting adults. Over 50% of the victims in our city are children and we want to address this not only with the measures that the mayor and commissioner Saltzman are doing in helping the victims and prosecuting those responsible, also by working on prevention. So adding to the problem is a low graduation rate in Portland public school where is in 2009, only 53% of the students graduated open time. Teens that drop out are at the highest risk of becoming victims of human trafficking and domestic violence is a serious issue affecting not only women but men and children with incidents in the Portland area increasing with the recession. In the last 14 months, almost 15 Oregonians have died as a result of domestic violence. Law enforcement along with other government agencies and community organizations are working together to support and rescue victims of human trafficking and violence. The need for this, specifically education to at-risk teens has never been greater and that's why we've teamed up. The receipt of this grant had allowed the city to partner with community agencies to prevent violence against young girls and women and continue a proactive role in eliminating human trafficking. And host a workshop from boys and girls 12-18 with a focus on preventing violence against women and girls in our community. Our participates include the Portland police bureau, volunteers of america, east Portland coalition group and assault resource center and I thank everyone who has participated in the grant application and help we have the opportunity to see this project out and when we get the grant which i'm hopeful we will we'll

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have another full presentation. In the meantime, thanks to commissioner Saltzman, and amy trieu and caroline at the girls strength program and the gateway center for domestic violence services.

Adams: All right. Anyone who wishes to testify on this matter?

Moore-Love: No one signed up.

Adams: Please call the vote on this emergency ordinance.

Item 1545 roll.

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

Saltzman: I want to thank commissioner Fritz, again, and sarah in her office and amy in my office for working on this grant. I hope we get it for all the reasons that commissioner Fritz has so eloquently articulated. Aye.

Adams: Aye. Thank you. Good work. [gavel pounded] so approved. Please read the title for second reading, item -- second reading item number 1546.

Item 1546.

Adams: Please call the vote.

Item 1546 roll.

Leonard: I appreciate mayor Adams bringing this to us. These are amongst the toughest issues as I spoke to the last time we had a hearing on this subject. It raises a number of -- of emotions for people on both sides of the debate but his proposal and dedication to seeing it through, I think is admirable. I'm pleased to support it. Aye.

Fritz: I agree. I greatly appreciate mayor Adams and chief reese bringing forth these discussions -- proposals and the discussions over the past month. This -- it's been a respectful and reasoned discussion and I think that's a good thing when sometimes these things are not so. Oregon law allows cities to regulate discharge of firearms and possession of loaded firearms in public places. And doesn't prohibit us from enacting curfew laws and reporting loss of guns and these measures are respectfully crafted to respect state and federal law and the constitution and still govern the things we are allowed to regulate. So I have -- appreciate the very careful approach. I agree with a comment commissioner Leonard made last week that if these changes can save even one life or turn one life around and get it back on the right track, we've done something right. I believe we need to revisit these changes in the next year and determine whether they've helped and look at the fees and I appreciate the clarification from the mayor's office that indeed, the 30 day minimum sentence would not apply to minors. That was one of the big questions I had. This is a complicated issue and obviously we have problems in the community where people not always young and -- people both young and old are shooting each other and that's not ok. And we need to try new things to see if we can get ahold of that. I felt there was good discussion last week regarding other mechanisms and as I alluded to in the previous items, we're doing other things and I think it was a good suggestion to address the small number of minors convicted of gun crimes with counseling and other mechanisms and we'll work on that too. Thank you, mayor Adams, aye.

Fish: I've received two different kinds of emails on this proposal, mayor. The first category says essentially this goes too far. And the second says it doesn't go far enough. Which tells me that we have probably -- you have probably crafted the balanced common sense approach as a first step. What is -- while there may be a debate whether it goes too far or not far enough, what's clear and no one on this council would deny, is that we have to do something. I live in northeast Portland and i'm tired of reading of shootings and homicides and gang activities throughout northeast Portland among other locations in our community. So we have to do something and as commissioner Fritz said, echoing what commissioner Leonard said last week, if our actions result in one life being saved, it's a worthwhile endeavor. A big question was made whether we had the legal authority to do this. Our counsel has looked at this and told us we do. Fortunately, we have something called the judicial system and if someone sues us and it turns out that we have to modify this proposal, then an impartial judge will tell us, not an advocate. Advice how to improve and strengthen this

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proposal. We need to do something, the mayor is right, in -- in addressing this with a sense of urgency. This is not a perfect solution and doesn't solve the problem. But it's a very important first step and I think it's a important statement by this council that -- that we want to end the senseless cycle of violence and protect young people in our community so I proudly support this ordinance. Aye.

Saltzman: Well, I do have concerns about state preemption in issues related to guns, and I believe the violence we've been seeing in our community tips in the balance of adopting these code changes. And I think that as two weeks ago, many people pointed out, we need to be investing in people and the success of young people who are caught up in gun violence and gang violence. And I think we have taken steps and will continue to take steps as a city council in that direction. I think in the last year and a half we've committed \$400,000 ongoing to gang outreach activities. And I know that chief sizer had secured an additional \$200,000 federal grant over three years. So I think that we're trying to strike the right balance between ordinances and making sure that we are addressing the needs of young people in our community. So I want to thank mayor Adams, the office of youth violence prevention, and also the Portland police bureau. Pleased to vote aye.

Adams: Well, thank you, members of the city council, for your encouraging words and support of this measure. I also want it thank chief reese and the team at the police bureau who are doing a fantastic job and helped craft this ordinance and thank district attorney, mike slunk and his team who -- mike schrunk and his team. And the great dave orville who advises united states on a host of matters related to public safety and the smart and difficult work of coming up with a set of local laws or local policy changes that breaks what has been almost two decades of legal silence on the regulation of guns and two decades of legislative silence on reducing gun murders and gun injuries, assaults in this city. I -- I want it make sure that those that expressed concern about this, especially concern about racial profiling, I want them to know that I absolutely share that concern and so does everyone involved in considering this matter. It is -- this is a unique racial aspect to this issue, as we've talked about last time, that we cannot, you know, pretend does not exist. Young african american males are killed by guns and injured by gun at a higher rate than any other segment of the population. And we want to -- we need to make safer our youth and make safer our african-american youth. The other concern raised, I think a good concern, is trafficking in illegal guns. And the state preemptions allow us to take additional action that would impact positively illegal gun trafficking, but the statistic showed that requiring reporting and requiring that serial numbers are included in the reporting significantly reduce the export of illegal guns from locales that have mandatory theft reporting of guns. For example, in the district of columbia, they -- the estimate is that there are 6.2 guns exported illegally out of the district of columbia for every 100,000 members of the population. For every 100,000 residents of the district of columbia compared to the 43 states that do not have mandatory gun reporting. Which is 16.1 guns and we need to reduce that supply this gun trafficking and seeking to make a positive impact on that, even if we can't enact all the policy or legislation we want. Just a reminder that four out of homicides in the city are committed by guns and on a national basis the -- a number of deaths of children by gun shows that half, almost half of the firearms used in unintentional or accidental shooting of children nationally were acquired by children from their parents. So while we -- the state preemption prevents us from doing all we would like to do to support responsible gun ownership, we're doing what we can. And I also want to thank warren jimenez, my deputy chief of staff, and thank robin springer and jenny burdick and commissioner shiprack and cease fire Oregon and the gang group who have had an contribution. Will this end up in court? Most certainly so. Will we fight it? Certainly. What's at stake? The safety of our youth. Aye. [gavel pounded] please read the companion resolution 1547 and call the vote.

Item 1547 roll.

Adams: Anyone who wishes to testify on this matter? Please call the vote.

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Leonard: Aye.

Fritz: We didn't talk too much about this two weeks ago and -- but it's the companion piece from the local public safety coordinating council which has recommendations and actions to help reduce youth and gang violence in Multnomah county and I believe the report is comprehensive and directs a well-thought out coordination and oversight process and the important part to me, it involved law enforcement and governments but also the communities that are impacted. Plus, requires the development and implementation of measurable outcomes for automatic youth and gang violence reduction strategies in Multnomah county. This is just a part of the strategies being pulled together to address this issue comprehensively and I appreciate the mayor's leadership on it. Aye.

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

Adams: Well, commissioner Fritz is right to highlight the importance of this measure. The fact of the matter is, we in the public sector and nonprofit sector best of intentions make it too hard for someone seeking to turn away interest a life of gun violence, to turn away from a life of violent crime. We make it too hard for them to do that. This requires us to do our part to make it easier for anyone seeking to turn away from a life of violence to be able to do so and do so successfully. Individual responsibility for everyone's action is absolutely key. But so is our job to make it easier for those who want to change their lives and to do so successfully and we'll do that by continuing to work on the comprehensive strategy outlined in 1547. Aye. [gavel pounded] so approved. Read the title for 1548.

Item 1548.

Adams: Hi, welcome, what are we looking at here?

Bruce Walker, Solid Waste and Recycling Manager, Bureau of Planning and Sustainability: Good morning, mayor Adams. Council. I'm Bruce Walker. The solid waste and recycling manager for the bureau of planning and sustainability. We have two ordinances. The first one is to allow a fee or appeals of any of our decisions, and quite simply, I -- we have an extensive set of administrative rules to make sure our solid waste and recycling program works. Our goal in our customer service program is to resolve issues and virtually all of those are resolved without getting into penalties and taking steps of more enforcement nature. Hauler not providing the right level of service, for example, or not remedying a problem. So occasionally one of our findings or a penalty would be appealed to the codes hearings officer and there's a cost associated with that administratively and like other bureaus in the city, the purpose of this proposal -- or, this ordinance, is to allow a fee to be charged for those who would appeal to the codes hearings officer. I -- I'll keep it at that. If there are questions, I'd be happy to follow up.

Adams: Discussion from council? Does anyone wish to testify on 1548?

Moore-Love: No one signed up.

Adams: This moves to a second reading next week. [gavel pounded] please read the item for 1549.

Item 1549.

Adams: What are we looking at here?

Walker: This ordinance --

Adams: For the record, your name for the record?

Walker: Bruce Walker.

Adams: I know you haven't changed, but it's the rules, sorry.

Walker: No, thank you, I'm Bruce Walker I'm the solid waste and recycling manager for the bureau of planning and sustainability. This allows us to charge a fee for the administration of the containers in the right-of-way program if a business or property owner seeks an extreme economic hardship provision. If they were to submit an application. We're in the process and will be holding a public hearing to fully develop and finalize the rules for this sticky issue of the extreme economic -- economic hardship exemption. That will be held in early 2011. That public hearing that will

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finalize those rules. This ordinance simply addresses -- that allows us to charge a fee and we will align our rules with our hopeful passage by council on this proposal.

Adams: Questions from council? Does anyone wish --

Saltzman: I have a question.

Adams: Go for it.

Moore-Love: We have a -- sorry.

Saltzman: There's a hardship exemption. Does it have a time limit or subject to the rule-making? In perpetuity or a year or two years, three years?

Walker: That's a good question, commissioner Saltzman. I -- our proposal will have a firm time limit and we're -- I -- as we put this out for hearing, we'll have the draft rules out in the next week to 10 days and it would have a one-year time limit on that. So --

Saltzman: The present proposal does have a time limit?

Walker: That's correct. However, we're going to go through a public hearing process to hear all sides and we'll finalize those rules but as of now, that would be the proposal.

Saltzman: Ok. Thanks.

Fritz: I'm not tracking this. Why are we doing this now rather than doing the rules first?

Walker: We held a rules hearing last year and there were many questions that came up. So we're rewriting our administrative rules and hold a hearing. What -- what the importance of this is to set that there will be a fee for -- and we'll align the rules, because right now, there is not a specific fee associated with -- with any application for extreme economic hardship. We believe that's an important step. We're requesting council approval of that and with that approval, it would help set in motion our administrative rules and firm that up and we would write everything in our rules to indicate that there would be a fee associated with this. We need council approval to charge a fee.

Fritz: And are we going to see the administrative rules?

Walker: Yes, we'll circulate those --

Fritz: We're not having a public hearing on them?

Walker: We'll conduct the public hearing. The bureau of sustainability and -- planning and sustainability.

Fritz: Is this council's only opportunity to weigh in on the policy issue?

Walker: No, this -- today is not an attempt to address the containers a in the right-of-way in a broad spectrum. Council's adopted policies before and part of the issues, there was adoption by city council that there be an extreme economic hardship exemption process be established.

Fritz: Right.

Walker: And it -- it's given our bureau direction to establish that process, and we do that through a public rules hearing. We'll circulate those rules and discuss those -- or -- beginning later this month. The circulation in a public hearing, early next year.

Fritz: But, I'm not going to have an opportunity after this to discuss the level of the fees or the principles involved in -- in the administrative rules?

Walker: We would --

Adams: We can -- the -- is there any legal reason, ben, because sometimes we do administrative rules process to keep from something going unintentionally tripping from a fee to a tax. I'm fine with bringing back the proposed administrative rules for airing out with council, but I don't want to get hung up on anything.

Ben Walters, Chief Deputy City Attorney, Office of City Attorney: The council adopted policy regarding containers in the right of way (ROW) it specifically delegated to the bureau the responsibility for developing administrative rules. If the council would now like to have those administrative rules presented in their final form after the public hearing process, because there is a rules adoption process that is set out in the code for the bureau of planning and sustainability. If it would so like to have those rules presented to the council in a report form that is up to the council.

