



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **23RD DAY OF JUNE, 2010** AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:39 a.m.

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

Motion to suspend the rules to give less than two weeks notice and to hold the IPR hearing for the report next week on June 30th at 6:00 p.m.: Moved by Commissioner Fritz and seconded by Mayor Adams. Y-4

Item No. 926 was pulled for discussion; Items 940 and 949 were referred to the Commissioners offices; on a Y-4 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
<p>918 Request of Joe Walsh to address Council regarding Americans with Disabilities Act (Communication)</p>	PLACED ON FILE
TIMES CERTAIN	
<p>*919 TIME CERTAIN: 9:30 AM – Adopt budget adjustment recommendations for the FY 2009-10 Over-expenditure Process and make adjustments in various funds (Ordinance introduced by Mayor Adams) 10 minutes requested (Y-4)</p>	183945
<p>920 TIME CERTAIN: 10:00 AM – Adopt the recommendations in the Division Streetscape and Street Reconstruction Project Report (Resolution introduced by Mayor Adams) 30 minutes requested (Y-4)</p>	36797
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Sam Adams</p> <p>Bureau of Planning & Sustainability</p>	

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<p>*921 Authorize agreement with Metro to support portion of residential compost pilot program costs and exchange data (Ordinance) (Y-4)</p>	<p align="center">183921</p>
<p>*922 Authorize an Intergovernmental Agreement with the Oregon Department of Energy to accept a grant of \$2,000,000 from the State Energy Program to provide funding for Clean Energy Works Oregon (Ordinance) (Y-4)</p>	<p align="center">183922</p>
<p align="center">Bureau of Police</p>	
<p>*923 Accept a \$186,000 grant from the Oregon Department of Justice and the Oregon High Intensity Drug Trafficking Areas Program to fund \$56,000 for Portland Police Bureau Metro Gang Task Force efforts and \$130,000 for Portland Interdiction Team efforts (Ordinance) (Y-4)</p>	<p align="center">183923</p>
<p align="center">Bureau of Transportation</p>	
<p>924 Transmit summary of sponsorships and donations received by the Bureau of Transportation in 2009, as required by Ordinance No. 179806 (Report) (Y-4)</p>	<p align="center">ACCEPTED</p>
<p>*925 Authorize Intergovernmental Agreement with TriMet for design and construction management services for the Portland-Milwaukie Light Rail Transit Project (Ordinance) (Y-4)</p>	<p align="center">183924</p>
<p>*926 Amend Intergovernmental Agreement with TriMet for Fareless Square Extension adding 0.12% to reflect the change in Consumer Price Index for Portland during 2009 (Ordinance; amend Contract No. 51564) (Y-4)</p>	<p align="center">183953</p>
<p>*927 Amend Intergovernmental Agreement with TriMet for design and construction management services for the Portland Mall Revitalization Project (Ordinance; amend Contract No. 52972) (Y-4)</p>	<p align="center">183925</p>
<p>*928 Amend Intergovernmental Agreement with TriMet for design and construction management services for the I-205 Light Rail Project (Ordinance; amend Contract No. 53100) (Y-4)</p>	<p align="center">183926</p>
<p>*929 Grant revocable permit to NECN/Historic Mississippi Avenue Business Association to close N Mississippi Ave between N Fremont St and N Skidmore St; and N Beech St, N Failing St, N Shaver St, and N Mason St between N Mississippi Ave - N Albina Ave Alley and N Michigan Ave - N Mississippi Ave Alley from 5:00 a.m. until 11:00 p.m. on July 10, 2010 (Ordinance) (Y-4)</p>	<p align="center">183927</p>
<p>930 Grant revocable permit to Bruce Carey Restaurants to close NW 13th Ave between NW Davis St and NW Everett St from 10:00 a.m. on September 12, 2010 until 2:00 a.m. on September 13, 2010 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JUNE 30, 2010 AT 9:30 AM</p>

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<p>931 Amend Intergovernmental Agreement with Metro for City CarpoolMatchNW Maintenance in amount of \$30,913 to be paid to the City and extend term through June 30, 2011 (Second Reading Agenda 873; amend Contract No. 30000897)</p> <p>(Y-4)</p>	<p align="center">183928</p>
<p align="center">Office of City Attorney</p>	
<p>*932 Extend contract with Ball Janik LLP to increase contract funds and extend contract for representation in Washington, D.C. (Ordinance; amend Contract No. 37302)</p> <p>(Y-4)</p>	<p align="center">183929</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>933 Change the salary range for the Nonrepresented classification of City Treasurer (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JUNE 30, 2010 AT 9:30 AM</p>
<p align="center">Office of Management and Finance – Internal Business Services</p>	
<p>934 Accept bid of Kodiak Pacific Construction for the Road Rehabilitation - 2010 SE Clinton Street Project for \$697,697 (Procurement Report – Bid No. 111764).</p> <p>(Y-4)</p>	<p align="center">ACCEPTED PREPARE CONTRACT</p>
<p align="center">Office of Management and Finance – Revenue</p>	
<p>*935 Authorize an Intergovernmental Agreement with Multnomah County to provide for one half of the costs for facilitation services provided by Sue Dicile, contractor with Multnomah County to the Joint City-County Task Force on animal services (Ordinance)</p> <p>(Y-4)</p>	<p align="center">183930</p>
<p>*936 Authorize contract with Parking Enforcement Services, LLC dba Retriever Towing for abandoned vehicle towing and storage (Ordinance)</p> <p>(Y-4)</p>	<p align="center">183931</p>
<p align="center">Commissioner Nick Fish Position No. 2</p>	
<p align="center">Portland Housing Bureau</p>	
<p>937 Establish homeownership and home repair financial assistance guidelines for the Portland Housing Bureau (Resolution)</p> <p>(Y-4)</p>	<p align="center">36796</p>
<p>*938 Delegate authority to review and approve homeownership and home repair financial assistance under Council-adopted guidelines to the Portland Housing Bureau (Ordinance)</p> <p>(Y-4)</p>	<p align="center">183932</p>

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<p>*939 Adopt and authorize submission of the Action Plan FY2010-2011 application to the U.S. Department of Housing and Urban Development for grants under the Community Development Block Grant, HOME Investment Partnership, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS Programs (Ordinance) (Y-4)</p>	<p align="center">183933</p>
<p>*940 Amend subrecipient contract with Impact Northwest to add \$20,000 for relocation services (Ordinance; amend Contract No. 30000578)</p>	<p align="center">REFERRED TO COMMISSIONER OF PUBLIC WORKS</p>
<p align="center">Portland Parks & Recreation</p>	
<p>*941 Approve Agreement for Reimbursement with Inclusion, Inc. Brokerage Services for senior recreation services (Ordinance) (Y-4)</p>	<p align="center">183934</p>
<p>*942 Approve Agreement for Reimbursement with Mentor Oregon Brokerage Services for senior recreation services (Ordinance) (Y-4)</p>	<p align="center">183935</p>
<p>*943 Authorize Intergovernmental Agreement with Multnomah County for reimbursement for Community Inclusion Services and Start-up/Special Projects for people with developmental disabilities (Ordinance) (Y-4)</p>	<p align="center">183936</p>
<p>944 Designate a section of public right-of-way along N Terminal Rd as part of Chimney Park and assign it to the Bureau of Parks and Recreation (Second Reading Agenda 892) (Y-4)</p>	<p align="center">183937</p>
<p>945 Authorize grants to five Portland school districts for out-of-school-hours youth programs (Second Reading Agenda 893) (Y-4)</p>	<p align="center">183938</p>
<p align="center">Commissioner Dan Saltzman Position No. 3</p>	
<p align="center">Bureau of Environmental Services</p>	
<p>*946 Accept a grant in the amount of \$143,973 from Lower Columbia River Estuary Partnership for Tryon Creek Confluence Habitat Enhancement (Ordinance) (Y-4)</p>	<p align="center">183939</p>
<p>947 Amend Permit Fees Code to provide true cost recovery for public works engineering and superintendence (Ordinance; amend Code Section 17.32.015)</p>	<p align="center">PASSED TO SECOND READING JUNE 30, 2010 AT 9:30 AM</p>

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<p>948 Authorize contract with Skylab Architecture LLC for architectural and engineering services for the design of the Columbia Boulevard Wastewater Treatment Plant Support Facility Project No. E09023 (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JUNE 30, 2010 AT 9:30 AM</p>
<p>949 Authorize an Intergovernmental Cooperative Agreement with the Regional Coalition for Clean Rivers and Streams to coordinate, develop and implement a regional stormwater pollution prevention and fish protection public awareness and education campaign (Ordinance)</p>	<p align="center">REFERRED TO COMMISSIONER OF PUBLIC AFFAIRS</p>
<p>950 Authorize an agreement with A & K Designs to allow the City to assume responsibility for construction of frontage improvements adjacent to the SE 83rd Avenue Wastewater Pump Station Project No. E08376 (Second Reading Agenda 894) (Y-4)</p>	<p align="center">183940</p>
<p align="center">Commissioner Randy Leonard Position No. 4</p>	
<p align="center">Bureau of Water</p>	
<p>951 Amend Intergovernmental Agreement with Multnomah County for the Water/Sewer Bill Discount and Crisis Assistance Program (Second Reading 897; amend Contract No. 38119) (Y-4)</p>	<p align="center">183941</p>
<p align="center">Portland Fire & Rescue</p>	
<p>*952 Authorize contract with Alder Creek Lumber Company, Inc. for fire prevention, suppression and emergency response services for FY 2010-2011 (Ordinance; Contract No. 30001371) (Y-4)</p>	<p align="center">183942</p>
<p>*953 Authorize Intergovernmental Agreement with Metro for maintenance of a computerized mapping system for Portland Fire & Rescue emergency response vehicles not to exceed \$25,000 (Ordinance; Contract No. 30001420) (Y-4)</p>	<p align="center">183943</p>
<p align="center">Commissioner Amanda Fritz Position No. 1</p>	
<p align="center">Office of Healthy Working Rivers</p>	
<p>*954 Amend Intergovernmental Agreement with the Institute for Tribal Government at Portland State University for services associated with the Portland Harbor Superfund Site (Ordinance; amend Contract No. 36462) (Y-4)</p>	<p align="center">183944</p>

<p>REGULAR AGENDA</p> <p>Mayor Sam Adams</p> <p>Bureau of Planning & Sustainability</p>	
<p>*955 Authorize an agreement for Development with Siltronic Corporation regarding contingent commitments for development and restoration on the Siltronic property (Previous Agenda 915)</p> <p>Motion to accept substitute Development Agreement and Ordinance amendment: Moved by Commissioner Leonard and seconded by Commissioner Saltzman. (Y-3; N-1 Fritz)</p> <p>(Y-4)</p>	<p>183946 AS AMENDED</p>
<p>Office of Management and Finance – Financial Services</p>	
<p>956 Authorize revenue bonds for transportation projects (Ordinance)</p>	<p>PASSED TO SECOND READING JUNE 30, 2010 AT 9:30 AM</p>
<p>Office of Management and Finance – Human Resources</p>	
<p>*957 Ratify a Letter of Agreement with AFSCME Local 189, and Tamara Palmer authorizing the settlement of a grievance regarding working out of classification (Ordinance)</p> <p>(Y-4)</p>	<p>183947</p>
<p>*958 Ratify a Letter of Agreement with AFSCME Local 189 authorizing reimbursement of an additional pair of safety shoes for employees in the Water Meter Reader I and II classifications at the Water Bureau (Ordinance)</p> <p>(Y-4)</p>	<p>183948</p>
<p>*959 Ratify a Letter of Agreement with Laborer's Local 483 authorizing reimbursement of safety shoes and/or rain gear for employees in the Automotive Equipment Operator I classification who are assigned to fuel operations at the Bureau of Maintenance (Ordinance)</p> <p>(Y-4)</p>	<p>183949</p>
<p>*960 Ratify a Letter of Agreement with Laborers' Local 483 authorizing rehiring of retirees in the Construction Equipment Operator classification in the Bureau of Maintenance (Ordinance)</p> <p>(Y-4)</p>	<p>183950</p>
<p>*961 Ratify a Letter of Agreement with Portland Police Association authorizing the compensation of Doug Tang for certain overtime opportunities denied to him (Ordinance)</p> <p>(Y-4)</p>	<p>183951</p>
<p>Commissioner Randy Leonard Position No. 4</p>	

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<p style="text-align: center;">Bureau of Water</p> <p>S-962 Declare surplus property at eight Water Bureau locations (Second Reading Agenda 906) (Y-4)</p>	<p>183952</p>
<p style="text-align: center;">City Auditor LaVonne Griffin-Valade</p> <p>963 Clarify composition of Police Review Board and applicability of code provisions (Previous Agenda 908; amend Code Section 3.20.140 and amend Ordinance No. 183657)</p> <p>Motion to add emergency clause: Moved by Commissioner Leonard and seconded by Commissioner Fritz. (Y-4)</p> <p>Motion to accept Auditor’s amendments to Exhibit A: Moved by Commissioner Leonard and seconded by Commissioner Fritz. (Y-4) (Y-3; N-1 Saltzman)</p> <p>Motion to change vote from yes to no and reconsider the vote by which item 963 failed: Moved by Commissioner Leonard and seconded by Commissioner Fritz. (Y-4)</p> <p>Motion to remove the emergency clause: Moved by Commissioner Leonard and seconded by Commissioner Fritz. (Y-4)</p>	<p>PASSED TO SECOND READING AS AMENDED JULY 14, 2010 AT 9:30 AM</p>

At 12:28 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

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

June 23, 2010

WEDNESDAY, 2:00 PM, JUNE 23, 2010

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

June 23, 2010
Closed Caption File of Portland City Council Meeting

This file was produced through the closed captioning process for the televised City Council broadcast and should not be considered a verbatim transcript.