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Fritz: I'm coming into this, even though I have been here nearly two years now, the previous rules were adopted before the beginning of 2009 right, so I'm trying to figure this out. Thank you, that is very helpful. And thank you Bruce, you've been extremely helpful both to me and constituents over the past two years in answering these questions. I'm happy to go forward with public testimony at this point. And it's not an emergency ordinance right,

Walters: That's correct.

Fritz: so we can figure it out before the second reading. Thank you.

Adams: Any other discussion? Anyone wish to testify?

Moore: Yes. We have two people.

Adams: Welcome back, mr. Anderson. How are you? And mr. Mills, come forward.

Daniel Anderson: I'm reasonably well.

Adams: You are reasonably well. Are you fighting a cold like everyone else?

Anderson: No.

Adams: Oh. Don't get too close to commissioner Fritz because she's got a cold.

Fritz: No I don't have a cold.

Adams: Oh I thought you had a cold. She's just flummy.

Fritz: Right.

Anderson: It's a shame your colleagues can't join us. For the record, i'm daniel anderson, I reside at 2144 northwest flanders, Portland, 97210. Because I live in a pre-war neighborhood, I contend with dumpster storage on the sidewalks on a daily basis. I was also a member of the council appointed crowd work group on this topic a couple years back. Item 1549 looks simple enough, just an ordinance to allow the folks to collect fees. But there's a bit more here than meets the eye and I think you were poking around at that reasonably effectively, commissioner Fritz. First of all, the proposed level of fee is laughably low. At the end of the day economic hardship is an economic analysis and an economic decision. Fees at this level will ensure pursuing an exemption for dumpsters will almost always be more attractive than code compliance. It's a get out of jail free card. You ought not be in the business of passing out those cards. Second, there's nothing in this item which places a time limit on exemption renewals, and the existing code allows exemptions to be renewed ad infinitum. You need to double back to that and correct that oversight. If there are to be exemptions from the general policy holding dumpsters don't belong on our sidewalks, they need to be short, of limited duration and narrowly targeted to assist transition to compliance. Third, the staff transmittal memo in its discussion of potential support in opposition, speculates airily about who may or may not support this. Curiously, the staff memo omits any kind of candid summary of the public testimony given at the sole public hearing conducted relative to exemptions. That hearing happened in november of '09 prior to the last attempt by the bureau to bring this fee to you.

It was pulled from the agenda the morning it was scheduled to be heard. That was november 12, 2009. Turns out at the public hearing the testimony unanimously opposed exemptions in dumpsters on the sidewalk and no testimony written or oral in any form was addressed advanced in support of dumpsters on the sidewalks, and exemptions thereto. To simply speculate in a rather unanchored way while failing to cover the actual substantive record ought to trouble you. It certainly troubles me. I for one reject that approach. These are of a piece. And I would urge you to do -- this is an issue with a long history, as mr. Mills will probably tell you, it's been the subject of multiple ombudsmans' reports, one of which comments the problem is on the order of a century old. You need to be more proactive about solving problems. So I urge you to do two things today. First, take no action on the proposed ordinance, send it back to the bureau to address concerns over the level of fees, the effective open-ended duration of exemptions and the like. And second, I would encourage you to reaffirm from the dias today the city's commitment to getting all dumpsters, not just some dumpsters, off the sidewalks by a date certain, not more than a year from today. Thanks for your time and consideration today on behalf of all the citizens that have worked to get dumpsters off our

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sidewalks, thanks for your continuing commitment to make this an exemption-free reality sooner rather than later.

Adams: Thank you for your advocacy on this issue. Mr. Mills, welcome back.

Michael Mills, Ombudsman, Office of City Auditor: Hi, I'm Michael mills, ombudsman for the city of Portland. Thank you for the opportunity to make some brief comments today on this. I want to thank dan as well for his years as a yeoman doing the public interest viewpoint on this issue through the crow committee. I want to thank commissioner Saltzman and former commissioner francesconi for five or six years ago launching an effort to come to a resolution. I want to thank the bureau for the very difficult task that's been to come to grips with how to deal with this last item, the extreme financial hardship waiver. And I think we're this close, we're at the final tail end of this, and I appreciate the bureau's rules and regulations that will place into effect a definitive time for the exemption given to last. I think the final question that hasn't been answered here today that I am seeking the council's direction on is to direct the bureau in their rule making to make sure that it is a finite time frame. That's a date is set and it's not able to be renewed. As we can issue an exemption for one year, that's a finite time frame, but if we allow it to be renewed indefinitely it will continue and continue. So I think what's needed, and city attorney might be able to provide any other clarification, is just for council to give their intent that they want a certain time for this to be completed and have the businesses come in to compliance. That's what i'm recommending. Thank you.

Fish: Is thursday too soon? Friday at the latest.

Adams: Thursday is too soon. Ok.

Saltzman: I just want to -- I think when I was asking bruce walker the question about the duration of an exemption, I guess really it's really what you're hitting on. It's the ability to renew an exemption. And I think that's where we have to have a finite time line. Whether it's one year or some other period. But I believe we have to give integrity to the notion we're going to get containers off our sidewalks, we have to do that. In items of legislative history, to the rule makers that's where I come down.

Adams: Is there any other advice to the rule makers?

Fritz: I agree \$250 is laughably low, as mr. Anderson said, and that doesn't seem to be a lot of money. It seems preferable to pay that fee every year rather than finding a place to put the dumpster elsewhere.

Adams: Any other comments from council? Thank you both.

Walker: Bruce walker from the bureau of planning and sustainability. One of our jobs is to hear both sides of the story. We have received testimony, it was not unanimous at our public hearing. There was strong interest. This is a tough issue to solve on some of these crow containers in the right of way issues. We have worked closely, we've established new rules, haulers cannot deliver containers that are set out in the right of way anymore. There are no new crow -- so we are making substantial progress in resolving this issue. So the question becomes, how much should our proposal is to have an extensive application process, sharing financial records from a business, that is in their terms, they would be saying they're in extreme economic hardship. So we're trying to balance between, is \$250 too low, or should we even require business to -- who's having economic problems to pay a fee? So we're trying to balance that, and then I just want to make it absolutely clear, writing the check and summiting an application does not guarantee approval. So i'd request that you adopt the ordinance with the fees and allow us to conduct the hearing that would provide what I think will be rules that will address community needs, both of business community and the goal that we have to remove these containers from the right of way.

Fritz: I appreciate your point about the economic hardship, particularly right now, so maybe there's some kind of graduated fee. It depends whether we're actually talking about leasing the right of way for permanent storage of these containers. And I think -- i'm currently discussing franchises,

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putting things in the right of way with the office of cable communications and franchise management. There we require companies to pay \$2,000 to apply to put an Antenna on a pole. And there are considerable rental fees for having -- franchise fees for having -- for the use of the public right of way. I think that -- I wasn't involved in the policy discussion that was adopted before I got on the council, but I do think that needs to enter into your thinking that the time if in fact we're renting space on a permanent basis, then \$250 a year is not enough.

Fish: Respectfully, one thing I would be interested in, to the extent we have other hardship programs, what are the fee structures and to what extent have we determined those are barriers? For example, commissioner Leonard and the water bureau have a hardship program for people who can't afford on pie their water bill. I'm assuming we don't have a fee that prevents people from exercising that hardship program. And so there is a balance here about what -- whether a fee, which may be the fee necessary to commensurate to the privilege we're extending, it becomes a barrier to someone who is otherwise eligible from applying. I don't know the answer to that, but we do have lots of other hardship programs in the city. I would be interested in knowing where this fits in line with those. The other question I had is, to what extent does this particular issue intersect with food carts?

Adams: It doesn't particularly because The sidewalk -- the Food carts are on private property it's a different bureau, food carts are -- the food carts on private property, most of them are. This doesn't impact them as long as they're not doing business on the sidewalk. The customers can be on the sidewalk, the food carts that are on the sidewalk get permitted by us.

Fish: I want to flag this for your consideration. I am a big fan of food carts, enjoy, have my favorites, but increasingly food carts are -- they're all over the place, there are seating and tables and other things, including garbage receptacles in the right of way, structures being built adjacent to them, and there is storage in the back and front. And i'm guessing this is a fairly new phenomenon and therefore the regulatory side is playing catch-up. But my sense is that you are going to have some people who have food carts who might be seeking this hardship exemption, and i'm not clear about what the rules are that apply to those small businesses.

Adams: We'll look at it.

Leonard: If I could address the issue of the food carts, I too have had an increasing concern, which is not directly related, as you said, to this issue, but to respond to commissioner Fish, to what appears to be improper if not illegal additions being added to the food carts. In meeting with the management of the bureau of development services, they -- because of the staff cutbacks they've not had The resources necessary to dot enforcement action they normally do, but i've asked them to reallocate resources to specifically address what I consider to be public safety hazards with the additions of improper additions, illegal additions you've identified as well by taking enforcement action against those kind of things that you've listed that you have observed with food carts. We're also working in the early stages of developing a code for food carts, because they are growing, and they do offer some competition to restaurants that have fixed costs that aren't necessarily associated with a food cart. So we're beginning the process of developing a code, some cities such as seattle have just taken the option of banning them. They don't allow them. We're trying to find a balance where they can be allowed, but in a safe way and in a way that complies with health safety laws, fire code, and building code regulations.

Fish: If I may, this is -- i've noticed the proliferation of those structures, including overhangs and places where you can sit --

Leonard: Those are generally illegal.

Fish: I assumed so. Commissioner Leonard, if a landlord does a build out in a building for a tenant and does a buildout, I believe the landlord is either primarily or secondly liable on the building code issues.

Leonard: That's right.

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Fish: Even if the money is -- is there a way because of the limited resources that your bureau has, to look to hold the property owner, the lessor responsible.

Leonard: Not only is that what is going to happen, I have met specifically with the primary property owner of those carts and told him it would be in his best interest to preemptively go to those food carts and have them brought up to code or he would be liable and his company. What is going to be coming rather soon.

Fish: Thank you.

Adams: I think that's a useful discussion. Let's focus back on this.

Fritz: Yes. I'm not going to be comfortable next week voting on this without more information. And without more direction on what's going to happen with the rule-making process.

Adams: Ok. Let's --

Leonard: If I could, i'd -- specifically on this issue, to what extent is the regulation of the containers in the right of way, these rules being coordinated with the bureau of development services?

Walker: We've contacted the bureau, but until earlier this year, we had an interagency with bds to follow up on the actual enforcement. We now have one of our staff do that work beginning this fiscal year. So that we go -- because we have the primary contact with the haulers, and we -- so we've done the follow-up, but --

Leonard: Even if it's reported as a nuisance?

Walker: It gets reported as a container that's out on the sidewalk, typically. So if it comes through the nuisance, they would notify us because we're now the ones following up.

Adams: It's in the right of way --

Leonard: I missed that change, because I get these kinds of complaints periodically, and then I forward them to our nuisance folks. But they end up forwarding them to you. So you get -- so you guys then actually go out and look.

Walker: We do on-site follow-up and we've had significant progress in removing the containers. The remaining piece is this economic hardship.

Leonard: So I guess, that leads me to the point of asking and i'm sure if you folks are out there on the ground looking, is there truly no other place for these containers to be, but the sidewalk or are people looking for a more of a convenience by leaving them on the sidewalk and calling it a hardship? And I raise that issue not just as a matter of concern with the health and sanitation issues and the obstruction issues. These containers often become the sources of a discarded cigarette or sometimes intentionally lit, and then will catch the building on fire. We've had a number much great alarm fires in Portland in high-rises that started in these kinds of containers that are accessible to the public on the sidewalk. So I guess i'm wondering, how much we challenge the conclusion that a property owner reaches that they can't find any other place to put the garbage but on the sidewalk? Do we actually go in and look inside the building and ask why not there, why not there? Or if maybe you can't use a container, maybe you have to use a drop box, maybe you have to use a number of smaller containers that you then bring out to the sidewalk on garbage day?

Walker: Those are exactly the steps we take when we work with the building owner. And in many cases, we've been able to resolve these. But some owners that -- city code says there shall be an economic hardship, extreme economic hardship process. Some are -- some business owners are aware of that. And they say to us, as soon as you get the rules adopted, we will apply for that because we can't resolve this issue. Until we have those rules in place, it becomes a lingering issue that I think has been pointed out here is causing concern in the community on some of these -- at some of these properties. So --

Leonard: I guess, What i'm trying to identify is, and I appreciate your perspective, but there are other perspectives as well, the hazards created for -- by dumpsters accessible to the public that are there 24/7, they include public safety concerns. So beyond it possibly being inconvenient, it could

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also create a hazard to people in the Building. If it's left outside. So i'm wondering if we agree what the property owner after we do our own eyes-on check, that there is no possible way economic concerns notwithstanding of storing garbage in the venue within which it's generated.

Walker: Well, The policy is that it shall not be allowed unless they've gone through this extreme economic hardship. So the businesses we've worked with, many of them have had difficulty, some are transporting their garbage out in bags to an adjoining property owner. They've made it -- in other words, many businesses have taken the right steps and we've removed a large number of these. So the only way they're going -- any business is going to have in the future to have these is if they go through this process. And we need to conduct a hearing to establish the rules to carry out that process. So in the future, I believe we are going to move to essentially container-free sidewalk of crow issues.

Leonard: Except for those that apply and are granted some waiver based on an economic hardship.