Key: ***** means unidentified speaker.

JUNE 23, 2010 9:30 AM

Adams: The Portland city council will come to order. Please call the roll.

[roll call]

Adams: Can you please read the title communications item no. 918.

Item 918.

Adams: Good morning, mr. Walsh.

Joe Walsh: Good morning. Good morning, mayor and members of the city council. I've given you a written presentation because last night there was an email from commissioner Fritz and I only read it this morning. And i'm going to give you some benefit of the doubt. So i'm not going to read my statement. It's in the record. You can look at it. However, there are a couple of things that I would like to say. Commissioner Fritz, when I read your email, I thought, well, maybe they're [inaudible] I asked my wife to read it, she's pretty apolitical. And she sees the world different than I do and she came up with three word that's I thought actually describes what's going on in this issue.

And she said it was bureaucracy's paper reality. If it's on paper, it must be happening. Well, it's on paper. But it's not happening. All i'm really asking you to is to take wheelchairs, it takes about five minutes. Second, you can have Karla, when she calls the roll, make an announcement, hey, if you have a disability, we have special places up front for you. That's it. You don't need a lot of meetings, a lot of people with titles, to come out with a plan. We could do that in two minutes. My wife's description of what's going on in this issue is true. Paper reality is not reality in this world.

It's just something on a piece of bark. That's what it is. So since i'm not going to read my presentation, there is something that I would like to bring up. And I said in an email to commissioner Fritz on this, and you can see it on any media. Something that happened to us last thursday. There were a group of kids sitting in front of the ninth circuit court of appeals in a place where they're supposed to sit. About eight feet away from the federal building. Two officers on horseback approached them, and hassled them. We went up and said to the police officers, do you know they're sitting in the safe zone? They're not bothering anyone. Why are you hassling them? Could I have your police business cards, which they're supposed to documents they refused. They hassled the kids, they were reaching out, of course, that's reaching out, gentlemen, and lady, we're in serious trouble. This police department should not be allowed to enforce the ordinance. Because they're not capable of doing it and they're going to pick and choose what they're going to do.

Adams: Thank you for your testimony. If you could talk to amy stevens right here more about that incident. Did you say it was on the block of the federal building?

Walsh: Yes, and the court of appeals, sits on sixth avenue.

Adams: We should probably clarify. I believe on that block, it's under federal jurisdiction and so we need to clarify what the rules of engagement are which I think is different. Thanks for your testimony.

Walsh: You're welcome.

Adams: We're considering the consent agenda. Is there someone from tri-met here to talk about item 926? Are you here for a different matter, aren't you rob?

*****: [inaudible]

Adams: Yeah, you're here?

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*****: [inaudible]

Adams: We're going to take it the consent and see if we can get answers to some of the questions and if not, i'll send it back to my office. Unless there's objection -- 926 is pulled, 940 is referred back to commissioner Fish's office. And I understand commissioner Saltzman is -- is 949 referred back to your office?

Saltzman: Yeah.

Adams: Ok. Any other items on the consent agenda that anyone wishes to pull off? Hi, good morning. Karla, please call the vote on the remaining items.

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

Adams: Aye. We have a 9:30 time certain which is an emergency ordinance. Karla, please read item 919.

Item 919.

Adams: Good morning, mr. Scott, how are you?

Andrew Scott, Office of Management and Finance: I'm Andrew Scott. This is the fiscal year '09-10. And there's two things to notice. And the two things to note, there's \$2,000, actually \$2,040 going for last Thursday and I think that will finish up the costs that the city has for this fiscal year, out of this year's contingency and the second is the transfer of \$800,000 into the police department budget. That's to prevent any more over-expenditure. At this point, the police bureau will not be overspent. However, the size of the budget and the thin margin on which they're projecting to come in under budget, we're recommending transferring \$800,000 into their budget to cover that. This is to prevent -- if a bureau overspends its appropriation, it's a violation of the local budget law. This is more of a safety measure to make sure we don't violate any local budget law. However, at this point, the police bureau is expected to come in under budget. The current budget after the spring bump that the police bureau has is the budget that the bureau will be responsible to manage to. And so they'll not be allowed to spend the \$800,000. to the extent they do we would be looking for additional cuts next year to pay it back.

Leonard: On that point have you personally observed structural changes in the oversight in the police bureau of their budgeting process that gives you some assurance that we won't see a repeat this upcoming fiscal year of what we experienced the current fiscal year?

Scott: We've been working closely with the bureau's fiscal division and in consultation with the mayor's office, we'll be starting monthly meetings, start this next fiscal year with the chief and the fiscal division and the financial planning division and we meet far more frequently than that to go over projections.

Leonard: And is that new?

Scott: That would be more frequently than we have met in the past.

Leonard: And specifically to look at where they are on different line item categories and their expenditures?

Scott: Right.

Leonard: Thank you.

Saltzman: Where is the \$800,000 being transferred from?

Scott: Earlier in the year, council set aside for next year's budget, funds -- there were a few different sources but a big portion was some utility license franchise settlements that the city received. So these are funds set aside for next year's budget, they are [inaudible] budgeted next year. However, they are part of this year's contingency. So that's why we're budgeting them now and that's why I stressed to the extent that the police spends any of the funding in this fiscal year, we'll need to get it back from them next year to make next year's budget whole. These funds are already being appropriated in next year's budget. We're just essentially moving them forward at this point and we'll need to get those back. But again, we don't --

Saltzman: What's that leave our contingency fund at starting with the new year?

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Scott: Well, this doesn't actually change the contingency fund at the beginning of next year. It's about \$700,000. I don't remember the exact number. But again, these -- this won't change that amount. And to the extent that the police spends any of this, we'll be taking additional cuts from their budget next year to make up that difference.

Adams: As I understand it, it's kind of an odd recommendation but to avoid a cash flow issue, you can't -- you can't -- once we adopt this ordinance, budgets, bureaus either stay within the law and make their budget but there's no further tweaking allowed is my understanding of how this works. And the bureau believes that they'll come in on budget. You're going to work with them to make sure they come in on budget. If they don't, then we've cashed flowed any overages so we stay within budget law. If they do go over, then the bureau will be cut to repay this sort of short-term loan, their budget will be cut next year to refill this. I sort of view this -- I don't know if this is accurate. The money is coming from sort of the operating cash flow? You probably wouldn't describe it this way. But the operating cash flow of the city. Is that accurate?

Scott: Yes, it gets at the heart of what we're doing. We're trying to avoid an over-expenditure of the appropriations. Since that violates the budget law and shows up as part of the financial audit. Again, the police bureau doesn't think they'll need this money but if we had perfect foresight in the next two weeks, we may not need this, and that's our hope but we from a financial planning standpoint -- and a point, \$800,000 is about .9% of the overall police budget and it's a thin margin and if we get unforeseen number of retirements -- and other things could happen in the last two weeks and that's why we want to be prepared. As the mayor said, if we department do anything now, this is the last opportunity to amend budgets for the current fiscal year.

Fritz: What was our contingency to start this year?

Scott: \$2.1 million.

Fritz: At 2.1 and starting the next one at \$700,000?

Scott: Uh-huh.

Fritz: So I just want to go through the packet because there's some line items I didn't understand. Grants fund in transportation, \$10 million, what's that?

Scott: That is -- yeah, it's recognition of state funds related to purchasing the streetcar.

Fritz: Ok. Thank you. And development services on page 2 of 23. There's a contingency of \$7.7 million. Is that the same as reserve? How did we get a contingency of \$7.7 in development services? The top of page 3.

Scott: Yeah, again, I think that's their current 2009-10 contingency. I could follow up with additional information. I don't have the details right now.

Fritz: Commissioner Leonard had a question about the development services budget on page 3 of 23 it talks about a contingency of nearly \$8 million. What is the contingency fund? How does it get there and what is it used for?

Leonard: What page are you on?

Fritz: 3 of 23 of the over expenditure budget process.

Scott: Exhibit no. 2.

Leonard: 3 of 23 on -- I wish I had Paul Scarlett here. I can tell you it's not extra money laying around. They continue to operate near zero on their reserve fund. So --

Fritz: I can find out later. Thank you.

Leonard: It's not extra money.

Fritz: Right. And thank you for your continued work on this.

Leonard: Thank you.

Fritz: In the general fund reserve, we had \$63 million. This is on page 4. We had \$63 million and we used \$49 million of contingency in expenses? What's all did we use that for?

Scott: That means \$49 million is in contingency. That's not being spent.

Fritz: So we spent \$15 million out of the general fund reserve?

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Scott: Out of general reserve fund, yeah.

Fritz: And if I can get a list of what we spent it on, that would be help. Page 5, the campaign finance fund, it list \$748,000 for external materials and services. I was wondering what that was spent on since only one candidate qualified, seems high.

Scott: And again, that's the budget, what you're seeing there is the '09-10 revised budget, it's not actuals. That's what is budgeted for the current fiscal year, for the campaign finance fund but I suspect their actual spending is lower.

Fritz: We may have more money in that fund at the end?

Scott: Yes.

Fritz: That's nice to hear. Under the revenues and the grants fund on page 6. 217. Oh, that's the streetcar stuff again, right? The \$10.4 million?

Scott: Yes, the adjustment.

Fritz: And I apologize for not bringing this up ahead of time. I was out of town over the weekend. On page 11, Fund 317, the government bond redemption fund. We had \$120,000 in revenue. Where does that come from?

Claudio Campuzano, Office of Management and Finance: That's cash transfer revenue from the housing investment fund. That's out of the beginning fund balance to pay for [inaudible] penalty.

Fritz: Thank you. Page 14 under the water fund. There's a new capital expense of around a million dollars. Do you know what that's for?

Scott: It's a shift of \$1 million from contingency to capital program due to the expected delivery of fleet vehicles. \$700,000 of that, so again, I think they're getting the vehicles in this current year. So they're moving them out of contingency to pay that bill and contract change orders on the sandy river crossing project of \$300,000.

Fritz: Have those come through council already or are we approving that use of contingency in this vote?

Scott: No the fleet purchase would have come as a separate ordinance and the sandy river crossing project, I would assume as well?

Leonard: It came as a separate.

Scott: this is just the financial transfer to pay for those things.

Fritz: Page 20, in fund 702, city fleet operating budget, there's a \$460,000 less of an adjustment but then it seems like it's added in the revised budget rather than subtracted. No its not never mind, you can skip that. That's what you get for doing things at midnight. What I get doing things at midnight. And then we're still going to be figuring out funding for last thursday in the upcoming budget. This settles the debts for this year?

Scott: Right we transferred \$11,520 in the spring bump and an additional \$2,040 now. I don't believe theres anything budgeted in 10-11.

Fritz: Thank you very much.

Adams: Any other discussion from council? Anyone wish to testify on this matter?

Moore-Love: No one signed up.

Adams: Call the vote.

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

Fritz: Thank you for knowing the details. Aye.

Adams: Aye. [gavel pounded] 919 is approved. Can you -- we have a few minutes before our time certain. Can you please read the title for emergency agenda item 955?

Item 955.

Adams: Yeah, hi. How are you doing, ms. Edmonds?

Sallie Edmunds, Bureau of Planning and Sustainability: Very well.

Adams: Enjoying the sun?