Walker: Correct.

Leonard: I'm actually questioning the logic of that.

Walker: That is in city code right now. We need -- that would be the policy level that --

Leonard: I appreciate that.

Fritz: What's the definition of extreme economic hardship?

Adams: That's what we have to establish.

Fritz: So if the business becomes more prosperous, they come back for their annual renewal they don't qualify for it anymore?

Adams: Great question. They -- that's the whole purpose of the next step, is to -- right now they've got protocols in place that they have to go out on site, they determine whether or not structurally economically, from a facility operations standpoint sort of is it possible structurally? Almost anything is if you have enough money. What's an appropriate level of investment? Those kind of things. What they're doing now is they're going back and redefining those based on this early experience that has been less defined, and needs to put more rigor to definitions of what is economic hardship and everything else. What I would suggest, and this is a hundred-year issue for a reason, what I would suggest is that we make available to each of your offices individually before they go out for that hearing making, so that they can -- I would like more numbers in terms of where did we start, where have we done, different categories. I've got a few additional questioning prompted by this discussion. I'm happy to then have the -- with that individual direction and this direction from council, either bringing it back to council or proceeding with administrative rules, either way, once you look at some of the additional details, If you decide to do administrative rules, i'm happy to air them back out with council. We do want to get this right. We do want to eliminate these obstructions and I think your points around fire dangers are really important. We do want to do that. We are trying to strike that balance. Does that --

Leonard: I'm just suggesting that, i'm not so much criticizing the rule-make process as I am saying our criteria should include public safety concerns in addition to sanitation concerns, or accessible concerns. Access concerns along a sidewalk. Or noxious odors concerns, which I get, or noxious streams of liquids which I get complaints about emanating from these things. Those are legitimate concerns, that go to the livability and kind of health of an area, and i'm speaking to a narrower but potentially very important issue that would include public safety. When we go to look at one of these sites, I think we should think of all of those typical things that one hears complaints about, but also the public safety concern of having them out on the sidewalk.

Fish: I'm playing catch-up and trying to understand this, it sounds to me like whatever policy is put in place would benefit from an automatic review process that goes to bds and go to fire at a minimum, with a specified criteria of just determining were there's a Public safety issue that trumps the even the consideration of economic --

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Leonard: That's right.

Fish: As a routine matter. So if as you said, proximity to a building, fire hazard, whatever, that gets some other eyes are on that and it comes back to bps for the administrative side.

Leonard: Much like we would do, this isn't your shop, sometimes it helps to draw an analogy to point out the point, if a building owner came and said, I can't any longer afford to have this fire escape on the side of my building, and it's an economic hardship, what is the process I need to go through to have it removed? I mean, one set of eyes might agree, yes, it's going to cost you \$50,000 to restore that fire escape. Another set of eyes would say there's no conditions under which you should be allowed to remove it. I'm addressing that via that venue. It's possible make a check-off with fire would be necessary extra set of eyes and experiences that would allay the concern I have.

Adams: Since we've started this a hundred years ago, and I think michael mills, whose family I think wasn't one of your relatives mayor a hundred years ago? So we can hold you accountable? [laughter] he's from an old Portland family. Since we started just this most recent effort, the laws around on smoking have changed as well. So as you were talking, I was Thinking, could I see people hanging around dumpsters smoking, and it's a new law, so I think those are important points. Let's make a round of individual council office discussions. We'll pull this back to my office since it's a non emergency and go from there. It's been a very good discussion. Thanks for your patience on this. Appreciate it. All right. Unless there are objections, it moves back to my office for further work. [gavel pounded] Can you please read the item vacation -- vacation of a street ordinance item number 1550.

Item 1550.

Lance Lindahl, Right of Way Agent I, Bureau of Transportation: I'm lance from the Portland bureau of transportation. Here today to answer questions you have about the proposed vacation of southeast 21st avenue north of ochoco street.

Fritz: I haven't had a briefing on it. You don't have pictures and a presentation?

Lindahl: I do have pictures, yes.

Fish: Have you received any objections?

Lindahl: I have not. Very early on I was in direct contact with the president of the sellwood moreland association, and they were supportive.

Fish: Are there any procedural problems with the application that you want to bring to our attention?

Lindahl: This one has been very straightforward. No controversy or opposition during the process.

Fish: Thank you.

Fritz: It says in the record there's no response from sellwood moreland or southeast uplift.

Lindahl: That's right. Early on in the process, which was two years ago now, I was in direct contact with paul knotty, the then president of the neighborhood association. Later on in our official notification process, we did not receive notification back.

Fritz: So this is the spring water trail to the --

Lindahl: Yeah, it's down there, so this is south of the springwater corridor biopath.

Fritz: What's here?

Lindahl: It's all an improved right of way.

Fritz: Wouldn't people -- why is there currently a house here?

Lindahl: There's a number of encroachments built by previous property owners in the public right of way. And that was the reason for bringing a vacation proposal forward, was to legalize those.

Fritz: How long ago?

Lindahl: The home was constructed in 1930. So 80 years ago. It's now used for commercial purposes. Playing catch-up on this one.

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Fritz: I see. Well, I concur with commissioner Fish's comment that the -- there haven't been any objections, I would like you before we vote to revise the findings regarding the comprehensive plan being met. Stating that the comprehensive plan has been met.

Lindahl: Ok.

Fritz: Other than that, it would have been helpful to have had a briefing on this ahead of time, but I appreciate you having --

Lindahl: You're welcome. I just want to add one other note about the spring water corridor. This vacation stays -- we were in contact with metro, which owns the land that this portion of the trail is on, and we were careful to craft the vacation so it does not include an area they use for trail purposes, and the trail is elevate order an earthen berm, it's about 20 feet higher than the vacation area. So it's literally impossible for users of that trail to access this portion of the right of way to get to ochoco street.

Fritz: With the property -- with the buildings being built in the right of way, how does the reversion to the adjacent property owners go? The properties on this side, will they -- how have you figured that out?

Lindahl: The reversion is actually determined by the county cartography department based on how the land was subdivided originally. In this case the land will split 50/50 down the center line of the street. So the property owner on the east, mr. Baker is aware that there's a concrete driveway that will revert back to him as a part of that property.

Fritz: But it -- but it does regularize the buildings that were -- the buildings that will now object their own property?

Lindahl: Yeah. Right.

Adams: Ben. Do you have a comment?

Walters: I didn't mean to interrupt the conversation, but at the conclusion I have a point to make.

Adams: O.K.

Lindahl: The home, the larger structure that actually encroaches is only about a foot into the public right of way. The other structures are shed and storage units that have been moved out of the right of way.

Fritz: Thank you very much. That's a good clarification.

Lindahl: You are welcome.

Walters: To the extent there's an amendment that should occur today by council motion, otherwise it would be amended at the second reading, which would cause it to be delayed by a week, and there won't be any council meetings after next week for the remainder of the month. So we want to move this along on a timely basis, it would be appropriate to make a motion to amend it in conference ever performance with commissioner Fritz's comments today so it can be vote order next week.

Fritz: So moved.

Fish: Second.

Adams: What's the motion?

Fritz: To amend the findings to detail the comprehensive plan compliance.

Adams: Motion is to amend the findings to reflect the statement just made by commissioner amanda Fritz. It's been moved and seconded. Any discussion on that? Karla, please call the vote on the amendment.

Item 1550 roll.

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

Adams: Aye. Anyone wish to testify on 1550?

Moore-Love: No one signed up.

Adams: Moved to second reading next week. [gavel pounded] please read the resolution item number 1551.

Item 1551.

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Adams: The city attorney just left the room. Ben, what are we looking at here?

Walters: Council, ben walters, city attorney's office. What this ordinance authorizes is the city to participate in an amicus filing with the u.s. Supreme court responding to a ruling out of the east coast pertaining to the -- aban attempt by the city of new york to increase by regulatory requirement the amount of hybrid vehicles within its taxicab fleet. And as pertains to the climate action plan discussion earlier today, this is an aspect of climate change that we are interested in, as was described in the testimony vehicle emissions are a significant contributor to greenhouse gas emissions within the city, and anything we can do to address that, bps has worked previously with licenses in an effort to study going in that direction for the vehicle fleet here in Portland, that was put on hold when the district court in new york city ruled that new york city's efforts were preempted by federal law. There's a consortium of cities led by the city of chicago that is going to be preparing a brief urging the supreme court to take this case on for review, and we at the Portland level will incur very the in the way much cost. We're just signing on to the brief, but this is to allow the city attorney's office to do so.

Fish: I have a friendly Amendment. This has a flavor too me of lt2 and the friendly amendment would be that as -- since the process of challenging the court ruling on preemption is going to take some time, since there's going to become a legal question of whether the feds did or did not intend to limit our right to mandate hybrids in our taxi fleets, perhaps the friendly amendment would be that we add this to our legislative agenda as a matter to discuss with our delegation if there's a -- an administrative fix which would cure this and obviate the necessity of the litigation. Since preemption is an ultimately a question of federal intent, and the supreme court will decide it, but in the short-term we could simply ask our delegation to seek a clarification that ha was not the intent to --

Walters: I see. We could work with government relations on that.

Adams: So your saying Proceed with resolution --

Fish: Just pursue the legislative -- it might be a cleaner path.

Adams: Absolutely makes sense.

Fritz: My understanding of the reason we would engage in this is because it -- the ruling -- on issues we care about.

Walters: Correct.

Adams: So the legislative -- unless I hear objections from council, it is the legislative intent of council to pursue the dahl track approach to fixing this that was just stated by commissioner nick Fish. Is there anyone that wishes to testify on item number 1551? Karla, please call the vote on this resolution.

Item 1551 roll.

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

Adams: Aye. [gavel pounded] resolution is approved. Please read title for procurement report item number 1552.

Item 1552.

Adams: Ms. Moody, welcome back.

Christine Moody, Purchasing Manager, Bureau of Purchasing: Thank you. Christine moody, procurement services. You have before you a procurement report recommending a contract ward award to the low bidder. The city identified 21 divisions of work for potential minority women and emerging small business subcontracting opportunities. Subcontracting participation on this project is at 10.8%. And work is being performed in the areas of carpentry, plumbing, roofing, metal fabrication, fencing, and trucking. Dan hebert from bes is here to answer technical questions about the project, otherwise we'll turn it back over to council for additional questions.

Adams: Discussion from council? Does anyone wish to testify on procurement report item number 1552? All right. We don't do motions, right? Just vote on these? I can't remember.

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Fish: So moved.

Moore-Love: Sometimes we do.

Adams: Well, we don't want to waste commissioner Fish's motion.

Fritz: Seconded.

Adams: It's been moved and seconded. Please call the vote.

Item 1552 roll.

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

Adams: Aye. [gavel pounded] 1552 is approved. Can you please read the title for emergency ordinance item number 1553.

Item 1553.

Adams: Commissioner dan Saltzman.

Saltzman: I'll turn this over to our children's levy system director, who will walk us through this collaboration that we have with the gates foundation to help families that are subject to trauma.

Meg McElroy: Thanks commissioner Saltzman, mayor Adams, commissioners, thanks for having me today. I'm meg, assistant director with the Portland children's levy. I'm coming to you today to talk about a very unique and interesting project that we have the opportunity to collaborate with the bill and melinda gates foundation to fund services for families who have experienced intense trauma. I just want to remind folks that with the Portland -- what the Portland children's levy is, and i'll talk about how we came to come to this collaboration and what the project specifically is. The Portland children's levy was created by voters in 2002 and Was overwhelmingly renewed in 2008 so it's a five-year property levy. And so far it's in its second five-year span. It annually invests roughly \$12 million in over 70 programs that are proven and cost effective and reaching 16,000 children and families in the city of Portland. Over the three years of its second -- in its second five-year span for its first three years it will invest a total of \$90 million through 2012. It focuses in five program areas. Early childhood, after-school, foster care, mentoring, and after-school programs. Just a snapshot of who we serve. Over 60% of the children served by the levy are children of color. Over 25% speak a language other than english. So spanish or other languages. And just over 50% live in southeast and northeast Portland. Smoot jeremy otten of our programs serve children who are on that -- at risk perhaps for negative outcomes or affected by negative outcomes. The levy using tax dollars wisely. It's audited annually and operate was a 5% administrative cap. So 95% -- 95 cents of every dollar generated goes directly to the programs. All the programs are monitored by staff. Grantees are selected typically through a competitive process with the exception of our \$3 million leverage fund which seeks to match our public dollars with private dollars to maximize what we're able to do for Portland's children, and that's what brings me here today. I'll talk more about that momentarily. And the 11 singling -- signaling overseen by a five-member public commit. Dan Saltzman chairs that committee, commissioner deborah kafoury sits on that commission, it has two citizen appointed representatives, one from the city and one from the county, and ron beltz represents the Portland business alliance. The allocation committee meets monthly to quarterly, it needs -- and most recently it has spent a lot of time looking at its leverage fund opportunities. Part of which host has gone to challenge grants in which providers proposed to the allocation committee how they would raise additional private or other public funds to match levy dollars for projects. And another set of the leverage funds was set aside for the purpose of collaboration directly on the part of the levy with other funders. So \$500,000 was set aside in january for levy staff or other funders to work together on projects of mutual interest. And in order to get that effort up and running, the allocation can be authorized, the establishment of a working group that we call our collaboration committee, that's made up of other funders including representatives from social Venture partners Portland, the united way, and northwest health foundation, and the chalkboard project to seek out ideas for collaborative programs in our community that. Group has met monthly since january trying to sort of sketch out a framework for

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how they might screen these collaboration projects and also to come up with potential projects for funding. Most of the collaboration grants unlike our other projects are hopefully going to focus on system improvements commas building. They may have a direct service component which is what our other grants do, but this is a unique opportunity for us to look at what are some of the issues facing children's services in our community how might we better provide them or effectively and more efficiently for children and families. The committee's framework through which it is screening potential projects is looking at leverage first and fore most, how much is the leverage in terms of dollars, but what other resources or partnerships are being brought by the potential project, making sure there's a very clear theory of change that is articulated, understanding what are we seeking to do and why. There is an emphasis on capacity building and system improvements, particularly fit 50s current levy grantees. The committee is looking for projects that sort of balance high support from other funders or maybe new ideas that haven't had a lot of momentum yet. And then with this half million dollars they're look at funding maybe four to five projects in total. So our working group of collaboration committee members or funders are generating these ideas and then sending them out to the allocation committee for votes. This is the first project they have recommended and that the allocation committee has approved. So the project that i'm here to ask for funding today is called recovery services for families with trauma history. And the goal of the program is to reduce child abuse and neglect among families that have had a very serious history of trauma. Particularly for moms and those kind of trauma histories may include things like sexual abuse, extended abuse of a child, domestic violence, substance abuse, by themselves or generationally in their family, or other serious mental health issues, they may be experiencing or that have been -- have affected them throughout their lives. This project was generated out of some learning that came through the bridges to housing project. For those who aren't familiar with that, that's a regional initiative between Multnomah county, clackamas county, clark county in Washington, and Washington county to try to stabilize chronically homeless families. So housing providers and social service providers are providing permanent housing up to two Years or more and intensive case management services for very chronically homeless families in the attempt to stabilize and improve outcomes for those families. And Portland state university is regional resource institute has been ewill evaluator. One of the things they discovered in their evaluation was there was a subset of families for whom bridges to pham housing wasn't working and the common sort of experience of those programs was a trauma history for the moms. And so they proposed to the gates foundation who had been a long-time funder of the project, to: 00 at what's going on with that population and try to provide some intervention that would help really bring those families into housing and help them be more successful. And the gates foundation has put forth \$225,000 over three years toward the model that psu's regional research institute has proposed. But the gates foundation funding was conditioned on getting local funding, so the levy has proposed to match that grant with \$100,000 over three years. The project will provide group psycho therapy to 30 mothers with a history of trauma, at their housing sites, each year for three years. And the regional resource institute of Portland state will be providing what is called the trauma recovery empowerment model, an evidence-based process that's recognized by the federal substance abuse and mental health services administration. And while they'll be providing That intervention, they have housing partners, social service partners impact northwest and catholic charities that will be providing the housing and the case management to the families. So psu will provide the main intervience and their housing partners will work with the families to help meet their ongoing case management needs. In addition to the actual direct service, psu's research institute will be working with those providers who are also levy grantees to look at how they deliver services to families in a trauma informed manner. So there's been a lot of work in this community in the past five years overlook at how to provide trauma informed services to young children, but one of the gaps that we have is how do we provide trauma-informed social services to adults

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particularly mothers. So psu will be work with those organizations to do assessment and capacity building around improving their awitness to do that. So this project is really a pilot on a lot of levels, and it's getting a lot of attention, the county is quite interested in it, their human services department is look at what it -- what learning might come out of this project to inform their mental health contractor locally and about two weeks ago Portland state held an introductory event with stakeholders to roll out their announcement of getting the feats funding, and they were over 60 people in attendance from all sort of different Departments that you could sort of envision might be interested in this work. So there's quite a bit of excitement. I'm hoping to answer any questions, and get your approval on \$100,000 in funding for this project.

Fish: I have a couple. So a couple things. Last year the gates foundation contributed about 80 something million dollars to homeless prevention and homeless services in the state of Washington.

One of my roles as the housing commissioner, we have been advised by hud that we have to become more assertive in dealing with foundations to help us backfill our needs. So first since we too plan to make this pilgrimage in january, i'd love a copy of your grant application, and also to know who did it in your shop so we can debrief them to figure out the best approach.

McElroy: Ok. We didn't actually write a grant application. We just negotiated directly with a particular grant officer at gates, Portland state put in the grant application, so I can ask for their grant application.

Fish: If we could see what one looks like, and then we would benefit from a briefing at some point on your experience with gates. Again, we hope to at some point convince them to extend their geographic boundaries beyond the state of Washington to include Oregon, particularly in the area of homeless services.

McElroy: Ok.

Fish: You mentioned bridges to housing. It raises an interesting question, because the city is a partner with the council on bridges to housing, but the city has not been able to make the kind of investment we would all like, simply because our budgets are strained. But it is a wonderful program, and at budget time what I will be interested in doing is figuring out holistically who is spending what at the county, the city, through children's levy, and other groups, because we are moving towards a model that's trying to track all the money into the system, and figure out how best to spend it. While these independent measures and initiatives are potentially very fruitful, I think the trend is to try to harness them and link them up and see how they all work together. And if this program means that the money that otherwise was going to be dedicated can be reallocated, or if there's county money that can partner with this, it is a broader discussion that would be useful. It one system with a lot of different players playing a constructive roll. The other question I had, and I didn't see it in the materials, is how were impact northwest and catholic charities selected?

McElroy: That's a good question. I don't know the direct answer to that, Portland state would really know the answer, but mainly I think because they are two bridges to housing providers. They provide -- they have units allocated for bridges to housing Families. And they also have the staff who provide the case management. So my assumption is they were natural partners already, and since these families were essentially families that were unable to be successful in the bridges model, these two providers out of the handful of providers doing bridges were willing to undergo this model and look at how do we better serve these families who aren't able to make it and what we're already providing.

Fish: And i'd like to know more about that, because we are often constrained by having to go through rfp processes, or other competitive bid processes. If there are other mechanisms for funding existing providers, I would like to know what your experience has been with that. And whether it's something we can learn.

McElroy: Ok.

Fish: Thank you.

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McElroy: Sure.

Adams: Additional council discussion? Is there anyone here that wishes to testify on emergency ordinance item number 1553?

Moore: No one signed up.

Adams: All right. Karla, please call the vote.

Item 1553 roll.

Leonard: Aye.

Fritz: Thank you, Megan, and thank you commissioner Saltzman for your ongoing great work on this. Aye.

Fish: Aye.

Saltzman: I want to thank the staff, but I also want to thank our Portland voters for being able to have these \$12 million in annual investments in Children's -- in children be available, and for us to be able to leverage our public dollars with private dollars in this case the gates foundation, to maximize our public expenditures and our ability to help kids who need help. Aye.

Adams: Really great work. Thank you, commissioner Saltzman, the voters of Portland, and the great team have you in place. Aye. [gavel pounded] 1553 is approved. We are recessed until 2:00 p.m.

At 11:54 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.

DECEMBER 1, 2010 2:00 PM

Adams: City council will come back from recess. It's 2:00 p.m. Hi Karla. Could you please call the roll? [roll call]

Adams: We have two time certain items. The first is at 2:00 and the second is at 3:30. One is a report and one is an emergency ordinance. So starting with the 2:00 time certain, can you please read the title to item number 1554.

Item 1554.

Adams: Commissioner randy Leonard.

Leonard: Thank you, mayor Adams. If I could have John Campbell come forward and bring anybody you need to bring. I want to give just a little history to what brings us to today. On March 31st, 2010, the council adopted an ordinance unanimously that in very fundamental ways changed Portland's oversight system of the Portland police bureau. That ordinance did some very fundamental restructuring of the oversight process, and to remind the council of what that included, the independent police review is now, as a result of that ordinance that we adopted, a full voting member of the police review board. The independent police review also has access to police data and the data sources, which was an important change. The city auditor now, as opposed to the police chief, appoints and recommends for council approval the citizens to the two review boards, and if the council recalls, one of the review boards is a non-use of force five-person board that the bureau has three members appointed by the chief, and two members of that body are non-police members, one is the IPR director and the second is a civilian appointed by the auditor confirmed by the council. The syed board is the use of force board, which is a seven-person board. The ordinance now recognizes that four of those members will be from the police bureau appointed by the police chief. Three civilian members, one, again, is the IPR director, two are appointed civilians by the auditor confirmed by the council. The ordinance also allows IPR to have the authority to initiate investigations on its own volition, it allows the IPR to issue subpoenas, and it gives the authority to IPR to reject police investigations if they believe that the investigation is incomplete or needs further review. Those are significant changes that we have yet to have the opportunity to see in full effect because they are just now being implemented and we look forward in the next months and years to see in fact how these changes work in the police bureau as opposed to the discussions we've had up till now. As part of that ordinance, we also created if the councilman recalls, a stakeholder committee that was formed to offer additional recommendations for further oversight of the police bureau. If you'll recall, I was the point person from the council to that committee. I attended each of the meetings. The first meeting took place on May 27th, 2010. We subsequent to that had a meeting June 10th, July 1st, July 15th, we had that meeting August 12th and a meeting September 16th, and we even had a subcommittee that met in addition --

Adams: Many times.

Leonard: -- in addition to those meetings to help sort through the issues. The auditor attended the meetings, I was pleased and happy to see police chief Mike Reece attend each of the meetings. I want to also recognize the committee members before we begin this discussion so the council gets the flavor of the report that we got. Truly was a cross-section of people that -- involved themselves, Warren Jimenez from Mayor Adams' office, Dora Perry, Tom from Commissioner Fritz's office, Jim Blackwood, George Hawker from Commissioner Fish's office, Shannon Callahan from Commissioner

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Saltzman's office, from my office ty, the auditor, as I said, the ipr director, mary beth batista, constantine severe, irene, the citizen review committee, the crc, michael bingeham attended each of the meetings, the city Attorney's office, we had lindsey reece, chief reece was there, pat walsh attended often as well from internal affairs, we had lieutenant shoberg, captain rum felled attended, dave benson, jim, robert king, from the ppa we had doug justice, daryl turner, dave, the human rights commission, included representatives damon turner, maria johnson, from the aclu andrea meier attended from the albina ministerial alliance dr. Haines from basic rights Oregon deana, an organization known as everyday people, moses rosen attended, in addition to reverend renee ward, the latino network, carmen rubio, from the center for intercultural organizing, i'm hoping I don't mispronounce names, casey, andrew riley, from the league of women voters, debbie iona, from the mental illnesses sylvia, from the guild, ashley and mark cramer, from the native american and youth family center, donita, from the Oregon action organization, sally, ron williams, Portland cop watch, dan handle man, sisters of the road, shanny teller, from truth and justice for all, skip osborn, joanne bowman was a commissioner appointee, t.j. Browning was a commissioner appointee, dorothy elmore was a commissioner appointee, james cahan, and gregory wolford. I apologize for taking the time to read through that, but each of those folks came and spent a long time at each meeting throughout the summer, everybody contributed well, it was a very dynamic process. We were fortunate to be led by the direction of the council to come up with the recommendations that we did, and i'm pleased now to turn this over and please give us your perspective as our facilitator and sometimes meet rater in the process. -- mediator in the process. John campbell.

John Campbell: Good afternoon. My name is john campbell, i'm president of campbell long resources. We provided the facilitation and staff work for the committee. I was the lead facilitator and alicia cash in our office provided much of the critical staff support for the project as well. With the report before you, the directive given to the committee by city council back in march to recommend additional improvement to the city's oversight of the Portland police bureau has been met. While the committee did not complete its work in the 90-daytime frame to find in the ordinance, I think it's fair to say we honored the intent of the goal as best we could. This was quite a challenge. In the end after covering as many topics as possible through the july 15th meeting an invitation was made for any interested community members to participate in the subcommittee that went through a series of pretty intense meetings to design a sort of ballot that would sort out to measure opinion about issues that had not otherwise been fully vetted the in the committee. That process was fully concluded by the full committee september 16th meeting, which was consistent with the schedule specified in the original agreement with the city which I believe is pretty credible accomplishment given the challenges here. Before looking at the specifics of the report, i'd like to comment about the journey it took to get there as it was certainly was an interesting one. While the work is called facilitation in the real task in a situation like this is usually much more coach or referee as it is facilitator in this case i'd say the job was more referee than coach. I would probably add shuttle diplomat to that list as well. While we did achieve a list of recommendations that include quite a few around which there is high consensus, this was not accomplished without stumbles along the way. It's valuable to acknowledge those. While virtually every participant made contributions, it took work to keep us focused on the goal ahead. It was sometimes made more difficult by the irresistible-to-desire to use meeting time to settle past scores or to use time between meetings to engage in activities that seemed intended more to delegitimatize the work than to forward it. In addition there were moments when the way forward was made more difficult by my own missteps as facilitator. While I knew the project would require innovation, at least one of the innovations did work as intended and it was a lesson learned for me. Yet although there were challenges, the committee is made up of good people who despite their different viewpoint and different communication styles, managed to prevail and arrive at a set of items the council can review and consider for future change. If I may i'd like to orient you toward a few key elements of