Edmunds: Very much.

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Adams: What are we looking at here?

Edmunds: Last week, you heard testimony on an ordinance related to the development agreement with siltronic. And since the release of the development agreement and even as late as this morning, we've identified some needed amendments. They are outlined in the packet that includes a salmon colored sheet and some yellow sheets of paper. And what we would like for you to do -- most of these are just type graphical errors. What we'd like to you do is move to accept the substitute exhibit that's on yellow paper. With the addition of the amendment that's on the salmon colored piece of paper.

Leonard: So moved.

Adams: Is there a second?

Saltzman: Second.

Adams: Moved and seconded. Karla, call the vote on the motion to substitute.

Saltzman: Aye.

Leonard: Aye.

Fritz: I haven't seen the substitute and I really don't like voting on things I haven't seen. So, no.

Adams: Aye. [gavel pounded] substitute is the basis for further discussion. Do you want to explain what the changes are?

Edmunds: Yes. If you would please turn to the memo. That is on yellow paper. You will see a list of the changes. They are outlined so on page 2, there was the word "directive" is replaced with the word recital.

Adams: Let's pause and let us read that item.

Edmunds: Ok.

Adams: Unless there's -- is there anything substantive here that we should air out for the listening audience? Any of these items you would consider anything other than scrivener's or technical changes? Doesn't --

Edmunds: I don't think so.

Adams: I don't see anything that --

Fritz: Could you explain why you've made some of these changes. What's the significance of recital versus directive?

Edmunds: The reference in the document was to a recital and was not to a directive.

Fritz: Ok. Why the change from negotiated to considered regarding the cost of the ecoroof?

Edmunds: That's a change requested by the Portland development commission, they believe this language more accurately relates to the action they would be taking.

Adams: So requires that when there's a potential tenant for the site, it's required that the ecoroof be part of what is either negotiated or considered, but it isn't intended to be nor do I think it's any substantive change.

Edmunds: I believe that's correct.

Fritz: The next one, about the default, goes with the amendment on the orange paper, right? Regarding the agreement cannot be terminated unilaterally after the conveyance of the conservation easement?

Edmunds: I'd like to look to the city attorney. Katherine?

Fritz: Why was the change on the yellow sheet made that if the siltronic or city is in default of any obligation, the non-defaulting party --

Adams: Have a seat, kathryn. The city attorney asked us to make a number of legal changes.

Kathryn Beaumont, Sr. Deputy City Attorney: Yes, both of my colleagues, jan betz and I worked on this agreement. This language comes from jan and I believe it's intended to --

Adams: It means that, if I recall correctly, this -- this phrase city attorney felt was more binding in the agreement than the other language, which says that siltronic cannot unilaterally walk away from

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this agreement and continue to expect or enjoy the benefits that we seek to convey to them as part of this agreement.

Beaumont: That's right. If they continue to be in default, beyond the period for cure, the city would have the right to terminate the agreement. Doesn't mean the city has to, but it has that right and levels the playing field in terms of the parties' obligations.

Adams: And if I recall correctly, Jan thought her phrase was better than struck out phrase.

Beaumont: Right.

Adams: Right, it was clearer.

Fritz: And then what's the significance of adding the piece about the conveyance -- after conveyance? On the orange paper.

Adams: That's what I just said. What I just explained.

Fritz: Yeah.

Adams: It means that simply because the conservation easement is conveyed to the city does not give the -- the agreement still lives. The binding parts of the agreement still live. It isn't like you give us the conveyance of the easement and we're done. It's that you do that, but it also -- you have to live up to the other expectations in the agreement as well.

Fritz: And what are some of those expectations?

Adams: That hasn't changed in terms of -- if it isn't on this yellow sheet, wordsmithing, or on this orange sheet, everything is exactly as it was before the city council last time.

Edmunds: Correct.

Fritz: Thank you.

Beaumont: I think it's fair to say the changes on the yellow sheet are for the most part very minor changes and even the wording changes you've identified, commissioner Fritz, are relatively minor in nature and designed to provide clarity and equality of obligations and opportunities under the agreement.

Adams: Any other discussion, I just wanted to make sure I understand the additional language on the ecoroof. As I'm reading this, there are incremental costs of the ecoroof, which would be subject to possible pdc assistance or whoever. And what can be offset by the energy savings associated with an ecoroof. Am I reading that right?

Adams: That is --

Saltzman: The built-in costs -- minus the energy savings?

Adams: Correct. That's up for negotiation, because we don't know the size and use of the building, because we don't know -- because there isn't any prospect tenant to build the building for, we wanted to put in some language that required this to be considered and make the legislative intent clear we want an ecoroof on it, but at the same time, allow flexibility of future negotiates to figure out how to do that. To not put ourselves completely on the hook for all the possible costs associated with a ecoroof but not take ourselves completely off the roof for potentially doing a -- what would be one of the city's first and largest industrial ecoroofs. That's kind of the balancing act we're trying to play with the ecoroof. Any other discussion from council? Anyone who wishes to testify on item -- whatever item -- 955? All right. Karla, please call the vote.

Saltzman: We're voting --

Edmunds: Excuse me. We need to substitute the exhibit that's on yellow paper with the addition of the salmon colored. We need to substitute that and then we also need to --

Adams: We did that already.

Edmunds: Oh, you did? Ok. And then the other thing we need do is amend the ordinance as noted on the salmon piece of paper.

Leonard: We did that.

Adams: We did that as well. Thanks for checking. Karla?

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Saltzman: Well, I -- I missed last week's hearing and I apologize, but I know there's been some controversy about the wisdom of doing this agreement outside of the river plan. I think this agreement, though, is -- is -- provides for effective connectivity between the west hills and the riff and for wildlife and an think we're -- and for the river and wildlife and I think we'll provide additional enhancements for people accessing or greenway and I think this also provides the potential to provides an excellent parcel of land for industrial jobs in Portland. Either through siltronic or whoever they choose to lease the property to. I think we have had a long partnership with siltronic and I think they've come to these negotiation in good faith and I express the concerns -- understanding the concerns expressed by Audubon and others. Nevertheless, I feel the situation given our economic situation at hand right now we should go ahead and approve this agreement and this will stand the test of time and hopefully have an ecoroof unparalleled in terms of its breadth and scope and use for on an industrial property. So i'm pleased to vote aye.

Leonard: Aye.

Fritz: Well, first, I appreciate the mayor's personal involvement in negotiating this agreement. You worked really hard on it and thanks for that. I want to explain to everybody the thinking that came behind my vote here. The property provides wildlife habitat and connectivity in part because up to this point and time, siltronics has chosen not to develop the site and we want our river properties developed and put into good jobs. The benefits of the agreement include that the development agreement establishes a minimum width for the conservation easement and the city receives a permanent conservation easement. The city and Siltronic gain certainty in the areas protected in perpetuity. The environmental review of a c-zone conservation zone is much less likely to fully mitigate for impacts and I think this is the most compelling point. That under the river plan, the proposed zoning had only a small amount of environmental protection zoning and my experience with environmental conservation zoning is that we would not get as much protection as with this conservation easement. The city can initiate some enhancement activities now. Grass land habitat grows quickly and can be easily restored if disturbed by future development actions on the siltronics site. The area would be secured for potential restoration if a confluence area perhaps providing off-channel habitat for juvenile salmonaids during flood events. On the other hand, the risks are we don't know if and when development will occur on the siltronics site, what form it will take. The conservation easement is in my opinion too narrow to serve as a functional wildlife corridor for large mammals, if development on the Siltronics site is maximized. The land use activities on the northern pacific railway property could negatively impact city enhancement activities in the conversation easement. Restoration work on the confluence of doan creek in the Willamette river, require negotiations with and support by the northern pacific railway and we recognize that is another challenge that needs to be faced. Daylighting doan creek is constrained by the size of the conservation easement and is cost prohibitive in the short term, if not in the long term, lots of money. And its also constrained by the underground utility corridor unassociated homeland security issues. Passage of this ordinance puts pressure on the council to acquire, preserve or enhance the one or two remaining sites with connectivity to forest sites, forest park. The conservation easement will be further compromised if a trail goes through the property. Costs associated -- the estimate for the cost of restoration of doan creek is over \$71 million and obviously we don't have a funding strategy for that yet and I am concerned that some of the negotiations were conduct without full public input. However, I particularly thank the bureau of planning and environmental services staff as well as bob sallinger and the Audubon society and the many neighbors who provided comments on this proposal over the months that the mayor has been working on it. And I also thank patty howard and tom Bizeau on my staff. Very good arguments have been made for not moving forward, however with the adoption of the ordinance, the city would receive a conservation easement in perpetuity that despite the many hurdles, and there are many, provide some opportunity for enhancement of the proposed conservation and potential

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restoration. My vote should not be interpreted as an endorsement to the north reach plan. This is something that's been working in parallel since I came on the council. This negotiation came about due to Siltronics unique history with the city and does not in my estimation represent a precedent for the north reach plan. As a city and elected official, I have the ability to consider the long-term benefits and shared responsibilities of my decisions and I don't make them lightly. A vote against adopting this development agreement means no change for the present and a future. And with that, an unknown outcome when development does arrive, especially in the light of what I know about habitat protection in environmental conservation zone. Unless the whole site were given a environmental protection zone there is a lot of lead way given to the developer under either method of moving forward. Adoption of the development agreement brings with it the certainty of land that can be restored albeit it not to the extent that many in the city would like to see. The conservation easement can be looked at as a doorway into better possibilities for the future. I've concluded after careful consideration that the potential long-term benefits outweigh the current short term concerns. Aye.

Adams: Well, I think these protracted negotiations or discussions have been going on for -- how long? -- two years, actively and informal discussions date back to the middle of the katz administration, I know that. So i'm pleased to be part of the city council that draws to a close these long protracted negotiations. The reason that we are moving forward with this separate from the north reach plan is because those discussions are many years in the making and my hope for this -- this stretch of the river is that we have the kind of creative successful economic and environmental site that this agreement allows for. And so continue to work on seeing it to fruition. This is a tough, tough site. One the most polluted sites on the river. It was when -- before siltronic agreed to locate there back in the '80s? '70s? And that fact that we're able to move forward with this amount of benefit is worth the effort. I am pleased to vote aye. I want to thank amy ruiz and sally Edmunds and the entire team that worked on this, aye [gavel pounded] all right. That gets us to time certain. Canning you please read the title for time certain 920.

Item 920.

Adams: I'm pleased to bring forward this street reconstruction report as part of the division streetscape effort. This -- if council adopts this, we will engage in the activities aimed at implementing and improving the division streetscape and street reconstruction plan. It's a plan that I think represents some of the best work out of a partnership between the city, businesses in the area and residents. So i'm pleased to offer this for council consideration.

Elizabeth Mahon, Bureau of Transportation: Thank you. Good morning, mayor and commissions. I'm Elizabeth mahon. And with me is jody yates also from pdot. And we're here to adopt the division streetscape and street reconstruction report and conceptual design and while it represents a year's worth work on the part of project staff and advisory committee members it also reflects over 10 years of work and effort on the port of community members who work tirelessly to see their neighborhood's main street become a healthier, safer and more vibrant place in their community. So it's exciting to be here, presenting this conceptual design and ready to move forward with the plan this summer. Before we present the recommendation for the traffic and streetscape improvements, I wanted to briefly discuss the project background and our community outreach over the last year. Our project area is from s.e. 10th to 39th ave and that encompasses the right-of-way within that area. This project stems from the division green street main street plan adopted by city council in february of 2006. The plan was a collaborative effort between the city and community to improve the livability of division between s.e. 11th and 60th avenues over the next 20 years. This effort was led by the bureau of planning with support from pbot. It outlines a number of objectives for transportation improvement along the corridor. And identified possible strategies for creating a pedestrian friendly economically vibrant and environmentally sustainable main street. The plan also identified a number of existing conditions on the street that interfered

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with the community's vision for this main street. This included existing traffic volumes and speeds. Inadequate crossing opportunities for pedestrians. The lack of a cohesive identity and sense of place throughout the corridor and the presence of pro-time lanes on division. So pro-time lanes are these curbside parking lanes that become travel lanes during peak travel times when volumes are higher and we need the capacity.

Saltzman: What did you call them.

Mahon: Pro-time lanes.

Fritz: What does it stand for?