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the way the information is presented in the report. While some areas of broad consensus were reached and are noted in the report and every recommendation described in the report earned the support of a great majority of committee members, it is also true not every recommendation has the full support of every person or organization on the committee. As such, we've done our best in the report to characterize as clearly as possible the quality and nature of the agreement reached on the issue. I encourage you to look for those details in the report in order to understand the nature of the agreement that was reached. While the check mark graphic is designed to indicate where high areas of consensus were reached, that is to say no objections at all, to those issues, it is also the case that on a very small number of those issues they do not continue to retain full agreement today. Which is why, for example, understanding both the report and the follow-up responses from the two agencies most involved in implementing these changes, the auditor's office and the Portland police bureau will give you the most up-to-date picture of current positions on the issues. I also want to comment on the specificity of language used in the report while there are bolded headlines for each recommendation, it is important to emphasize that the descriptive language used was often chosen, rewritten and further revised with considerable care. Indeed part of the challenges of facilitating a group like this clarifying the underlying intent of any recommendation that a participant offers to see if doing so can allow a shared consensus to emerge where one was not apparent before. There's even one of the recommendations in the report that in its original phrasing when I checked with city staff on their impression of the recommendation, they essentially said a version of no way is that going to happen. Then I went back to the individuals making the recommendation asked them to be much more specific in clarifying what they meant. I then returned to the same city officials and essentially got this response. Oh, if that's what's meant, that's something we already do. Sometimes there's that much distance that can be covered by clarifying language alone. In other words, please read the specific words knowing they were crafted with some attention to detail because sometimes disagreements were questions of words and approach and communication style and not the underlying issues, which we constantly search to find. On to the recommendation themselves, I won't summarize them all here, because that would be redundant to the report and disrespectful of the specificity of language report issue I just described. Mainly I'd like to emphasize these points. First there are substantial areas of agreement that have met with full endorsement or no objection from all members of the committee. As you will see by reviewing the report, the response and the response memorandum that have been provided, there remains full agreement on issues headlined in the report as follows. And I'd just like to touch on those where there have been no objections. First that there is -- it is understood by all there is a high need to repair community distrust of use of force investigations. Everybody agrees and that -- in that general concept, there's great harm to the community when that distrust is low. That it is important to ensure that IPR conduct administrative investigations for various specified use of force situations and others that can be roughly grouped as high emotion in the community situations. That IPR should exercise the power to conduct or participate in investigations from zero time of specified series incidents, is agreed to by all. That investigations conducted by IPR or IAD and reviews by the CRC can always -- should always proceed in the manner consistently and objectively independent. And that it should be easier for the auditor to hire outside counsel as agreed by all. That the pool of investigators at IPR and IAD should be diversified over time to include those with investigative experience who have not been police officers. That is something everyone agrees on and is quite substantive. To formalize or mandate what's current practice to use -- not to use mediation in serious use of force case and to continue what is apparently current practice that IPR investigate or actively participate in the investigation of complaints with rank of captain or higher. Examples of IPR changes, other recommendations that also have strong agreement but not necessarily a hundred percent, but those remain in strong agreement today. Regarding CRC structure, all agree CRC should have authority and permission to make policy recommend indications to the police bureau. That was something that was high

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contention and people wanted to see happen, there's agreement from all parties that that makes sense. That people agree to increase the length of term for crc members from two years to three, and that the crc should be able always be able to exercise its authority to hold hearings on all appeals requested by complainants or bureau members and the code should clarify that the crc has authority to present directly to city council. Which is again a major flash point for many participants. And that the size of the crc should be increased if that's acceptable to crc in that process. There were issues with openness and usefulness of reporting. Reporting on the mitigation process with complete agreement. There was also agreement on having another review in 2012, an expert review of the process. In the only recommendation endorsed by the committee that has to do with oversight unrelated to the complaint process, which is a general area that I think could bear more fruit, there was agreement that there's benefit in having the auditor's office provide regular reports on the status of the bureau's employee information system, and independent analysis of police stop data. And finally, along the consensus agreements to prove I was not a voting member, there was complete agreement that another stakeholder review should be held within two years. And i'm not sure I would be near recovered by that point. But I will comment if future stakeholder meetings are held, I would be happy to provide some just reflection to any future facilitator about some key places where we misstepped and how it might be improved in the future. But note the list I just read includes 17 areas of essentially full agreement that were reached by the group. And as you look at the areas where perfect agreement was not reached, please keep in mind real agreement does exist on some issues that are significant. Second, regarding those areas where high percentage of committee members endorse a recommendation but objections were also raised, either during the committee or afterwards, I would go over all of those in detail. I won't go into them in detail, but broadly comment you'll be able to see in the information provided that some objections are quite fundamental. While others are associated with methodology, rather than intent. It's important to draw those distinctions. In addition, there's one large theme that separates a number of the community stakeholder involvement committee with those tasked with implementing in the oversight process in city government, in an area that would have benefited by having more discussion and more detail that we didn't get into in the committee, it is that while there is agreement about safeguarding the assumptive role of the crc as currently designed in city code, a number of community stakeholders present would prefer to expand the crc's responsibilities in ways not currently anticipated in the code as I look at the responses received, it seems that is an area that could have been deeper discussion in our committee to shake that one out more. However, that said, while it's the case some recommendations do not reach the status of having earned full consensus, I urge you to keep in mind many recommendations that are significant to the stakeholder concerns do enjoy full agreement. Finally i'd like to thank every member of the committee who is willing to dig in and do the difficult work to search for areas of agreement on this very contentious subject, and most importantly I certainly wish both the committee members and the city council the best in helping Portland to achieve the one goal That I believe we can all agree on, and that is that we all want a still safer city where the experience of trust, mutual respect, welcome partnership, and effective problem solving between community and police is increasingly shared by all. So that's a very brief summary. About the journey we took and the report provided.

Leonard: I want to thank you on behalf of the entire city council for the work you did. You did what I anticipated you would do, you navigated these waters methodically and professionally, and kept us on track, and I want to you know I recognize how tough that is, particularly on a subject like this. I'm indebted to you for performing the duty that you did. Thank you.

Campbell: You're very welcome. Thank you.

Adams: Could you clarify or explain the status of the council's actions today, what it

Leonard: That has been the subject of some discussion, what the auditor, myself, and various stakeholders. What I believe was the best thing to do today was to present the report. And it's

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probably because of how well this council worked together beginning a year ago this month, in crafting the ordinance that passed at the end of march of this year that I recommended that. I think that after we hear the testimony today, after we take into account what john has Identified as the really areas that everybody agreed to, that that should help us decide what to bring forward in terms of amendments to the ordinance that we passed last march 31st. I also want very much, whether it's concurrent with the evident to bring another ordinance forward or independent of that, to observe how the new ordinance works in the new structure that we created. I think that's a very, very important thing to do. The police bureau has been hit with a lot of changes since a year ago this month. I'm not one normally to say we need to allow change that has occurred to settle in before we do any more, but I think at this point it would be a very responsible thing to do to make sure that the changes that we passed are fully implemented before we go into any more of the substantive kind of changes the committee came up with. So I think from here on out in short we should thoughtfully get together, put together those items that we think are really noncontroversial that don't meddle with the changes we made last march, and from there analyze what happens.

Adams: Just to -- I appreciate that, just to summarize what I think I heard and for those that don't follow council process and procedures, just to clarify that, this accepts the information, it does not mean that by voting to accept the information it does not mean that we support it in whole or even in individual elements within it. This is a matter of concluding the work that was asked for and then with the explanation that commissioner Leonard just gave us for sifting through it, moving forward. I just didn't want anyone to come back in three months and say, yeah, but you voted to approve that council item, that's not what we're doing today.

Leonard: We have demonstrated, I want to make this clear, each of us has demonstrated our commitment to having on the one hand a transparent police bureau, a transparent oversight while wanting to make sure our police officers are as well trained as well prepared, and as well equipped as possible to handle emergencies to keep this community safe. That sounds like an easy balance to achieve. I have learn order working on this subject as john well knows as an expert on this subject, that isn't quite as easy to achieve as one might suspect at first. So I think we need to from here walk carefully.

Adams: Thank you. Any other discussion with this -- with john? Do you have any other invited testimony? How many people have signed up?

Moore-Love: We have 12 people.

Adams: Give us your first and last name, we don't want your address. We will assume you are speaking for yourself unless you say otherwise.

Michael Bigham: My name is michael bigham, the chair of the citizen review committee. Mr. Mayor, members of the Council, I appreciate the opportunity to come before you and share my views. As always, it is a pleasure. I would like no thank john campbell for facilitating the stakeholders' committee, randy Leonard for chairing the group, and finally, you, the council, for recognizing the importance of police accountability and empowering the community by creating the stakeholders' group. I can't say that I agree with all the recommendations in the report, but I do believe that they are all worthy of discussion and consideration. I know your time is limited, but I would like to highlight two recommendations that we feel are important to the citizen review committee. The first recommendation is to change this current standard of review and crc appeal case from the reasonable person standard to a preponderance of the evidence. The current standard is complex and to a layperson almost incomprehensible. Our vice chair tells me that there are full-day classes for attorneys on the reasonable person standard simply because of the complexity of the subject. Lawyers have a hard time understanding the standard, however, we expected to use it. The stakeholders group recommended the standard be changed to a preponderance of the evidence which is currently used in civil law. The crc agrees and would like to point out by ordinance the city council is bound to use the reasonable person standard when considering appeals referred to

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you by the crc. The other recommendation I would like to highlight is that of dedicated staff person for the crc. I would like to say that staff support has been for most part excellent from the ipr. But on one occasion the prior director threatened to withhold staff support if we proceed in sending an appeal to the city council and earlier this year we were denied staff support in pulling together a community forum. We weren't off the farm on either occasion. In both instances we were performing duties well within our mission. One complaint I hear from the community is that the crc lacks the power or the independence to be effective in overseeing the Portland police bureau. Unfortunately some of that criticism is valid. The crc is tasked with providing civilian oversight of the Portland police bureau in auditing the performance of ipr, how can we do those jobs effectively and maintain our credibility with the community when staff support can be withheld from us unilaterally by ipr? If we are to be truly independent and credible at the very least we need guarantees that withholding such support will not be used in an attempt to influence our decisions. In conclusion, the stakeholders' process hasn't always been smooth or without disagreement, but I do feel this report is an important step in improving police services to the city of Portland. Hope the council will seriously consider using the stakeholders' recommendations when crafting a future ordinance to strengthen police accountability. Thank you.

Debbie Aiona: I'm debbie iona, representing the league of women voters of Portland. We urge to you accept the support and supports its recommendations. Many will require additions or amendments to the code. We encourage you to begin drafting new language as soon as possible. Representatives from each communities' office participated in the committee and should continue to be involved along with community members. Each of you received detailed written comments from the league, I will highlight a few today. Increased public participation and transparency by making ipr police bureau joint policy committees open to public observation. And submit draft bureau directives to the crc for comment. These two actionless increase public understanding of police policies and help ensure they reflect not only good policing techniques, but community values as well. Improve the appeals process by allowing crc the opportunity to review proposed allegations associated with the misconduct complaint prior to the investigation. Make it clear in city code that the crc has the authority to send cases back for reformulation of allegations when necessary. Inappropriate, missing, and poorly formulated allegations have been a recurring problem at crc hearings. Adopting these two measures will help prevent this in the future. Adopt preponderance of the evidence as the standard of review in appeal hearings. The current reasonable person standard has proved problematic and confusing over the years. Some argue that crc is an appellate body so the standard should not be changed. The crc has the authority, however, to hear new evidence from the complainant, police officers, and the public. It can also send cases back for more investigation and challenge bureau findings based on additional information. Preponderance of the evidence is the appropriate standard. The report recommends that when ipr conducts an independent investigation, it do so in serious cases. The league encourages council to go a step further and require ipr to conduct independent investigations in certain cases. There is currently a great deal of public concern about the quality of investigations in police shootings. Requiring independent investigations in those cases would address that concern. Alternatively council could require ipr to investigate all complaints affecting those with the rank of captain or higher. As you move forward, please keep in mind that formalizing the elements much an effective oversight system will ensure that it serves the public and stand the test of time. Thank you.

Dan Handelman: Good morning mayor and city council, i'm dan handelman, representing Portland cop watch. We hope you'll accept the police oversight stakeholder report. We would like to see all 41 of the recommendations incorporated into the ordinance and/or directed by council to take place by whichever city body is appropriate. We urge the council to begin work on drafting an ordinance to incorporate these recommendations. The changes made this past march deliberately did not change any of the powers or duties of the crc and the community asked for us to have input

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before such changes were made. We participated in the work group making compromise and are hopeful council will move forward with the changes as promised. While the management of the bureau is not the same as it was at the time of the last changes, the purpose of civilian review such like the checks and balances provided by judicial executive branches of our federal government. They're there regardless of how good terrible the people are that sit in those seats. I've been to just about every single crc meeting in the last nine years, and observed them, and seen many people leave frustrated that essentially we have police review board with its hands tied by the current ordinance. So we would like to see changes happen. It's been nine long years. So we kind of broke doubt recommendations in 10 important areas. The first, ipr should conduct independent misconduct investigations. They still have never done it. The recommendation lists certain kind of cases we'd like to see investigated. We agree it would be great if the council would mandate that ipr investigate shooting and death cases, but if that is too controversial, if you start by ordering them to do the investigations of people with the rank of captain or above, another recommendation, that would be at least a way for them to get their feet wet and doing independent investigations. Improve the citizen review committee standard of review. We've talked about this. That the reasonable person standard is too confusing. The auditor's response to using the preponderance of evidence implies that the police review board will hear all the cases before crc hears it. That's not true, and also the citizen who filed the complaint isn't allowed to speak at the police review board hearings. No citizen is allowed except for the people who are on that board. So that crc hearing is the first level hearing that has actually accepts the evidence and there's a section of the ordinance I cited in my testimony that debbie referred to that allows them to hear new evidence. They're not just reviewing the existing record. We also asked to actualize the current ordinance to -- officer testimony through the bargaining process, that's going to have to be done and change the ppa's contract. Eliminate the conflict of interest from the city attorney advises ipr and ppb, because there's a conflict between those two frequently. Fix up some of the misconduct terms that the bureau has been changing administratively and just set them in stone in law so they won't do that again. [buzzer] and then we ask -- we're asking for some community input to be taken at the time people make complaints. There's some confusion about this. We're not asking for people to be able to choose if they want a civil investigator or ipr investigators, just ask, if you had the choice which one would you prefer, and keep -- have that survey so cities that information.

Fish: I have one question, if I could, mayor. You and I talked about this when you came to my office and briefed me on this. Number four in your letter to us is eliminate the conflict of interest when the city attorney advises ipr and ppb. Now, technically speaking when there's a conflict of interest, a lawyer cannot give advice where there is an actual conflict. And I just think it's helpful if you would clarify what you're referring to and in practical terms.

Handelman: Ok. So historically, I know people don't like looking back, but that the only way we can figure out how to move forward. In 2001, there was -- everybody probably remembers Jose Mejia, a day laborer shot in Emanuel hospital. Two days before he was beaten up by a police when he didn't have 20 cents of his bus fare. Community members filed a complaint about the beating incident. And the ipr director and the auditor at the time when they -- when the complaint came forward to the crc in 2003, told them that the city attorney's advice, they were not going to review that case. Because there was a lawsuit pending on about the shooting. And they said this is about the beating, not about the shooting. And they were taking the advice of the city attorney, who was at the point -- at that point trying to defend the city from litigation from liability for the shooting of Mr. Mejia and basically stopped the crc from what they needed to do. So it would figure that something like that could come up again and there have been several cases that have come up that are in litigation. It would be great if, when such a thing happens, the crc and the auditor would be able to consult with an independent council who is not part of the city attorney's office, not trying to defend the city against liability for the -- for the activities of the Portland police.

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Adams: Other discussion with council? Thank you all. Next three.

Sally Joughin: My name is Sally Joughin. I moved to Portland a year and a half ago from New Haven, Connecticut, where I worked in criminal justice reform. New Haven is a similar progressive city, though much smaller. But I never saw their police, city council, and community committee working together to solve problems like what I experienced here on stakeholders' committee. I was really impressed with our process and bread the of discussion and I attended all of the extra meetings to help clarify language and intent. And I would like to commend John Campbell for all the extra time he put into that extra process to make the full committee meetings run more smoothly. City council really needs to approve all the recommendations in our report that we worked many, many hours on. There are a lot of community people who feel there's no accountability for some of what police have done in Portland. These changes and the report would go a long way to restoring communication and better police community relations. Two good examples in the report are items in number three, a and b. I always hear people saying they want to be -- want a specific police officer held responsible for whatever he or she did. So it's really important for them to know when someone is exonerated whether the Allegation was unfounded or whether there was insufficient evidence. Those are two different reasons. And they also need to know whether he or she acted in policy because then they can start talking about what areas of policy need to be changed, and I think the list in part b is important to have all those different areas.

Another example is in letter c, the same number three. Nondisciplinary complaint being substituted for service improvement opportunities. Sure, there may be an opportunity for improvement and that may be in general what the police department wants to have happen. But I think that the community understands if there is no discipline, they want to know it's because it's a nondisciplinary type of complaint, so they'll expect the appropriate response there. And could I go on with many others, but I wanted to focus on the -- those examples in number three. Thank you.

Thanks for your testimony. Appreciate it. Mr. Kramer.

Mark Kramer: Mr. Mayor and the council, thank you. My name is Mark Kramer, I represent the national lawyers guild, we're a member of the stakeholder committee. I was also a member of Mayor Katz's task force 10 years ago. I chaired the council for the ordinance and for the stakeholder process and particularly Mr. Campbell for his -- facilitating the process. I want to make one process point. Property says point is where we go from here. Commissioner Leonard said, let's act as soon as possible on the consensus points, but let's not rush forward on the nonconsensus sustainable budget points. I take small issue with that. When we approved the ordinance we indicated it was urgent, an emergency type of measure, but we also indicate there'd were several other issues that needed to be tended to. Now we've tended to many of those issues, and while we don't have a full consensus on all of them, we have super majority on 99% of them. So with respect to the nonconsensus issues, I would ask you not to defer. I'd ask you to engage in debate, discussion, and pass those measures even if they don't receive a full consensus. I do not want to wait a year for some of these nonconsensus decisions to be addressed. As to the particular issues that didn't reach consensus, the preponderance of the evidence standard, I want to draw common sense perspective here. To give you an example, an olcc, denied a permit, you have a hearing. Have you due process, you can bring counsel, present witnesses and documents. Standard is preponderance of the evidence. If you don't like what the olcc does to you or for you, you going to the court of appeals. At that point there's a differential standard. Almost a reasonable person can a reasonable person have agreed with what the olcc did? Same thing in unemployment hearings. Here we have something different. What the reasonable person standard does, it is a dilution of the standard when you're presenting evidence to the crc. Because the crc should be treated as a due process body, they can take new evidence. They can take witnesses. So it is important that a common sense preponderance of the evidence standard be used at the crc level, not just this reasonable person standard. It is confusing. After all, what we're interested in is a credible and

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legitimate process and a preponderance of the evidence which means 51% in the common parlance, that's understandable to people. I think it's particularly important that we gather information on whether complainants would prefer iad versus ipr to do the investigation. The national lawyers guild continues to believe that a fully independent empowered with subpoena power citizen process is the most credibility and legitimate process. We at least ought to be asking our citizen complainants what is their preference in terms of process and then act upon that process. So I think it's important to gather that information from citizens. And I thank you.

Fritz: I have a question about that. How -- if a citizen is a first experience with something -- with an appeal, how would they know the difference between the iad and the ipr?

Kramer: Would be important to give a neutral fact-lay decent description to each complainant. Here is what ipr does, and here's the process, here is what iad does, and that's the process. The complainant can assess that, either at the front stage or at the front stage and the backstage, now that the process is over, can you tell us, citizen complainant, how did you feel about the process, would you have preferred imp, would you have preferred iad? I think that type of information gathering is very important.

Adams: What would you do with it?

Kramer: Would I come back to council and suggest that there is or is not a groundswell of support for moving toward ipr from ground zero in conducting independent investigation of citizen complaints. Instead of ipr. Instead of iad.

Adams: Thank you, sir. Welcome back.

Jim Ferraris, Commander, Bureau of Police: Jim ferraris, on behalf of the Portland police commanding officers' association. I appreciate the opportunity to speak with you today. On behalf of the commanding officers' association, I want to thank the council and especially commissioner Leonard for including us in this important project. I also want to thank all of the labor representatives, members of concerned organizations and Citizens of Portland for their hard work and diligence in moving this important effort forward. The work done by the committee was difficult and as would you expect, we didn't agree on everything, but I think what's important to note is that the conversation about what we don't agree on is sometimes more productive than discussing what we do agree on. Please be assured that the pcco is committed to building trust with individual citizen and community groups, and we feel the stakeholder committee was a forum that helped move toward that goal. We look forward to building these relationships and again we want to thank everyone who participated and the fact we were included in the process. Thank you.

Adams: Thank you very much. Thank you all. Appreciate your time and testimony. The next three?

Adams: Welcome back. Who would like to go first?

Andrea Meyer: Andrea meyer, legislative director for the aclu of Oregon. I am here today to urge to you accept the report and also to move forward with the recommendations, and I want to focus my comments on process. Knowing that the aclu has vote and joined on the recommendations, and I did want to thank commissioner Leonard and john campbell especially for paving the way for this conversation to happen. I think there was lessons learn and some lost opportunities that I just want to note briefly. It was an opportunity for everyone to come together, what was unfortunate was maybe a loss of communication at certain points where folks chose not to participate or engage without sharing that decision. So that you've got a report, but you might have separate corresponds or associations that chose at the last minute not to vote on the ballot, and I think it's unfortunate that happened, because I think -- I do appreciate and want to note that john campbell on the ballot that he put together allowed people to vote in favor to oppose to have no opinion, or abstain. When organizations chose not to participate at the last minute on that ballot, it's a lost opportunity to say there are things we can agree on, and some other things we're not going to agree on, but to

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meaningfully engage. I hope we'll continue to try to move forward. I want to talk about the next step. And urge what might be difficult or challenging or maybe a unique process, but one I hope you will consider doing. Namely first of all, do move forward on these recommendations and not just wait to see how the full implementation of the changes. I think the issue of whether something is a particular recommendation should be evaluated in terms of a change made recently. That's part of the discussion. What I'm hoping is there are five of you, and I am assuming that you are not in consensus on every recommendation. And there might be three votes on one, and four votes on another. And somehow I'd love to see the process where all the recommendations are brought forward to discuss, for to us provide the input, and for each of them to go up and down rather than a package determined sort of in the offices and in discussion with different stakeholders at separate times. I think that's an important process that will give the community a sense of really after all ethan spencer this work has been done, being heard and engaging with us on each of the recommendation and getting a sense of where commissioners are and the mayor is on these decision and in some cases you might be 5-0 o. Some 4-1, others might go down. So I hope that you can look at doing something creatively that may take more time, but I think ultimately will be a win for this, because I'm assuming that after hopefully this next conversation, there might not be a conversation for a while on these issues. So let's not lose the opportunity to take action and move forward. I appreciate the opportunity and happy to answer any of your questions. Thank you.

Adams: Thank you very much. Hi.

Rolando Avila: Good afternoon. My name is Rolando Avila I'm the community outreach coordinator for Latino network. So Latino network is glad that the organizations that represent our diverse communities were taken into account and were a part of the process in police oversight. Given the strong distrust between the police and our communities, this is a step in the right direction. Having been a part of the stakeholders report and some of the discussions are executive director that the -- believes the 41 recommendations should go forward, and we want to say thank you to commissioner Leonard and John Campbell for facilitating the discussion. So thank you.

Adams: Thank you very much. Thank you all. Oh. So sorry.

Chani Geigle-Teller: You're going to skip me?

Adams: No.

Teller: So I'm a community organizer at Sisters of the Road. Commissioner Fritz, I love your jacket. [laughter] I just want to start by thanking --

Adams: What about my jacket? [laughter]

Teller: My clock is ticking.

Adams: We'll start you over.

Teller: So I want to start by thanking the commission for hearing us today. But also just several people who were a big part of this process and making sure that Sisters in our community was at the table and our voices are heard. And just want to extend a thank you to commissioner Leonard and all of the community leaders who I was honored to sit at the table with during this process and really want to thank the IPR staff and the auditor for their graciousness in hearing us as well, and feel like Mr. Campbell's a really good choice for facilitator. I feel like he did a really great job. So thank you. Our community is often not used to feeling very heard, so we thank you for the process, and just allowing us the time. I'll stop rambling. We want to recommend Sisters wants to recommend that the council works to adopt all 41 of the recommendations that were made. You'll see in the report that we voted with the community on all the recommendations and I'm not really going to go into the meat of the report, it's all there, and I feel like my community members around me spoke really well to those things, but what I want to do, I know it's hard because it's -- I know sometimes we want to move past things and get to different places, but I just want to remind ourselves, the first day of December, the year is almost over, but this year has been hard as far as police issues go. We lost three community members, two African-American men, and one houseless

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man, and those desks are still -- deaths are still being felt. I'm not saying the 41 recommendations in this report would have prevented their deaths, but what it is, is 41 substantial steps forward to making sure that communities feel the systems that have the power to take our lives or protect them are being held accountable. In some way. So it's building that trust and I guess what I wanted to say is that I wanted to say what you can expect from sisters over the next year or so as far as the stuff goes, and what we hope to get from you, what you expect from you. It's just that sisters is working on putting a lot more time and energy into educating our community both the folks that are in our jurisdiction and our vicinity every day around what this stuff means and how it impacts their lives, but also the thousands of people in our extended community that keep us running through their donation and volunteering. We're going to work hard to make sure they can understand this stuff, because it's hard to understand. But so it important that it is the understands this stuff, right? So that's what we commit to over the next month and year. And then what we're hoping from you is not only that you hear us and you've invited us to the table and we appreciate that, but really giving some like steps forward that are actually concrete. I hear you saying you're going to get back together and discuss this and ways to move forward, but we need times and dates. That's how we're going to build trust with our community and make sure that they didn't think that they're just sending another staff person to some table to write some report that's not ever going to be heard and is going to get filed somewhere. So that's what we hope.

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

Adams: Welcome back. Good afternoon. How are you? Welcome back.

Sylvia Zingesser: I'm Sylvia, and I represent the national alliance on mental illness for Multnomah county. We just want to thank commissioner Leonard and the council, and John Campbell and Aleisha. For guiding us through this and for the opportunity to be on this committee, and our concern of course is what happens to people who are mentally ill who get involved in police situations. And we recommend that you accept this report. And hope that we can keep the dialogue going, and if we need to get back together again to hone some of these recommendations, or change them, that we keep that opportunity open and we just keep on talking and working together. Thank you all very much.