Mahon: Provisional time travel lanes. On division 7 to 9 a.m. westbound that parking lane becomes a travel lane. And same thing in the p.m. peak, 4 to 6 p.m. eastbound the parking lane becomes a travel lane. So all of these conditions interfered with creating a vibrant and green main street. The report from 2006 also identified the many competing uses on division and as past our transportation plan, division is classified as a neighborhood collector street. A major transit priority street and major emergency response route a local service bikeway, a city walkway and a truck access street so many conflicting uses and demands. In 2009, after receiving federal and local funds to move forward with the transportation elements from the division green street, main street plan, the city initiated the division streetscape and street reconstruction project. Our focus during this phase was to develop a design that would one, achieve the objectives and goals from the 2006 plan while addressing the issues and constraints it identified. And three, to attempt to balance a multimodal transportation demands on division. And for our public outreach process, we established a 23-member citizen advisory committee, comprised of representatives of local businesses and neighborhood associations, business and property owners and bicycle and pedestrian advocates and school p.t.a. and youth representatives and representatives from the bureau of planning and sustainability and the bureau of environmental services. The cac met monthly for over a year to develop and revise the design based on community feedback. We held two public meetings. One at the on set to present the goals and initial design ideas to the community. And the final open house to present the proposed design. One last time for a public final review. We held a Saturday design workshop in the middle of our process which allowed the community to review the design in detail and provide site-specific feedback. We also conducted a series of smaller business and property owner outreach meetings and these meetings created an opportunity for the property owners and business owners to provide site-specific feedback. One-on-one with project and staff. We also attended local fairs community events and neighborhood and business association meetings to inform the public about this project and receive feedback. With the help of the cac, we established four goals. The first being shared economy. Under this goal, the design would include street improvements that support both commercial and residential uses of the street. Preserve parking for business vitality and preserve visibility and sidewalk access to businesses. Our second goal was clean and green environment. Under this goal we'd add green street infrastructure, bioswales, stormwater planters, street trees to manage stormwater and improve air and water quality. Our third goal was healthy community. We would encourage bicycling and walking and transit use through improved facilities and support traffic speeds that are consistent with high levels of pedestrian activities and the fourth goal is place making. This was created to help encourage a design on division that would provide a unique identity for the corridor. Through art and cohesive design elements. To achieve these goals-- we needed to conduct a traffic analysis for the corridor. The major objective of this analysis was to determine to what extent the pro-time lanes could be removed along division to provide the necessary right-of-way for other streetscape improvements. Such as full-time parking, curb extensions and bioswales. For this analysis traffic engineers analyze current and future traffic volumes under the proposed two lane cross section, vehicle speeds and turning movements and lane utilization patterns throughout the corridor. And for any changes to the street cross-section we as a city would still be required to satisfy local and federal

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performance requirements for motor vehicles and transit operations. To not create congestion on division that would result in diversion on to adjacent local service streets and maintain adequate vehicle and truck access to local businesses. And so on to our findings and recommendations. Staff modeled current and future traffic volumes under both the existing conditions and the proposed two-lane cross-sections and found southeast division can adequately serve traffic with one lane in each direction except near major nodes. That being s.e. 11th-12th that couplet and the seven corners intersection which is se 20th, ladd, 21st and division. We found that for these major nodes, we need to maintain the existing cross-section to provide adequate capacity and address the traffic demands during peak travel times. That's for now and in the future. But, outside of these intersections, traffic engineers were able to remove pro-time lanes and our observations saw that the outside lanes were not used as much at inside lanes due to the narrow width. So we have four nine foot travel lanes on division. So as such, we're proposing to remove the pro-time lanes to provide an wider single traveling in each direction. Doing so will allow us the opportunity to also provide either on street parking for businesses or build out into the right-of-way and provide some of the other streetscape improvements, curb extensions and green street amenities. We'd like to note that the project coordinated closely with the portland-milwaukie light rail project and their traffic analysis. We wanted to make sure anything were proposing under this project works with the changes that will come on division as part the of the Portland-milwaukie light rail project and they've included our plan into their modeling and the results show that the light rail will not have an adverse impact on division and we can still move forward with our changes as planned. These changes are supported by the cac, our the citizen advisory committee and the majority of the community members and I would like to note there are still minority opinions on removing the pro-time lanes. Or really minority opinions on both sides so there are individual who's feel we're not doing enough and we should do more. And remove them entirely and there are individuals in the community that feel we shouldn't remove the pro-time lanes at all and so our plan strives to strike a balance between these two opinions and do as much as we can now and kind of head -- make a step in the right direction in terms of calming the street and greening the street. After our traffic analysis, we were able to develop the streetscape plan with the community so in the final report which you have, we have the full streetscape plan block by block. I wanted to highlight some of the major plan elements. Through the corridor, we'll be constructing pedestrian safety improvements which includes curb extensions, marked cross walks, 88 curb ramps and pedestrian countdown timers at all signals, adding a lot of green infrastructure, so street trees, bioswales, stormwater planters. For transit, we're going to consolidate stops and improve the stop spacing along division and build curb extensions and crossing improvements at these bus stops and provide some additional bus zones, full pullout so that the bus can get out of traffic and passengers can exit safely onto the sidewalk. Bicycle, we're going to add bike boxes at ladd and 21st to help with circulation through the seven corners intersection and adding a number of bike corrals through the corridor for bike parking and also improve travel across division for bikes with the curb extensions and marked crossings. For public art, working with the regional arts and cultural council to place public art on the street that's pedestrian-scaled and episodic in nature and that's going to be placed throughout the corridor. And it conveys the character of the division street community. For on street parking, adding a number of full-time on street parking spots in commercial zones. And then we're looking at paving the frontage zones in commercial area to provide as much pedestrian space as possible and street lighting is to be determined. During the engineering phase we're going to perform a lighting analysis to determine if there are additional lighting needs. And so here's an example of the streetscape design. Just one of -- a couple of blocks from the plan. And so the bright green dots represent new medium to large canopy trees, new marked crossings are in black and new curb extensions and corner ramp improvements are in orange and a number of bioswales represented in blue. So just an example of our plan. I also wanted to touch on the plan elements we considered

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but are not part of this plan. So first, is street furniture. And due to the city's maintenance funding constraints, the plan does not include street furniture on division and the other piece is the buildout of seven corners. This is something that was really important to the community but is something we're not able to incorporate into the plan at this time and this is due to the complexity of traffic operations at this intersection. Since we can't narrow this area to a two-lane cross-section we can't build out into the right-of-way and create that sense of place that the community requested. That being said, we wanted to include the rendering of what seven corners could look like and that's included in the final report. And in the future, if mode splits are high enough and auto volumes decrease enough to allow us to reduce capacity through this intersection, this may be what seven corners could look like in the future and the cac especially felt that this drawing almost serves as a call to action to the community to support alternative travel modes to allow seven corners to be transformed in the future and create a sense of place at this intersection. And while we're unable to incorporate this into our current plan, we feel the streetscape improvements we're proposing today help provide safer alternatives to driving and set the stage for public and private redevelopment at this intersection and throughout the corridor.

Fritz: On the issue of trash cans and benches, is the problem the buying or the emptying?

Mahon: The emptying. The maintenance fees. This project could fund the installation but we can't maintain them and this could be something that happens in the future if, say, a maintenance agreement was struck with the business association and so one of the things we heard from the community is focus on improvements that we can build now but maybe couldn't happen later. Do what we can with this capital project and maybe down the road, the neighborhood and the business association could add these other amenities like street furniture and benches and trash cans.

Fritz: Is -- are there designated spaces where they would go in the future?

Mahon: Yeah, typically they're placed in the furnishing zone, so that space would still exist.

Fritz: Does the plan identify where in particular it's desired?

Mahon: No, that's something we removed from the plan early on. Yeah. So next steps for the project. Pending adoption of the plan, we plan on proceeding with the engineering phases starting this summer than would last a year. We're going to continue to work with members of our cac on any plan refinements that come up and continue to coordinate construction with the community and business owners and public agencies. And then from 2011 to 2013, construct the streetscape improvements and restore the payment on division from 10th to 39th. That concludes my presentation. I know we have a number of community members to testify. But before I turn it over, do you have any further questions for me?

Fritz: You don't have bike lanes on division, because clinton is the designated bike boulevard?

Mahon: Correct.

Fritz: How would you mitigate for traffic moving from Clinton to division with the loss of extra lanes at rush hour?

Mahon: Something we talked a lot about, and we've included a diversion statement in the final report and it states we'll monitor traffic counts before and after on both division and clinton and if we see a relationship where volumes drop on division and they increase on clinton, we'll look at additional mitigation for that bike boulevard and work with the bicycle coordinator to determine what that will look like. We have some ideas of additional passive calming that we can do.

Fritz: Like what?

Mahon: Kind of passive diverters where you narrow the lane as you approach the intersection. Almost like a pinch point.

Leonard: It's important to point out on clinton, there are currently speed bumps.

Mahon: And traffic circles.

Leonard: Which is an impediment for people who want to divert to Clinton currently.

Mahon: Correct.

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Adams: By the numbers, this is an experiment. Because this part of town is so constrained. From a vehicular throughput demand point of view. So we definitely will have to actively monitor and do that in partnership with folks that do business and work there. Because you never know, they might -- the diversion might happen to clinton, it might go some other place. We don't always know and we have to really watch it carefully.

Leonard: I wanted to point out at 39th, even if you wanted to put up traffic diverters and speed bumps, you can't continue east on clinton.

Mahon: Right.

Leonard: You have to turn right or left. I think already --

Jody Yates, Bureau of Transportation: Bikes can continue through, but motor vehicles must turn.

Leonard: This is my route, can you tell?

Adams: I'm not -- i'm hopeful about it not going to clinton for the reasons you state. I'm just curious where else it might go. Because the volumes and speed -- the reason we're doing this, is because the volumes and speeds are so devastatingly high. We'll see what happens.

Fritz: Can I finish my question?

Leonard: Sorry.

Fritz: Can you tell me for the loading and unloading -- all loading and unloading for businesses and multifamily will be in loading zones? We're losing a lane right so how would --

Mahon: That will occur in the parking lane that exists today. So all of the loading zones that exist on division will remain in place. We won't build curb any extensions or swales.

Fritz: Are there additional loading zones?

Mahon: We're not providing any at this point. It could be changed. We're adding full-time parking to the street. Instead of parking spaces, it could be converted it a loading zone if there's a need and the property owner wants that.

Fritz: Don't we have a net loss of over 100 parking spaces?

Mahon: I don't believe so. We have -- we're removing pro-time parking, but then adding full-time parking so it's a little confusing when you look at the numbers and the graphic I provided.

Fritz: The way we had it calculated, losing 91 provisional spaces and 24 existing spaces? I'm concerned about the loading -- i'd like to hear comments from the neighborhood and businesses about that. What -- does the project design respond to the current uses or current zoning? And what are we anticipating happening if this new development? We're not changing the zoning. Did we change the zoning earlier?

Mahon: We did, during the 2006 process, the division is zoned for mixed use commercial.

Fritz: And this project looked at the future of development buildout?

Mahon: Yes, it did.

Yates: From a traffic modeling standpoint, it looked at future buildout for the existing where parking is and loading zones, we looked at the existing uses, that are currently out there. It's a mix of both. From the traffic molding, we look at the zoning.

Adams: Also to provide for the record, legislative intent, we look forward to the day there is more demand for loading zones and we have the -- in terms of our ability to be nimble and being able to provide that based on demand, we will be.

Fritz: Good.

Adams: And actually because we have some more permanent spots in more spaces we actually have more opportunities to do a better job for business and a lot of neighborhood commercial streets they're loading zones based on a specified time, based on the needs of the business and it doesn't mean we have to designate them like downtown where they're loading zone 24 hours a day.

Fritz: Thank you very much. That makes me feel more comfortable. In terms of the funding the total cost is \$13 million right?

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Mahon: Correct. So we're teaming up with the bureau of environmental services to also construct their tabor to the river, so \$7 million is coming from bes and building a number of the swales they would like to see on the street as well as sewer pipe improvements so that's \$7 million. And \$6 million is coming from pbot, transportation funds for our piece of the project.

Fritz: And that's including some system development charges, right?

Mahon: Correct.

Fritz: And we got federal funding.

Mahon: \$2.5 million in federal funding and the rest is local transportation sdc's and general transportation revenue.

Fritz: Thank you very much.

Saltzman: I see diversion traffic not going to clinton, but hawthorne or powell.

Mahon: Yeah.

Saltzman: The traffic that's trying to get somewhere, if they're not going to go Clinton, if their trying to get beyond 39th.

Mahon: Right, use the other major thoroughfares and we found that two-thirds if the traffic is local as well so aren't using division necessarily to get far out east or to gresham.