Fritz: Thank you, and other volunteers for working with us on the other project, looking at how do we help people get services before they come into contact with the police ask how can we provide services in a different way than having police being the front line responders. We appreciate you working that project.

Zingesser: Thank you.

Dr. LeRoy Haynes Jr: Thank you very much. I am the reverend Dr. Leroy Haines, the vice-president of the Albina Ministerial Alliance and chairperson of the Coalition for Justice. And police reform. To the distinguished mayor and the members of the city council --

Fish: Could you say that again?

Haynes: To the distinguished mayor and the illustrious members of the city council -- I would like to thank John Campbell for the excellent work, commissioner Leonard and for the mayor and the commissioners for their representation on this critically important committee. On behalf of the Will Alliance and the Coalition, I come to the support to the recommendations to the Police Oversight Stakeholder Committee. With the strengthening of the IPR and the implementation of these recommendations of the committee, I believe that we will take a major step in forging together a new day in police oversight and police accountability in the city of Portland. As well as build renewed trust and support in relationships between the Portland police and the community. And especially people of color. So I come first of all, commending the committee for their hard work and their effort and for the leadership of this council, but I remind us to let's keep the process moving forward to build a better peacekeeping force. And let us be always reminded to keep the emphasis of the word independent with the IPR. Thank you very much.

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Adams: Thank you, sir. Thank you both for your testimony. All right. Additional council discussion Before we vote on accepting the report?

Fish: I'm assuming that just the benefit of our audience, we have both the report before us, we also have letters and other documents we've received from some of the participants and some organizations and commissioner Leonard i'm assuming that becomes the complete record of this hearing.

Leonard: Including a response from the auditor, the police bureau, --

Fish: Bingham submitted something. Five or six, so all of those documents which were furnished become part of the record.

Leonard: Right.

Saltzman: What are the next steps?

Leonard: Next steps would be for us to first of all decide if we want to have two different approaches, that is, take the items that are the most agreed-upon, that mr. Campbell identified in his presentation bring those forward, that's one option. Another option is to do as andrea meyers suggested, to have a list of all of the recommended changes, that the council vote on. We could wait until we saw how the changes that we made to the ipr ordinance are working at the police bureau and make an adjustment to that if we think that's necessary or a combination of all of those different approaches. I specifically didn't want to bring here what I thought was the best ordinance out of all of the various discussions that have occurred, the auditor has an interest, ipr has an interest, the brings bureau has An interest, the mayor as commissioner in charge of the police bureau has an interest. And frankly, my perspective has changed dramatically since a year ago today. Frankly, the police bureau is quite a different organization today than it was one year ago, and I think it's important to recognize that, and acknowledge that the leadership and the team created by the chief of the police bureau mike reece is committed to these kind of processes, and I don't -- I hope given my history here and my prior criticisms that the police bureau people put some credibility in me acknowledging that. That I see a completely different approach at the very top of the police bureau in welcoming transparency and welcoming questions and welcoming anything that needs to be done to make sure their officers are held accountable. Having said that, we have to balance that with making sure that our officers aren't put in a position where they have to second guess at a critical moment in order to protect the citizenry they're sworn to protect or themselves, or fellow officers. So achieving that balance is I think difficult enough for me to have wanted not to just come forward with an ordinance at this point and say, here's what i'm telling recommending to you council from the various stakeholder meetings we've had and the various discussions we've had, I think it deserves a broader discussion that includes all the parties i've identified In the city and outside of the city to identify just precisely what if anything needs to be done at this point to improve property says that we've already improved upon.

Saltzman: I guess, I respect what you're saying, I suppose there's like 41 recommendations, and the total consensus is five, six?

Campbell: 17, is no disagreement at all.

Leonard: I think we need to look at those 17 in the context of what the police bureau has indicated in their response and the auditor, there are knew ans even to some of the agreements that I think need to be flushed out a little bit more, because as I -- I want to first of all point out dan Saltzman is the first person I approached about the ipr changes that I proposed back in december, and he was a full-fledged partner with me from that point on. So I know we're both approaching this from the same perspective. But having said that, I want to make sure that what we do, if it increases transparencies circumstance doesn't somehow to the detriment of the bureau cause problems in the own processes that don't help us achieve those goals.

Adams: I'd like to mid january to get back with a substantive sort of along those lines substantive response and move forward from there. I would assume coming back for council action is sort of at

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an end point of that. So folks can agree or disagree about whatever we come back with. But that's what I need. We got a lot on our plate, and I Don't want to drag this out longer than we should, but at the same time I want to take the time to show respect for the good work that's been put into this effort as well. And come back to you with some substantive reply, not just a rhetorical reply.

Saltzman: I'm happy with that time line, I think as andrea meyer said, there's a certain momentum to issues, and there's a concern the momentum dissipates. So I think that works well in terms of keeping with a time frame of, there's been a lot of work done, we need at least do up or downs. I think recommendations that maybe have a strong majority or not -- even a super majority as mr. Kramer referenced, I think some of those recommendations I would like to see considered by the council. I think the issues raised about the preponderance of evidence standard versus the reasonable person not being an attorney, but it made a lot of sense to me as explained by the various people I met with, or listened to today. Something I have to look at. I don't that I was one of the -- one of the recommendations that made unanimity.

Leonard: It didn't.

Saltzman: I like the idea the council comes back in january or, so mid january and have a discussion. Maybe a recommended slate of recommendation, but also the opportunity for us to offer additional recommendations. I would probably want to stay Within the confines of the recommendations totally put forward by the committee. I think it's fair to stay within the 41 or so, but I guess it's really each council member's prerogative.

Leonard: I think we're asking a -- having a discussion that needs to consult the auditor, who is charged with the oversight. Do you want to come forward and weigh in on this discussion? I think you might have an opinion about some of what we're discussing.

Lavonne Griffin-Valade, Auditor, Office of the City Auditor Griffin-Valade: I have lots of opinions. Good afternoon mayor Adams and commissioners. We have -- we've had questions about what the next steps are amongst ourselves all along. We know we have at least one major housekeeping issue that needs to occur, and mid january would satisfy that, and that is to extend the term of crc members to three years. There's whole agreement on that, and we have recruited and are ready to appoint a couple of new members who are expecting to serve three-year terms. So there is that, there are a number of other items that i'm not sure if they -- that are already current practice or that we are developing a procedural process for plan to. And those i'm not totally convinced really need to be part of an ordinance, they may just need to be added to our protocols. So there's that kind of stuff to flesh out for sure. In terms of the discussion about preponderance of evidence, I asked mary beth baptista, who is the ipr director to join me so that she can answer any questions from our perspective that she might have about that.

Fish: Beyond your written submission?

Griffin-Valade: Not necessarily from my perspective, but you may have more questions beyond that yourself. I'm not sure. Now is the time -- now is not the time to do that?

Adams: I want to -- everyone you certainly can if you want, I want time to go through not only what's in the report, but we received information more recently and I want to sift through that as well. We also have existing requests for improvements from the albina ministerial alliance, I want to compare this to that. Our own internal service improvement work plan. I'm not ready to make any decisions.

Griffin-Valade: That makes sense to me. We're open to doing whatever you would like us to do.

Saltzman: Would I appreciate an encapsulated version of your position on that. Not everybody viewing this has all the documents we have in front of us.

Griffin-Valade: That's true.

Saltzman: What's your take on the reasonable -- .

Griffin-Valade: The reason why I asked mary beth to do this is because i'm not an attorney either, and she is.

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Saltzman: And i'm not either.

Mary Beth Baptista: I think it's unfortunate the way this kind of came up during the stakeholder committee, Because I think it came up as oh, it's an easier standard to understand, so why don't we switch to it. And to a layperson could it seem that it's easier to understand what the big deal of changing it. But as mr. Cramer pointed out, there's a standard for an appellate body, and I think his example was good one, but crc is more analogous to the appellate body that goes to the decision than the fact finding body. And frankly the manner in which our system is set up, is that there are fact finders, and those fact finders are either the commander and/or the review boards, and the crc is the appellate body to determine whether or not that decision is reasonable. They are not a fact finder in that situation. So that's really -- as far as I think we may want to go today, just the bare bones of where our position is in addition to what was in our response.

Fish: And I think that was a very eloquent description of the issue. As I read this, and I was briefed by a number of people who are part of the committee process, what I learned is I can't really look at the standard of review in isolation. I have to look at it in terms of the -- an additional proposal which would change the essentially ground rules of what crc does and go from an appellate body to more of a fact finder. And by what you said, there's fact finders, there's appellate bodies, there's sometimes Appellate bodies kick things back with instructions. So it doesn't mean an appellate body can't do fact finding, it sometimes is kicked back to the --

Baptista: That's the structure we have. That is one of crc's options, to kick it back to the investigative body for the fact finding.

Fish: I wanted to piggyback on what you said, because it's clear to me that you can't look at the star in isolation from what is the role, and the role is a question that in good faith a lot of people have raised questions about, and have offered some views, and some others have disagreed with, I think that's one we need time to think about. Because that's not just changing a standard of review, that's a fundamental -- in my view a fundamental cornerstone question, which we need to make sure we get right.

Adams: Thank you. Please call the vote.

Item 1554 roll.

Fritz: I greatly appreciate all the work that's been done here, and the good -- the good spirit that's accompanied this discussion. We're quite in a different place than we were back in march, and I commend commissioner Leonard and the auditor, and the whole committee and the whole community for engaging in this process in such a constructive manner. It is significant that there isn't complete consensus either within the stakeholder group or between -- with the stakeholder group and the crc, the citizen review commission, the auditor, I find myself agreeing with and disagreeing with some of the recommendations and I agree with commissioner Leonard that we should move forward on the pieces that we can reach general agreement and continue to discuss those, whether differences of opinion. I especially appreciated andrea meyers' suggestion to discuss each proposal. I'm not sure we want to do at 41 at once, because it's difficult to discuss 41 things in the amount of detail. And as you've evidenced, there is a lot of additional information that needs to be considered. Sometimes there's additional information that the council needs to consider in the broader context of how the council operate and how we manage bureau and interact with the public that is in addition to what happens in this particular issue with the independent police review process. Some of the pieces of the recommendations that I especially agree with building -- I think we all do -- building more trust between the community and the police. And from my part, the office of human relations -- will continue to work to further that and as we do with the crime prevention staff and the office of neighborhood involvement, there's actually a lot of really good things going on with our community in police relations. I particularly appreciate the participation of police officers and the business community and sisters of the road and others With the sharing public sidewalks committee, where we are discussing really important issues and listening to each

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other. And that -- there are good things happening and I appreciate everybody's participation in that. I think we all agree with adding diversity in the ipr investigators, and that's something you're working on. Giving the crc permission to make policy recommendations to the police bureau, that's that seems increasing communication is always good, and then of course increasing the term of crc members to three years, which they agree with. Significantly they don't agree with increasing the number of commissioners of committee members, and so that's also an interesting example of where the stakeholder group in consen -- had consensus, but when you're talking to the people doing the work on the committee, they feel it's working better with nine than 11, and they can manage it better in that process. So that is an example of where i'm not supportive of the stakeholder committee's report, even though there's such amount of consensus, because hearing from the crc it sounds from the people doing the work that they would do it in a different way, and still accomplish the same goals. I'm interested in changing the terminology from service improvement opportunity to nondiscipline complaint, but i'd like to hear more about the discussion about that. One of the examples of where I continue -- see more discussion is changing the rules for the auditor to her outside counsel, and that in the context of this discussion may seem like something that's easy to do, but then you find out it in the charter, and then if we're talking about changing the charter, we need to look at how is the charter envision the relationship between the elected auditor and the city council, and what are the responsibilities of all not just on independent police review, but on the whole gamut of what the auditor does and what the city council does. So I think that needs to be considered very carefully and probably in discussion with a charter commission that would be formed after the Portland plan is done. So that we have a very well organized and broad outreach to have our whole community engaged in that kind of a discussion that certainly the police accountability part of it would be one aspect of it, but as a whole -- there's a whole realm of other views that come into play when we look at each of the six elected officials on our city council and the auditor's office being able to hire independent counsel. It's worthy of discussion, and something that needs to be done came. There are things that you dock right now. Those two -- we don't want to go on the shelf and let us know later, we heard we'll bring back some things in january, but we're starting the budget Process, and some of the recommendations were about staffing at the crc and the budget -- things that affect the budget, which the auditor's office will be having a budget advisory committee, the city council will be having budget hearings, those are things that citizens can participate in and advocate for right now without -- and they're I think properly long in the budget process rather than in this particular package of recommendations. So I encourage you to be involved in that work, starting almost immediately, I think with those budget hearings and budget committees. So there's definitely opportunities to continue to be involved, continue to participate in helping to make these very important decisions. In the meantime, thank you very much for all the work done so far. Aye.

Leonard: I too want to thank all the work that everybody did leading up to this point, including the council last march, and particularly once again recognized work that was done by the entire work group. It was challenging but would have been more so without I think the steady hand of john campbell. So I want to acknowledge his great work as well. Aye.