Saltzman: Ok. I was wondering about the stretch between I guess seven corners and cesar chávez boulevard in terms of the left turn restrictions. Was that considered?

Mahon: We did. The turning movements or demand for the left movements wasn't great enough that it would justify putting in those left turn or restricting turns, excuse me.

Saltzman: Explain that again to me. Aren't people doing left turns.

Yates: there are left turns occurring off division, however there aren't a lot of them. So it doesn't warrant us either precluding or -- doesn't allow them, they don't actually limit traffic as much as you would think.

Saltzman: Does that apply to the full buildout scenario that you modeled?

Yates: I believe so. We have the traffic engineer here if you would like to ask that specific question.

Saltzman: I see a definitely improvement by having the bus turnout.

Mahon: We're providing those.

Saltzman: Yeah, I see that as a plus. I see the potential for lines of traffic if someone is making a left turn in rush hour.

Leonard: Sound look like a traffic engineer here but I use the routes a lot. Hawthorne ceases at 52nd. And people who want to go further east are not going to turn left to go to hawthorne only to find that their diverted at 52nd back to powell. So I don't think that that may happen. Those who want to go to powell to escape division, good luck.

Saltzman: Good luck in terms of?

Leonard: It's heavily congested.

Saltzman: Oh, yeah.

Leonard: And people looking to make those diversions would be looking to go east further than 39th or 52nd and nobody would look as an alternative in either hawthorne or powell. There might be some way that I'm not aware of but I've tried them all and there's no good way to get east particularly when you're going west of 52nd on hawthorne or powell.

*****: the bike is a good alternative.

Leonard: Very familiar with the Clinton-woodward route.

*****: Which is a great route.

Adams: The contemplation, the plans for turns, no turns is based on future modeling and if you could clarify, commissioner Saltzman.

Lewis Wardrip, Bureau of Transportation: The -- what we looked at, where we have the constrained capacity like at signals. We looked at park removal, to allow people to actually when

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somebody is waiting to make a left, people can go around them to good through. We did that at like 26th where we have a signal.

Saltzman: Where you have a signal?

Wardrip: Yeah, to address the issue about left turns.

Saltzman: I was thinking more of the street where you don't have signals. Your modeling shows even the intersections where there are no signals, the number of left turns is not significant enough that it would impede or violate, whatever, the traffic standards that exist?

Wardrip: In 2030, that's the model we used. It showed it would still operate adequately.

Saltzman: Thank you.

Adams: Other discussion with this panel? Thank you very much. Appreciate it. How many people are signed up?

Moore-Love: We have eight people signed up the first three, please come up.

Adams: Good morning, welcome to city council chambers. Glad you're here. Give us your first and last name and tell us if you're a -- if you're representing a group or organization or a business. So please begin.

Liz Gatte: I'm liz gatte and I was a member of the citizen advisory committee. Should we --

Adams: Go ahead.

Gatte: As a member of the citizen advisory committee for the division streetscape and repaving project, I learned about how the community utilizes division and its offshoots. It's a vital place. And that it remain vital for all who live and work, shop and travel through our wonderful neighborhood. A series of meetings and open houses and other conversations and creative problem solving, our team consisting of city staff, consultants and community members worked to recommend modifications that would impact our corridor favorably and spent hours in committee and email questioning and consulting and considering the best options and a lot of time and energy and lots of good conversation. The modifications we came up with include those that liz went over in her slide show. For me as a mom, the committee member representing the schools, ptas and parents, and someone who regularly walks the neighborhood, I was concerned with safe street crossings and community weigh stations or stopping points as well as flow throughout the corridor. That includes drive-through traffic, cars and bikes and tri-met and school buss and those stopping to park and contribute to our local community. The improvements we recommend in principle meet my desires. I'm very interested in the ongoing community efforts to prioritize them based on cost and impact and ask the city to continue to prioritize the possibility of making a significant impact at seven corners and I know a significant amount of city staff time was put coming towards coming up with a solution both before and during this project. And I feel we can make an impact in the future and I think that the community will coalesce. That's it. Thank you so much. I need to leave because I promised my children i'd only be in chambers a little while.

Adams: And they look bored.

Gatte: I was hoping we could get your autographs.

Adams: Sure, they can come up. Walk behind here. Mr. Klotz, welcome back.

Amy Lewin: Good morning. My name is amy lewin. And I live in the middle of this span of division, if you will off of 28th and division just feet away. Got interested in the division street process when my daughter was six months old and walked the route with other neighbors and for the past year I've sat on the citizen advisory committee as a neighborhood board member and representative there. I support this drawing and it's nice to see something on paper and a plan, so I appreciate everyone's effort on that. It's been a long year and a lot of conversations. Still want to put my impact statement on parking. It looks like we're losing parking but in some places we're gaining a clear message on the street on where you can park and I think pro-time lanes sometimes cause confusion for drivers and people who want to park but aren't sure. Is it safe? This is an issue long been debated over the last couple of years but I think removal of pro-time lanes in addition to

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24/7 parking in those spots is going to be an improvement which on the skinny streets will be noticeable. It will affect traffic but i'm willing to stand in traffic and wait. As someone who uses the street, it's a frank neighborly way of saying that. Also, seven corners is an important part of our street and the hosford Abernathy neighborhood. I've been working with creating a park or pocket park plaza at S.e. 19th avenue and division and though it's not reflected in the plan, it is a neighborhood process we're trying to coalesce around, I think it's important to note there's not a lot of spaces for approving public space in this corridor and we need to take advantage of every inch we have. So I just wanted to again, thank everyone for their efforts and thank you.

Leonard: Is that the plaza, the vacant lot that used to be a service station?

Lewin: Actually, the vacant lot owned by the county and reach community development is planning a multi-use, multi-family development. Other people can talk about. The space i'm talking about is owned by the city. It was a quit claim deed for a dollar and it's now a dead-end street. 200-by-60 feet that's used as an informal parking lot with unpaved access on the back side. It's something we can talk about in future conversations but it's a space that I think the city can take advantage of it.

Leonard: Who in the city owns it?

Lewin: Portland bureau of transportation.

Leonard: Right there.

Adams: I'll sell it to you for \$2.

Lewin: You're on record. [laughter]

Doug Klotz: Hi, doug klotz, I was on the citizen advisory committee and i'm here to talk about the pedestrian issues as I often do. The division streetscape plan does a lot of things right for pedestrians. Removes two lanes on division on most blocks and adds curb extensions at 23 intersections. Hopefully there's enough funding for all of those. Unfortunately, there is an area where I believe the plan gets it wrong and that's the addition of stormwater management facility, swales, in commercial zones. I don't know if you have my handout.

Adams: Yes.

Klotz: You're probably familiar with the three zones in the sidewalk. Furnishing zone, pedestrian through zone and a frontage zone. On division that comes out at 12 feet. The pedestrian through zone, 6. And the furnishing zone is 4. The 6 foot through zone while its adequate in residential areas, you get in the commercial area and you have more than two people walking and another person comes the other direction or another couple, you have to go around and hit one of the other zones, often. So the rest of those areas are used for walking also. And I know café tables are sometimes in those zones but you generally can get around. What is concerning to me and others is that the proposed swales that still are in the plan in commercial zones would remove that entire 4-foot furnishing zone. This would narrow the area for walkers and shoppers and remove parking and reduce space for community gathering and interaction that happens on the sidewalk and this doesn't contribute to building a vibrant business area. Now, staff has looked at where there are current sidewalk café tables. But they have said we will look at where there are current permits but if there isn't one there now we can put the swale there. Which to me is addressing the current use, not the use it's zoned for. So here's one example. The ivy covered building at 37th. We need some ivy removal there. But say, the owners wanted to open their windows and have a sidewalk café, there are swales planned for both streets there and taking away the whole 4-foot furnishing zone, they wouldn't be able to. I understand why bes wants to use swales or stormwater facilities throughout the city. It's smart, a cheaper alternative. Treats the water better. And I do understand why the bes would like to put them only division and I have heard this and i'm not just speculating. I have heard from staff that putting swales on major streets is good publicity. But i'm not sure it's good policy. If you look at the area between hawthorne and powell and 12th and Chávez. There's 50-miles of neighborhood street there is. And there's one mile --

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Adams: Your time is up.

Klotz: Yeah.

Adams: What's your understanding of the percentage of the plan area -- the percentage of the sidewalk frontage within the plan area that would be swales? Or ask staff that.

Klotz: I'm only concerned with the commercial zone. To me, it's fine in a realize.

Adams: I mentioned how many of the commercial zone would have percentages of swales. I want to make sure I get the extent of your concern. Would you say that no swales on the commercial zone?

Klotz: Well, as few as possible. There are some that are tabor to the river and those have more priority. The rest are desirable but not specifically tied to tabor to the river. Not specifically tied to a need for the swales. And I didn't get to the last paragraph. Staff has really addressed these issues quite a bit and they've moved a lot of swales around the corner and that's something that I -- can we put them on the side streets rather than division and they moved quite a bit.

Adams: But you still have concerns.

Klotz: Specifically in the area of 30th to 38th. Which is sort of a commercial node. There are three corners there where they're blocked up on both sides and I hope you urge the staff to trim the last few to get them on the side street if at all possible.

Adams: I know you look at these things deeply and you consider these kind of issues very thoughtfully, so I appreciate the testimony. Your thoughts.

Yates: I have a comment on that. We did respond to a lot of doug's and david's concern, the proposed a design where we could put a grate on the stormwater facilities especially with respect to the -- in the commercial zones.

Klotz: I have a drawing.

Adams: Innovation in swales.

Yates: We'll look that the further in the design. Some of the things where you say turn them around the corn are, there are business loading zones in those areas.

Adams: A lot of things to manage.

Saltzman: Doug, you say that staff has planned to maintain eight feet of sidewalk behind the swale in those commercially zoned areas.

Klotz: Try to.

Saltzman: Try to maintain.

Klotz: And mostly comes in area where is there's currently 10-foot paved out of the 12-foot pedestrian zone, so there's like 2 two feet toward the rear and put the four-foot swale in, then you're down to six. So the idea is to pave the last two, to get back to eight.

Saltzman: And you're ok with that?

Klotz: It's a compromise. It's better to have more but that's the least they can do in area where the stormwater swale has to go in the division street.

Adams: Noted I was in china a couple of years ago, and in shanghai, they have a number of streetside swales that have decorative grates. So I know it's done in some places. Thank you very much.

Moore-Love: The next three.

Fritz: Good morning, thank you for waiting.

Chris Eykamp: Thank you for having us. Good morning, mayor, my name is chris, i'm a resident of hosford abernathy and i'm been involved with this for close to a decade. I'd like to start by asking you to approve the division street plan. It's the culmination of almost a decade of citizen work in collaboration with pdot and an excellent design team. It's not a perfect plan but it will mark a great improvement for many parts of division street. I would like to talk about a missed opportunity on this project in the hopes you'll set the stage in improving the process used on future projects. Over the past 16 year, i've seen division transformed from a dying industrial strip to a

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lively neighborhood commercial district. Division now serves as the core of this sort of 20 minute neighborhood envisioned by the climate action plan. Boasting a grocery store and a bakery and excellent restaurants and cafés surrounding the geographic heart of our neighborhood, which is seven corners. As the nature of the activity along division has changed, the street itself remained the same so this project is long overdue. Unfortunately while we were able to convince pbot to remove the commute lanes along most of the stretch between 12th and 28th, they'll be replaced by a permanent 4 lane profile through seven corners. So the core of our 20 minute neighborhood will remain divided by one of the only remaining stretches of old division. This is a huge missed opportunity. Wouldn't it be better to spend some time and effort to try and reduce demand for driving at the peak hour? If we can convince a relatively small number of drivers to either switch to another mode or to drive at a different time, we can build a project that supported our 20-minute neighborhood instead of dividing it. Where else in portland would it be as easy to convince people to drive less than in our neighborhood. Ironically, pbots smart trips program, which has a proven record of reducing auto trips will be focusing on division street but after the project is built. Instead of waiting for the project to be completed, why not work on altering driver behavior while the project is still being designed and then lock those gains in by building for a reduced number of drivers? 15 years ago when I started out as a transportation planner, the concept of linking transportation and land use was still gaining traction. Now there's universal recognition that the two are inextricably linked. Likewise, I think in another 15 years, we'll come to see road design and demand reduction are equally linked. And all major road projects will include a demand reduction component. Overall, this project will have a very positive impact on division street and it deserves your support. But some ways, it's a huge missed opportunity. By integrating demand reduction into this project and combined with a bit of political willpower i'm convinced we could have taken a good project and made an excellent one. A project that would have benefited the neighborhood and helped us down the road laid out in the climate action plan. Instead we've retreated from that vision. I hope you encourage pbot to take a more global view on their next big project and ask them to build smarter and not just bigger. Ask them to include demand reduction strategy in every project they bring before you. It's time to move beyond talk. Thank you.

Fritz: Thank you, chris.

Linda Nettekoven: Commissioners, my name is linda, i'm also one the 10-year veterans on division street. I serve as a member of the steering committee and vice chair of the hosford abernathy neighborhood association. This is our latest chapter in our ongoing quest to make division greener and more economically vibrant and more attractive, safer. Not necessarily in order of importance. Many of us would add the notion of keeping our neighborhoods and business districts affordable as we good forward with the improvements and that's an ongoing issue that the city, I know, you struggle with and we want to mention it again. I think that the cac the various pbots and bes staff members and our really dedicated team of consultants have put in an amazing effort and we really want you to support this plan. It really represents months of collaboration and compromise. I want to stress the things that pbots staff can't report about the involvement process and that is that people on the committee feel passionately about these issues and yet people were able to come together again and again, struggle over finding the best answers and best compromises and still regard each other with great civility and cordiality. And that's what we want to see more in Portland. One the dilemmas that this street faces, occurred to me as a listened to an update on the bicycle master plan. Recently at a southeast uplift meeting where people talked about the fact that when we're successful with our bike boulevards and move traffic off those and on to other streets and all of our streetcar neighborhoods we've got very good bike patterns in place but when we're successful in moving cars off those street, then our commercial corridors become the main throughway for the cars the auto traffic and buses and trying to be main streets when we're trying to get across the street easily from one business to another it's like tree canopy and solar access and it's

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a delicate balancing act and I would emphasize and support the comment that Chris made and save time in my testimony. We really committed, I think, to try and take collective action to reduce demand on our own going forward in the hope we can still do more work on seven corners in the future. Pbot, it's clear they don't have the resources to help us with demand management right now, although they're committed to doing the measuring and we appreciate that in terms of traffic volumes and modal splits. So it's that question of how we're going to get to our climate change goals if we can't even take these risks on Division Street and I know that the numbers don't look good in terms of the auto traffic volumes but somehow we've got to change that. Thank you. And thank you for taking this so seriously and asking such good questions.

Leonard: What do you mean by that the numbers don't look good on traffic?

Nettekoven: The things you alluded to in terms of the auto traffic that the street is expected to carry perhaps as it becomes more dense. But the idea that we're going to have a street that's more multimodal and hopefully fewer cars and that's the thing we struggle with. Pbot tells us that the enemy is us. We're the folks driving up and down Division adding to the traffic volumes and I watch the people park in my neighborhood to hop on the bus get them to park further up the street perhaps or come earlier in the day we'd cut down a few cars in that respect. I know we've got a lot of pulling and tugging happening but it seems we need to -- this street is such a great example of so many of the struggles we're having in terms of balancing things in our city and there's a lot of good will and energy to do something that's innovative.

Adams: And because of the number of local trips -- sorry, to take a quick compassion break. Because of the number of local trips, I think the additive to this will be our discussions in the Portland plan, about the 20-minute complete neighborhood and why are so many people driving as far as they are within the neighborhood to get basic services and is there any way to -- a footprint that's appropriate to the street. Are there ways to provide more local services and needs for the neighborhoods so it's going to be an interesting iterative couple of decades but I think we can get it and I think this helps to move us forward.

Holly Krenek: Hello, I'm Holly. I'm a member of the cac. I live and play along Division corridor. When I first moved to Portland, this is the neighborhood I chose as my home. Some years later I left only to return as a homeowner. I was certain that the inner southeast was where I wanted to live. I think this history exemplifies the importance of the recommendations submitted before you. There are good reasons people choose to live in the Division neighborhood. They are making conscious decisions to move to this area for the same reasons people move to Alberta, Hawthorne, Belmont and Mississippi. It's important to preserve and foster the appealing qualities of this area. Division is a vibrant, diverse multidimensional section of Portland. I love it. This is what makes it an exciting and desirable neighborhood to live in but this diversity is also a natural result of the diverse populations and perspectives that live along Division. I think it's fair to say that the cac began as a group of individuals with wide ranging views on the purpose and character of Division. Using the existing Division Green Street and Main Street plan we were able to build cornerstones of common beliefs. These included the importance of Division as a place to live and work and an emphasis on pedestrian safety and walkability and focus on art and sustainability. A year later, here we are, the theoretical commonalities we identified at the beginning of the process have transformed into a practical application for redesigning the street in order to achieve the community's needs. Hard work, balance, compromise and lots of discussion were put into this report and I feel the final result is consistent with the original vision. While there may be some concern regarding impact of the pro-time lane removal, I believe the cac has identified those concerns and made a responsible effort to mitigate them through its diversion statement that's included in the report. Overall, I'm impressed with the community-driven process symbolized by the cac and I'm supportive of the report and recommendations submitted. I believe they do their

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best to achieve a more pedestrian friendly economically vibrant and environmentally sustainable division street. Thank you.

Adams: Thank you. Anyone else who wishes to testify that did not sign up? Thanks for waiting. Welcome to the city council.

Rex Fisher: Mayor Adams and commissioners. I'm rex Fisher, cac member. For the past 25 years, i've lived one block from the proposed project. With the background is civil engineering, I spent the majority of my career in transportation, including 28 years at tri-met. Where I work alongside service planners and schedulers and I serve on the sustainability committee. However, I must state that the views that I express are my own and not necessarily those of trimet. While I appreciate the professionalism and integrity of the employees who worked on this project, it's my belief that the removal of the peak hour travel lanes on division street is a mistake. It will lead to increased congestion on division street and subsequent diversion into the neighborhood. I believe that pbot has developed computer simulations that do not show diversion into the neighborhood, but in my experience, simulations can be misleading. For example, it's my understanding that the city used a computer simulation program called auto turn to design the new ne 14th avenue connector between burnside and sandy blvd. Unfortunately, the turns as constructed are too tight for buses to negotiate and to this day, buses do not use the roadway designed for them. A recent letter to "the Oregonian" referred to this as an engineering mistake. As I stated simulations can be misleading. Furthermore, I believe the current travel levels citywide are artificially depressed due to the recession and that once the economy improves and people return to work, the traffic will return to prerecession levels and then some. I don't feel that pbot's projections adequately reflect this. I expect over time, congestion will increase on division and endanger pedestrians as traffic backs up and motorists run red lights in frustration. I feel that congestion will adversely affect the clinton street bikeway as motorist divert to it and crowd out the bikes that are rightfully there. I believe that congestion and loss of travel lanes will adversely bus operations through the corridor as well. Delaying the journey for thousands of commuters or tri-met's most heavily used bus line and increasing the likelihood of accidents. I believe any congestion will make it more difficult for emergency vehicles, increasing response times for both fire and ambulance services. Commissioner Leonard, i'm sure you can relate to that issue. As far as I can tell, there's no consensus on this issue. Based on my conversations with my neighbors, I feel a significant number of neighbors do not support the removal of the lanes and, in fact, fully a third of the participants as one meeting stated their preference for keeping the additional travel lane. I believe the motivation beyond this project are stuck in the 2005 mind set ignoring the rapid pace of development that's been taking place along division street. Unfortunately, if this plan is constructed as currently designed, there will be no opportunity to undo the damage. In other words, there's no plan b. While I support the project goals to increase pedestrian safety and approved air quality, I cannot support the removal of peak hour travel lanes which has served for decades. As one resident put it, can't we just share the road. Or borrow an adage, if it's not broken, don't fix it. I can document my concerns in more detail and suggest a way forward. Thank you for your kind attention.

Adams: Thanks for your testimony. Appreciate it. Hi.

Allen Field: Good morning mayor, commissioners. My name is Allen Field. I'm on the Richmond neighborhood association but I'm not speaking on their behalf. I'm speaking on behalf of the experience I have from having traveled on Division for about a dozen times or more a week for the past 18 years. As prior testimony, I'm strongly opposed to taking out the protime lanes. From my experience and I'm sure commissioner Leonard can see from his daily experience, it will definitely add to constricted traffic, congestion, increased gas consumption and more fumes. The stretch of road from 35th to Chavez, everyday from 4 to 6 PM has off and on backup, five blocks. That's going to happen. Other intersections and there's a protime lane at Chavez. You're going to increase backup. This wouldn't be the first time engineers got it wrong. Kittelson recently got it wrong on a

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lewis and clark report. I don't know enough about the studies, but i'm concerned. Commissioner Leonard got it right on. If two-thirds of the traffic is local, they're not going to go over to powell, backed up from ross island, all the way over to -- up to 205. And people who commute from Portland to gresham, division is a faster commute east of 60th, so it's a major commuter street. And I don't understand the need for full-time parking on division. That stretch, three blocks of it is, is the church with a huge parking lot, and 90% of the residences have parking, either those who live in ladds edition have backyard parking in their alleys. Most people have side street parking. My biggest concern is congestion and also the impact it's going to have on the bike boulevard. Now, I currently do divert over to clinton. Because when i'm backed up for a block and half at seven corners, I know I will not make the light, so I cut over, and I see a lot of people cutting over. That is going to happen. I have a feeling this protime elimination is going to happen. What I stress for the council to really push on is i'm glad that pbot is doing a mitigation program. What I would like to see is them spell out what could that be? Is 5% diversion acceptable, 20%, 30%? Spell it out. And perhaps one mitigation remedy is a possibility of removing the pro time lanes. If they do get it wrong, let's look at that option. So that's what I ask the council to do. I would invite questions on further aspects of this. I like the greening of the street. They're going to fix seven corners. Taking out a few parking spots will really increase that intersection, which is great. Thank you.

Adams: If the council chooses to move forward with this, I want to reassure you both, because of that, we will continue to monitor and respond accordingly. As those of us that work in transportation know, the modeling is usually pretty spot on but not always, and so I think this area of town, more importantly than other areas of town, because of all the factors we've talked about, will require us to be very vigilant in looking at diversion, and hopefully we can convert more to walking, biking or shorter car trips.

Field: If I could add one thing, I think that will happen there, is once that's full-time parking, you're going to have now a cadre of downtown office workers parking on division and busing in.

Adams: We'll have timed spots. No? We'll have timed spots to make sure that doesn't happen. That's a good point.

Field: Thank you.

Adams: All right. Does council wish to have staff come back up? All right.

Saltzman: I guess I need a little clarification on the diversion strategy. Or the diversion language. Somewhere in this plan is something called a diversion statement. Clarify what that is again.

Mahon: Absolutely. It's a statement that says before we implement this project, we'll take before and after counts on division. After construction is complete, we'll continue to monitor both streets. If we see that diversion has occurred as part of these improvements, then we'll take steps to mitigate for that and do additional calming on clinton street.

Adams: We'll when you say counts on division, as it was described to me is you'll take counts on division in a way that we can see if traffic is going off division.

Mahon: Correct.

Adams: And that we suspect that the first place it might go might be Clinton but we'll be able to monitor whether it finds some other nook and cranny as well.

Mahon: Correct.

Saltzman: We'll I guess implicit in that I can assume that we'll look at things like increased traffic congestion, idling times, things like that and measure those as well?

Wardrip: We're just looking at volumes at this point to see where the traffic goes, if it decreases on division as people divert.

Adams: I think commissioner Saltzman's suggestion is very useful as to what is the backup now.

Wardrip: We can monitor before and after, yes.

Saltzman: I guess i'm just concerned from an overall climate responsibility but also air quality issues if this results in significant more idling time and traffic congestion.

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Wardrip: We can include that.

Adams: Karla, please call the vote.

Saltzman: I think this is a great plan and I'm pleased to support it. I think it embodies a lot of aspirations and visions for this city, in terms of how we want to calm traffic but also provide green streets and more effective ways to handle our storm water, rain water other than putting them into big pipes and putting them into treatment plants, which costs us money. And so I think this is a very ambitious plan. I want to thank the mayor and all the people who served on the committee. It's not without some trepidation that I have around impacts on traffic congestion that may result from this, and I think we need to -- and diversion to clinton and possibly to other streets as well. There's probably no limit to the creativity of people that want to get around a bad intersection. So I think we need to sort of step back and look at this on a broader scale than just the clinton/division corridor when we're evaluating how is this succeeding. But I like all the elements in it. Without some concern about increasing congestion and idling time, I think this is a bold plan and one I'm pleased to support. Aye.