Fish: I want to add my voice of thanks to commissioner Leonard with the work that culminated in this report to the technical team and to all the citizens and all the Participants who took time to make this report. One thing I have learned during my service on council is that when it comes to police accountability issues, we have always benefited from taking more time to get it right. We've had that discussion in the past. I think when we have more time, we get it right. And that's because we are at the intersection of lofts complicated issues. Some are policy, some are legal, some have unintended consequences. Some have to be negotiated at the bargaining table, some can be implemented, some are inconsistent with other laws. The more time we have to think that through, and then the chance to test drive some of these things, I believe the more thoughtful the outcome. I

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will say that in my first two years on council, I don't remember a more contentious issue that has been dealt with in a more thoughtful and respectful way. That includes the council hearings we've had where people have testified, that also includes the briefing I received in my office from people with very strong views, but who have been very respectful of the process and I think extremely thoughtful in presenting their views. And I tell you, just as a policymaker, I find it easier to do my job in that setting. I know people bring lots of history and passion, and they bring their politics, they bring their own views of the world to. These things, but when we do this in a thoughtful and dispassionate way, we get a better product. And when people can come to council and testify, and we can disagree publicly, we get a better product. So -- but to do that you have to set the table, and do it right. So randy, congratulations. Aye.

Leonard: Thank you.

Fish: And i've had a chance to get my hands dirty with a lot of these recommendations. And where there's a sharp disagreement between people I respect or among people I respect, i'm going to take additional time to make sure I understand what's driving that disagreement and how we might find some common ground. We all share the desire to increase oversight and accountability. And we all are seeking that balance. And I think this is a positive step forward. We may not agree on all the recommendations, and reasonable people, adults can disagree and still find common cause. But I think this is a productive exercise. Thanks to all who have been involved. Aye.

Saltzman: I want to thank commissioner Leonard and the committee for all their work and the facilitators for their hard work. This is a good product, and the auditor's office and ipr. I think it was a lot of good recommendation, I think we should move on those that are unanimous and we should have an opportunity to look at others that are not unanimous, but still within the body of the 41 or so recommendations and have the council take up or down votes. I didn't mean to single out the preponderance of evidence versus -- though i'm glad we got a chance to air that, but I wasn't just singling that out only as one of the potential things that we should look at or -- i'm interested in learning more about between now and when we come back and do this in january. But I do think we should have a full discussion and opportunity to entertain and vote on other recommendations that go beyond the network. Good work. Aye. Thank you, commissioner Leonard for taking on this difficult task. Thank you to john and your team and to everyone involved. Very thoughtful report, and the comments that accompanied it, I agree, were equally thoughtful. We're going to go through each recommendation, compare that to the comments that were submitted, and other recommendations for improvement that have come in over the last couple years from the auditor from outside groups, and return to council with -- and the commissioner was the bureau's best thinking for moving forward, how to move forward on each of the recommendations, and where they also are very similar to other audit improvement recommendations or other improvement recommendations focused on the bureau, how we Try to do more with one improvement effort, try to cover a couple of different sources of the recommendations for improvement f. That makes sense. So trying to look for two-fer and three-fers for improvement. So thank you. Aye. [gavel pounded] we are recessed for seven minutes. [recess]

At 3:26 p.m. Council recessed.

At 3:34 p.m. Council reconvened.

Adams: The portland city council will come back from recess. It's still wednesday, 2010, and it's 3:30 and we have a time certain to consider. Karla, can you please read the item for emergency ordinance 1555.

Item 1555.

Adams: All right. Would staff please come forward. The city is waiting for a decision from lcdc regarding a boundary change related to the river plan. Lcdc will not make this decision before

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January 1st, the current effective date of the river plan. Therefore, we must change the effective date of the plan. Sallie Edmunds of the bureau of planning and sustainability is here to explain more and we have city attorneys here to answer any questions.

Sallie Edmunds, Bureau of Planning and Sustainability: Thank you very much, mayor and commissioners. Sallie Edmunds with the bureau of planning and sustainability. On April 15th, the council adopted the plan north reach with an effective date of January 1, 2011. The city is asking the land conservation and development commission, or Lcdc, for a greenway boundary amendment and that amendment must be approved before the river plan becomes effective. The city's proposal to Lcdc is to remove 312 acres of land from the boundary and add 51 acres. The purpose of the action is to exclude parcels that don't have river frontage and include the entirety of sites that do have river frontage. We purposely delayed the implementation date to January 2011 to accommodate the required boundary amendment process and other follow-up work. On April 28th, 2010, the city submitted the required paperwork to the state. Lcdc held an initial hearing in September, continued it to October and continued it again to December. And that hearing is scheduled for tomorrow morning, but Lcdc staff indicated that Lcdc will not be able to act before the January 1, 2011 date. So to allow time for them to act, we're proposing to postpone the effective date of the river plan north reach. This is a new and separate ordinance from the river plan ordinance adopted in April. It establishes a new effective date, and does not purport to amend the earlier adopted ordinance. We mailed notice of this hearing to all property owners affected by the river overlay zones and all property owners affected by the Willamette river greenway boundary amendment currently pending before Lcdc, all persons who testified at city council, and for whom the bureau of planning and sustainability had mailing addresses. We also noticed the hearing to approximately 600 people via river plan news, an email newsletter. Since the river plan north reach is scheduled to go into effect on January 1, 2011, we need council to adopt this as an emergency ordinance.

Adams: Ok. Can I ask a few -- Kathryn, or Linly whoever could you come up here or whoever is answering the legal questions on this issue. I got a letter, as did council today from Harvey -- David Harvey from Gunderson and I want your reaction to the statement, quote, the city has not properly followed the state law in processing the proposed river plan and thus, Lcdc could not process the requested change within the city's target time frame. Did we screw up?

Linly Rees, City Attorney's Office: For the record, Linly Rees from the city attorney's office. I think Sallie Edmunds may be better prepared. But I know enough about that and I can respond. No, we adopted the river plan in April. We gave appropriate notice to Lcdc and the Oregon Parks that we were prepared to begin that process to initiate it. Through, I will say no fault of the city staff, it has gotten postponed and they're not going to be likely to make a decision at their meeting tomorrow.

Adams: Ok. I think that answers suffices. Any other discussion from council? [inaudible]

Saltzman: Sorry I missed --

Adams: We're dealing with --

Edmunds: The effective date.

Saltzman: Not the in lieu of fee?

Edmunds: No, the effective date change ordinance.

Adams: Does anyone wish to testify on this emergency ordinance?

Moore-Love: I have two people signed up, Mark Kramer and Bob Sallinger. You'll pass.

Adams: Mr. Kramer. Mr. Sallinger declines. Please call the vote.

Item 1555 roll.

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

Adams: Aye. [gavel pounded] ordinance is approved. All right. Now can you begin the process -- let's see, unless there is council objections, I'm pulling back to my office s-1557. Unless there's objections.

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Saltzman: Which ones that?

Fish: That's what we were advised in your email, I believe mayor?

Adams: Correct.

Fish: S-1557.

Fritz: That's --

Fish: That's the fee credit.

Adams: Right. So we've had an offer of expertise to help us to both fast-track and verify cost forecasts related to mitigation sites. The temporary mitigation sites. And we've had that offer from vigor, some consultants that they use. And as usual do an open-book process on this, but we want to take the opportunity to -- to take them up on that in-kind expertise and in the process of doing that, we'll be able to both confirm and refine what are right now estimates with a lot of contingencies in them. So unless there's objection from council I'm going to do that.

Fritz: A clarification. We're going to vote on 1556, accepting the report on how to calculate the in lieu fees?

Adams: Correct.

Fritz: Great, thank you.

Adams: Can you read the title -- sorry, refer it back.

Moore-Love: S-1557 authorize river plan north reach in lieu fees and establish a north reach reinvestment fee credit.

Adams: Unless there's objection, s1557 is referred back to the mayor's office. Please call the vote for the first of the series of -- all messed up here. Can you please read the title and call the vote on the resolution item 1556.

Item 1556 roll.

Leonard: Aye.

Fritz: I am very pleased that we are accepting the report. It was done extremely well based on the science panel. Caitlin lovell and chris prescott in environmental services and ann bier and patty howard and my staff, have been very helpful on this and it's a hugely technical piece and very, very well done and I appreciate as we continue to work on the in lieu fees, it's -- it's helpful we're accepting this report because that is the basis of what the continuing study will look at. But we need to emphasize that a good job was done on this. Aye.

Fish: Aye.

Saltzman: First off, I probably should have said this before I voted a minute ago, I was not here two weeks ago but I did over the weekend review the record in terms of the videotape of the hearing and I want to thank people for the very thoughtful comments and discussion that came up and i'm very supportive of the mayor's decision to take another closer look at the fees. I do think the combination of the soft costs and the contingencies need to be further scrutinized and if we return with a fee schedule after we've had more time, the bureau of environmental services to calibrate with respect to the pilot sites, I forget that's what we call them -- the demonstration sites, I think we'll get more real cost information under our belt and be able to provide in lieu of fee in -- that are more consistent with other jurisdictions have encountered and probably what better meets the expectation when people say soft costs in the private sector versus what we say soft costs in this particular instance. I think there's kind of like two votes passing in the night on that and we need to get everybody on the same page on that. If that's possible. With that, i'm pleased to vote aye.

Adams: Aye. Please read the title and call the vote on 1558.

Item 1558 roll.

Leonard: Aye.

Fritz: Again, this is a lot of good technical work that stands to benefit the environment industry and ratepayers by figuring out how the city can mitigate and can transfer mitigation and restoration requirements and I very much support it. Aye.

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

Adams: Aye. [gavel pounded] 1558 is approved. Please read the title for 1 -- it's an appointment report. Item 1559.

Item 1559 roll.

Leonard: Aye.

Fritz: As I mentioned last time, we are still accepting application to increase the diversity of the perspectives in the representatives on this committee and I greatly appreciate everyone who agreed to serve. Aye.

Fish: Aye.

Saltzman: I appreciate commissioner Fritz and Ann Beier's efforts to make the committee more diverse. Pleased to support it, aye.

Adams: Aye. [gavel pounded] 1559 is approved. Can you please read the title and call the vote for ordinance number 1560.

Item 1560 roll.

Leonard: Aye.

Fritz: Well, there's been a lot of discussion and work in the community and some angst that we're not by this vote, we would change the environmental conservation overlay and accept the mitigation proposed in lieu of that. I would have preferred there to have been a discussion of alternatives and minimizing impacts but that vote was taken earlier this year and I was not successful in that. So what's before us today is whether the mitigation that's been proposed is adequate. And I believe it is and perhaps exceeds the expectations, particularly with the amendment that I proposed and was accepted the last time by my colleagues and the university of Portland to require an eco roof and environmentally friendly features on this garage. So with that amendment, I support this -- development agreement as meeting the intent that the council established earlier this year. Aye.

Fish: I want to thank the university of Portland and in particular, Christy and Jim for what even some of the critics of this approach and proposal said at our last hearing was going above and beyond. And it's been a long day so I won't read my entire statement. Just the last paragraph. University of Portland has done everything this council has asked them to do as part of this -- as moving this proposal forward. The plan that they have developed in consultation with the community and that we will be approving today will result in more environmental protection, zoning, then originally proposed by staff because they're going to be planting and nurturing new oak habitat and it will create results sooner than if we had waited for development to move forward on this site and as we noted at the last hearing, the mitigation will go forward even if they never develop on the site. So there's a win for the public here and I think they have set the bar very high for future agreements of this kind. Thank you to staff and all who weighed in on this and again, to Christy and Jim for their good work. Aye.

Saltzman: Aye.

Adams: Aye. 1560 is approved. [gavel pounded] the final and the package, I'll make my overall comments at the end of this. Can you please read second reading ordinance, 1561.

Item 1561 roll.

Leonard: Aye.

Fritz: The intent of this silviculture agreements has been very well intended. Many believe it falls short of what's needed for a viable wildlife corridor, nevertheless while it's not ideal it's still better than what we had and provide benefits as a natural corridor to the river and we do need to make certain that the funding required to implement ecological enhancement activities on the conservation easement becomes available and there will be some opportunities to enhance as that process moving forward. Thank you, Mayor Adams, and staff for your work on this. Aye.

Fish: Aye.

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Saltzman: Well, I do support this agreement as it does lock in a permanent public easement on doane creek and I think that well potentially add hundreds of acres for high-paying jobs to Portland and also provide a permanent consequence vacation easement and I think it's a good deal and I wish siltronic luck in wooing a new tenant or expansion projects at this site. We need the jobs. Pleased to vote aye.

Adams: There are a number of people I would like to thank. The first two, amy ruiz on the planning and sustainability team in the office of the mayor, and sallie edmunds, the project manager on this project. And the entire team, if I miss anyone's name, I apologize in advance. It is a very smart, smart group of folks. Including Caitlin lovell, paula ketchum, chris prescott, shannon, mindy brooks. I also want to thank kathryn beaumont and linly rees. And I want to thank commissioner amanda Fritz and her staff and her team and ann byer and a whole bunch of other people. I could name everyone in the audience. This has been incredibly challenging. But it has been worth the effort. We want a good -- good habitat and we want a good economic district. A good business district in the north reach area. And we're making progress. We're obviously not done, but this is a significant step forward. And again, this is a living strategy. There will be a group that will continue to meet and help us perfect it. Even before the ultimate implementation. So thank you for all that. Aye. [gavel pounded] it's approved. We are in recess until tomorrow at 2:00.

At 3:51 p.m. Council adjourned.