Leonard: Aye.

Fritz: Congratulations. This is a wonderful project, and it's good to see everybody here in support with some good comments as well, particularly the comments in the urging to try to maintain a 8 foot sidewalks in the commercial areas and the suggestion about the on-street parking being timed. I think that's a valuable addition. So this is a report which we accept and obviously things can change as you continue to work on the project, so this has been a good hearing. I want to thank commissioner Saltzman for his support with the bureau of environmental services of this project with \$7 million of environmental services rates money to provide the swales and to narrow the streets for the primary benefit of the neighborhood, the businesses, and pedestrians. So we've received a lot of flak for swales that are going to help pedestrians and bicyclists as well as drivers. This one, I think, may actually reduce congestion with the reduction of the pro time lanes similar to tacoma street where we went from four lanes to two and it actually works smoother because you don't have to merge. We'll see. This is a great project and obviously a lot of work has gone into it. Thank you so much to the citizen advisory committee. I know how hard of work that is you've done a splendid job. Aye.

Adams: I want to thank the citizens who continue to exemplify the best of Portland in terms of their active participation and engagement in helping us put together a plan for the better future of division street. This is a tough part of town from a transportation point of view, a lot of speed, a lot of volume, narrow streets. This needs to be followed up with -- and is in perfect sequencing with the Portland plan in the sense of now figuring out how do we manifest a more complete 20-minute neighborhood in this part of town so that we need to drive so much to decrease the legitimate need of folks. I think this is a necessary step in that direction. In order for us to have this commercial main street provide services that people want, we have to make it a more inviting streetscape. We have to make it a place where you actually want to get out of your car to a greater degree than it is right now, and I think it's great right now except for the speeding cars and the massive volume of traffic. So that's why we're focused on this. I want to thank you and the entire team for fantastic work. I think this is the best plan out there and continues to get better, and we'll continue to work on it as part of the Portland planned work. Pleased to vote aye. So approved. Please read the title for regular agenda nonemergency ordinance item number 956.

Item 956.

Eric Johansen, Office of Management and Finance: Good morning. I am eric johansen, city debt manager. This ordinance before you this morning authorizes up to 7.5 million of revenue bonds to fund the replacement of aging parking meter pay stations. The financing will be repaid from gas tax revenues and other legally available revenues of the bureau of transportation. The financing is expected to be in the form of a bank line of credit with a term of five years. Pbot will

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make annual payments of principal and interest with prepayment of the line of credit in full by the end of the fifth year. I'll be happy to take any questions.

Adams: Questions from council? All right. We'll move on. Thank you. Unless there's objection, this moves to a second reading next week. Can you please read the title for 957.

Item 957.

Adams: Good morning. How are you?

Steve Herron, Bureau of Human Resources: Well, I apologize for the coughing that you heard from the back of the room. That has been from me. I'm doing my best with lozenges and water to keep that under control. Mayor, commissioners, my name is Steve Herron, labor relations manager, and I'm appearing on behalf of BHR on this matter. There are five matters that I'll be appearing this morning on. Four were drafted and submitted by a labor relation folks who are in bargaining this morning, so my knowledge of the particulars may be limited on some of these, and we can get folks out of the bargaining and have them come and testify. This is an individual who worked at water bureau. There was some work assigned to her that over time it became apparent required a reclassification. There was in fact a reclassification undertaken. This is to compensate her for work done during the period of time between when the assignment began to happen and when the reclassification occurred, and it's in settlement of agreements.

Adams: Questions from council? Why don't we read item number 958.

Item 958.

Herron: Good morning. Steve Herron, labor relations manager. This is a matter where the works conditions for the meter reader 1 and 2 classifications, given the difficult training conditions, this does not last generally a year. Equipment is provided that essentially cover as year's period. We are requesting additional allotment for these particular folks for this particular equipment because the conditions are such that they go through the shoes more frequently.

Adams: Please read the title for emergency ordinance 960.

Moore-Love: Do you want to do 959?

Adams: I'm sorry. Why don't you read the rest of them.

Items 959, 960, and 961.

Herron: As to the safety shoes, ae 01 safety shoes matter. Those are folks working with hazardous materials. It's a situation where they go through them more frequently than was anticipated with the current contract language. As to the rehire of ceos, this is actually a nice example of collaboration between ourselves and 483. We appreciate their work with us on this. We have ceos who are retiring. We have contract language concerning circumstances in which folks can be worked out of class for training purposes. And what we have is a difficult bridge between the retirement of our experienced ceos and the training of new ceos, and so this is an agreement to bring back retired ceos for a finite purpose and a finite time in order to ensure that we get adequate training for the upcoming ceos. As I think you're aware, the rehire retirees is a matter that the union is sensitive about, and we appreciate 43's work with us in developing this agreement. Lastly, concerning Mr. Tang, police bureau, Mr. Tang's assignment is as a negotiation response team sergeant. That particular team was based out of a precinct. Our contract provides that officers be offered, in order of seniority, overtime opportunities within their reporting unit. Initially the bureau interpreted within reporting unit to mean precinct -- assigned precinct-based folks and not precinct-based but other r.u. Assigned folks. We did, however, learn there was a practice of allowing precinct-based other assigned folks to do overtime in a situation such as this. And this was in the settlement of a grievance. And the amount that we are proposing to provide to Mr. Tang is indicative of a compromise on the amount of hours that he claims he was not given the opportunity of overtime on.

Adams: That's it?

Herron: That's it.

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Adams: Council, discussion on any of these? Anyone in the room wish to testify on any of the matters before us? Karla, let's begin the voting then.

Moore-Love: 957.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. 957 is approved. Please call the vote for 958.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. 958 is approved. Please call the vote for fine 59.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. 959 is approved. Please call the vote for item 960.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye. **Adams:** Aye. Please call the vote.

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

*******:** Thank you, mayor and commissioners.

Adams: Thank you. Appreciate your work. Second reading item number s962. Can you read the title and call the vote?

Item S-962.

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

Fritz: I appreciate commissioner Leonard's clarification last week that the sale of these properties will be used to decrease the rates and also commissioner Fish's diligence in looking for opportunities to buy moorpark land. Several citizens have contacted us with concerns about the process, and I would like to offer the office of neighborhood involvement assistance in the future on issues like this so that we could get the word out to neighborhoods as well as the bureaus to see if anybody wants to buy the properties. The important point, though, is that they have to be purchased. Rate money and rates cannot be used for other purposes. We've had a lot of discussion about that over the last several months. The properties need to be purchased for bes, not just deeded over to parks. One of the bigger properties came off the list to see if there was a way for parks to buy the property. We don't have a lot of general fund money for purchasing additional property and parks, so that's one of the constraints. There was a concern about the right-of-way, and this is only the lots. It doesn't provide the right-of-ways. I appreciate the diligence of citizens in coming in to ask about these properties. We also need to be very careful that rates are used for the appropriate purposes and that, when water bureau properties are sold, they go to decrease the rates. Thanks to all on this. Aye.

Adams: I want to thank commissioner Leonard and his team for identifying and bringing forward the surplus properties in as assertive a manner as possible. It does benefit rate payers. In many cases, it will also benefit those parts of town that have had these properties sitting there underutilized. Thank you for your work. Aye. So approved. Please read the title for nonemergency item number 963.

Item 963.

Adams: Commissioner Leonard.

Leonard: Based on last week's discussion, i'd like to of move that we add an emergency claus.

Fritz: Seconded.

Adams: Move and second that emergency clause. Any discussion? Please call the vote on the emergency clause addition.

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

Leonard: Before the auditor speaks, i'd like to give a brief overview of this issue. I think it's been widely misunderstood. When auditor and I began the process of drafting the ordinance that the council passed here just a couple months back that really reconfigured how police oversight is conducted by the independent review -- office of independent review -- I think it would be fair to say that the police bureau was less than fully onboard with that process. And as a result, we did the best we could in drafting what we did and tried to get it right and make sure it was as balanced as it

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could be without complete cooperation from the administration of police bureau. After it passed -- after the ordinance passed, let me first focus in on the issue here. One of the very important aspects of the changes that occurred was prepassing of the ordinance that the council adopted. The police bureau had two review boards. One was called the force review board and the other was referred to as --

Constantin Severe, Independent Police Review: The performance review board -- we had a force review board and performance review board.

Leonard: In each board, the police chief literally picked everybody that served on the board, including the citizen members. It was made clear by the police chief to the auditor, the director, and the citizen review committee that the independent review director, mary beth baptista, may participate in some the those proceedings if the police bureau chose and may not participate as well.

As a result, we worked to get this piece right and as balanced as possible. The new ordinance eliminates the force review board and performance review board and creates more than one board, known now as the police review board. On that board, there are two sets of issues, two compositions on each of those two boards. When the police bureau has an issue that comes in for the police review board and it's a nonuse of force issue, it will be comprised of a five-person board, three of which are bureau of personnel, two of which are nonpolice bureau personnel, one civilian appointed by the auditor, which is a change and approved by the council, and the second the I.p.r. Director. In the new ordinance, the director is not just a guest to come in at the whim of the bureau to observe but rather a full participant on the review board and, in this case, on the nonuse of force portion. The second types of issue that the police review board will deal with are use of force boards. On those boards, there will be seven persons, four people from the bureau, appointed by the bureau, three nonbureau members, two civilians again appointed by the auditor, approved by the council, and the ipr director, mary beth. Subsequent to the passage of that ordinance, the police bureau approached us in what I would characterize a much more collaborative fashion and said that, of the three persons on the nonuse of force portion of the board and of the four persons on the use of force board appointed by the bureau, they wanted to trade out one slot. They wanted one person that we had from the police bureau to be replaced by the r.u. Commander who was in charge of discipline. So, in other words, the composition stays the same. The balance stays the same. The police bureau just decided frankly that they wanted somebody different than that person we decided frankly, in a vacuum, should be appointed. Now, what I think has got lost here in this discussion the last couple weeks is the bigger picture. The bigger picture is we now have citizens appointed by the auditor and the police chief and the ipr director is a sitting voting member of the police review board. They're not by the courtesies of the police bureau but rather by the force of law. Frankly, if the police bureau wants to have whoever it wants on its side, I don't think it should be up to us or the public frankly or anybody to tell them who ought to represent them when they are conducting a process. Just as I didn't think it should be up to them to decide who represented the public as citizens and whether or not our duly elected auditor should be able to have her direct representative, the ipr director sitting on the board, I tried to be fair in all cases, including this one, and I think it's beyond what I intended. It's beyond, i'm certain, what the auditor intended for to us micromanage the police bureau's involvement on these committees beyond the number that they are allowed to have. If they asked for an extra person, I think there would be a basis from the community and myself included that I would not support adding an extra person. It is, to me, nothing more than an administrative function that they want to substitute one person with another. A uniform bureau or an assistant chief doesn't make any difference.

LaVonne Griffin-Valade, City Auditor: LaVonne Griffin-Valade and constantine severe the assistant director of ipr. I didn't necessarily plan anymore comments. I just wanted to introduce the changes to the exhibit basically that we submitted last week. As discussed during the june 16th, 2010 council deliberations of the ordinance clarifying the composition of the police review board,

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additional amendments have been made to the exhibit and hopefully you have before you a memo that lists all of those changes and the exhibit a that attaches to this ordinance to make an administrative change to allow us to formally establish that the board will begin september 1. That will allow us time to recruit and bring before you approval of our recommendation for the citizen members of the police review board. It will allow us to do some other sort of administrative things to prepare for that, and it will prevent having to operate three concurrent police review boards. So there's that piece and then this change to allow the r.u. Commander to be one of the voting members of the police review board. So the changes i've highlighted, the first one is page 2 of exhibit a section c, the composition of the board. Number 1, it really just clarifies and corrects the wording that was there last time and makes sure the r.u. Manager or designee is established as part of the quorum for the voting members of the board, a fairly simple shift that aligns with our intent this just corrects that, it's unfortunate we didn't have that correctly in there last week, but we do now. The second 1 is on page 3, and it just adds some clarification about what we mean in terms of the definition of an r.u. Manager. The commander, captain who is the supervisor of the involved officer. Then the next one begins on page 3 and goes to page 4, section c, composition of the board number 2, and again it just makes sure that it's clear that the r.u. Manager or designee must be a member of the quorum for the review board when they are looking at use of force incidents. And so the final one is on page 4, and it really just deletes a sentence that no longer applies since the r.u. Manager will be a voting member. Page 4 section d access to information number 2. Those are the changes. If you have any questions about those changes --

Adams: Discussion from council, questions from council?

Leonard: Those are in the current proposal we're voting on. We don't need to amend those then.

Griffin-Valade: Well, I think the problem was that we had not clarified those in the exhibit, and it's my understanding that you do have to vote on them -- Separately.

Leonard: As an amendment.

Griffin-Valade: Yes.

Leonard: So moved.

Fritz: Seconded.

Adams: It's been moved and seconded. Discussion on the amendments?

Saltzman: I have -- it's not really to the amendments but I guess I have a question I like to ask. There was \$200,000s in our budget we approved for the new independent police review functions. What's that money being used for.

Adams: That was actually set aside.

Griffin-Valade: To recruit the facilitator or to hire a facilitator for the board. That's a new piece of the board.

Saltzman: It says there's going to be a list of facilitators.

Griffin-Valade: We're in the process of recruiting a list right now. So we have an rfp out there.

Saltzman: So what's the \$200,000 to be used for?

Adams: To pay for facilitation services. It's not literally one facilitator, 'cause we don't know how many we'll need at one time. It's a preapproved list of facilitators for this specific purpose to have the qualifications for this **karla start here** specific purpose, and they will be paid for from the fund and the mayor's proposal.

Saltzman: The \$200,000 is what's kneaded or that's what's more or less set aside and may not all be used?

Adams: It's what's set aside only. My understanding is whether a retainer is needed or simply paid by the hours as part of the rfp process, and i'm sure, as part of the next year's budget, as we debrief on this and other things, the auditor will be able to come forward with is that too much? Too little?

Saltzman: That's the only purpose of the \$200,000 set aside?

Griffin-Valade: Yes.

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Adams: Anything else? We're going to vote on the amendment. Please call the vote.

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

Adams: Aye. Amendment is approved. We'll now open it up to public testimony. How many people have signed up?

Moore-Love: Did not have a sign-up sheet for that.

Adams: Raise your hand if you'd like to testify. Why don't we start with you and you and dan and andrea. We'll get you as cleanup, yes. Last but not least. Hi. Thanks for waiting.

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

Adams: Welcome back, I think, for each of you to the city council. Please begin.

Betsy Pratt: Good morning mayor adams and council. I am betsy pratt, president of the league of women voters of Portland. The league urges council to consult with the citizen review committee, crc, and the police oversight stakeholder committee before making any substantive changes to the new police review board. We don't have any objection to the housekeeping portion of the ordinance but sunset the existing review board till september 1st. Altering the makeup of the new police review board in use of force cases however should not be done without soliciting the opinions of the crc and the stakeholder committee. Our particular concern is that the independent police review division ipr is proposing that the involved officer supervising commander be a vote member of the review board in use of force cases. The police assessment resource center or parc, the agency contracted by the city to evaluate closed cases of shootings or deaths in custodies, in its 2003 and 2006 report specifically recommended that the supervising commander serve as a nonvoting member of the board reviewing use of force cases. They point out that, since that commander is the individual responsible for formulating the findings in the case, there is an inherent conflict of interest when the commanding supervisor is a voting member of the board. In light of the conflict between the outside expert's recommendations and the ipr proposal, this issue deserves careful consideration by the crc and the stakeholder committee. The crc's own parc review work group reviewed in detail many of the consultants recommendations but did not devote any attention to this one. It's not had the full public hearing it deserves. Crc members have extensive experience reviewing misconduct cases in three of them serve or have served on existing review boards. Before making a decision on this proposal, ipr and city council should seek their advice knowing it's based on firsthand experience. Furthermore, council charged the stakeholder committee with reviewing the ipr ordinance and recommending additional changes. We urge you to respect the role of that committee and direct ipr to discuss the proposed changes with the committee before bringing them to city council. Thank you.

Adams: Thank you very much for your testimony. Ms. Brown?

PJ Brown: Good morning. Ditto. I'm so glad she went first. Very eloquently stated. I chair BAC, bureau advisory committee. We have been consistent on our support for community policing and accountability is a piece of that that is necessary. When we came and testified before this emergency ordinance change, we noted that the number 1 issue that many people in the audience was uncomfortable with was the composition of that same board, the imbalance between citizen and bureau members. While it's been addressed, I don't think this is going to do much of anything to engender trust and credibility with this process when you have a supervising officer who prepares the report voting on the credibility of the report. We're talking about use of deadly force, highly volatile situations. The public just is not going to believe this process. We are all trying to heal and engender trust in this process, and I think this is a big step backwards. I understand the need to fix things for the september 1st deadline so we can recruit the citizens we want, but that has nothing at all to do with whether the r.u. Manager votes or not. This is not a time sensitive issue, and this is such an important issue that we would hate to see it rushed through. Sitting in a stakeholders' meeting with 30 people you've invited to comment on the process and to have commissioner Leonard, the ipr director, and I think the city auditor was there that same day not say one word

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about this change to us really disturbs me. You have given us a charge. Please let us do our work. At the end of it, if we decide, if the body as a whole says this is a good idea, then I think i'll just have to swallow it. But not even going through that process after you've given us this work is frankly insulting. You've picked really good people. Give us an opportunity to look at this and decide whether or not we want this. It is trust and credibility. The bac has commented before on hiring consultants and then not taking their advice. Parc is probably one of the most reputable in the country for police accountability and professional police standards. They have clearly said that the supervising officer cannot be a voting member of this board. I think their verbiage was that it's like giving them two bites of apples. I think that's what they said. So I would recommend that you read parcs' report and please adhere to it. This needs more time and more citizen input on it. Thank you. **Adams:** Thank you for your testimony.

Dan Handelman: Good morning. I'm dan handelman with Portland cop watch. We appreciate another chance to testify on this issue. We're worried that the replacement ordinance that you have further codifies a substantive problem rather than setting it aside for further discussions. You've already heard from several other organizations that are concerned about this that are participating in the stakeholder work group. By bypassing the stakeholder committee, it causes concerns that this group was put together window dressing rather than substantive changes to the ordinance passed march 31, which is why we thought we were called together. We have no problem if you want to put in a sunset clause for the old boards and change over to the new boards on september 1st. We don't understand the argument that the supervisor of these officer in question is being held accountable by their vote which we've heard from both the chief and the ipr by being at the table. If they vote no and other members of the board vote yes, that supervisor is still saying, no, I don't agree this officer should be disciplined, so there's no actual holding of accountability to this supervisor. In terms of what commissioner Leonard said that the city council does not want to dictate to the bureau who sits on that board, what if the bureau decided the officer under scrutiny was going to be a voting member of the board? Certainly you'd object to that. There are certain reasons that some people should not sit on that board, and the parc made it clear that the supervisor should not be one. We've also heard that the bureau has changed since this ordinance went in place and the new sheriff in town, to coin a phrase. But we cannot make policy by personality. Just because there's a new person in charge doesn't mean that the policy of having this r.u. Commander not vote is better because there's a new chief. We also feel that this decision was made behind closed doors. This is exactly how the first ordinance changes were done. And the reason was given for doing that behind closed doors was that you wanted to get this before the council so that the bureau wouldn't have time to react to it. And now you're doing it because the bureau is supporting it. So both cases the community has been cut out of the process. So now that it's an emergency ordinance, it only takes one of you to say no and to uphold public process. It only takes one of you to vote no today to derail this now, and I think it would be really important to make a statement that the stakeholder committee has some purpose for one of you to vote no today. And I also just want to point out that one of the reasons given last week by commander dave benson, who works for the police commanding officers association, was that their union thinks it's an issue that's subject to bargaining if you make a commander who's not in charge of the officer participate in voting. This is an advisory vote. The chief and the police commissioner still have the final say, and we don't see how it could possibly be a negotiating point. Even if it were, you could write this ordinance the same way you wrote the ipr ordinance and say if and unless there is a conflict with the union agreement. Thank you.

Adams: Thank you all very much. Appreciate your testimony. Ms. Meyer?

Andrea Meyer: Good morning. Andrea meyer, legislative director for the aclu of Oregon. I'm not going to focus on the substantive change before you but rather the procedural and the concern I have. I very much want to recognize commissioner Leonard and the sincerity in which you are

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approaching this particular change and this issue, but I feel it's our role to bring with the same level of sincerity our deep concern that this has unintended effects to undermine the process. As you've heard, many people testified before council, and I was very appreciative of the commissioner Leonard putting forward the stakeholder group and inviting the aclu. As my letter notes, I was particularly pleased to see John Campbell brought forward, and this group has been meeting, and I know that part of their agenda so to speak is including the police review board structure. It's number 4 in the list of, I believe, eight or so topic areas we're trying to grapple with -- excuse me six areas we're trying to grapple with under pretty short order. I know there's no intention to undermine the work that the stakeholder group is doing, but I am here to say I am very concerned that it will do that. As was discussed at the last meeting of the stakeholder group, there's a level of trust of people coming together for the first time. If you look at the list of participants, there is not only the community and government but also numerous members of the police bureau in their different capacities. That is a unique situation, and I appreciate again the perspective of the proponents of this, but I urge the opportunity in honoring perspective that we have it should have been brought forward to us so that we could have, with all due respect, said we think one part of that is housekeeping, but indeed some of us have a different perspective that should be talked about.

The various perspectives, including commissioner Leonard's perspective you've articulated today as to why you are promoting this should be at the table as well as Dave Benson's -- he is at the table -- as well as the community involvement. And only then, after full airing, ultimately it is up to council to decide what you will change. But that wasn't what was done, and these meetings will continue. I sent a letter to all the stakeholders. You've heard from other groups who also wrote. I really urge you and respectfully to say let's just take a step backwards, because we don't want to create unintended consequences. Let's change the date, but let's leave this for further discussion. Ultimately, as I said, it's for council's decision. The stakeholder group has a pretty short time period, so you'll have the issues before you soon enough. I appreciate the opportunity to speak today, and really I hope that we can move forward and bring some trust back to this, because again I'm worried what's going to happen after this vote.

Saltzman: You said "that" wasn't done? What is "that?"

Meyer: A number of things weren't done. The stakeholder group met on a Thursday. At least one member was notified on Friday that the ordinance was coming before you last week. The stakeholder group wasn't even told about the ordinance. I'd never been notified by other than a coalition partner although I'm in the stakeholder group. Not only were we not told. We were not given the language, provided the explanation as to the reason for it, and given the opportunity to say we agree, we disagree, we have a problem. If that had been done -- and indeed we all were in concurrence that this was an appropriate change I would not be here today.

Saltzman: the appropriate change meaning the issue around the r.u. manager?

Meyer: Correct.

Saltzman: Just them not the composition of the committee. I mean, not the idea of two or --

Meyer: Not the September date. Not the change in the date. There's 2 aspects.

Saltzman: Or the number of members on the committee. You're just concerned about the one voting member being --

Meyer: I'm concerned with any change in the ordinance that is reflected other than the date change. My understanding was we've got two changes. We've got the date change. Right? I'm asking. And then we have a board make-up in terms of the r.u. Manager and designee. I'm not sure that there was another -- as commissioner Leonard articulated, there are two changes, and only one was a board. Not change in number. Change in make-up only. So I consider that the substantive change to the ordinance as opposed to the date change, and I think that's consistent with what everyone prior to me was articulating, so I think we're all in a shared agreement about those not objecting to the date change but objecting to the board reconfiguration change.

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Saltzman: And the committee met on a thursday and then didn't know about the r.u. Manager change.

Meyer: The committee wasn't even told that there was even an ordinance being -- I think two weeks ago, 10 days ago, we were not informed that there was a matter being brought to council. I was not. I can only speak for myself, and I was attending the hearing, the stakeholder meeting. The stakeholder group was not told there was even an ordinance let alone what was in the ordinance. So we weren't given heads up.

Saltzman: So this is now a first reading?

Leonard: Second.

Meyer: And I couldn't be here last week.

Fritz: And we put an emergency clause on it.

Adams: We heard it last week.

Meyer: Commissioner Saltzman, I wasn't able to attend last week, because I only learned about it shortly before that.

Adams: Thanks ms. Meyer.

Michelle Silver: Hi. Good morning. My name is rachel silver, and I am a member of the citizen review committee. But i'm here this morning to speak for myself and not speaking for the committee. I would respectfully urge you to give citizens the opportunity to review this proposed amendment and to provide you input. The citizen review committee was not made aware of this proposed amendment. I only heard about it myself through an e-mail from cop watch. And we have at least three members who have been members of the performance and use of force boards who i'm sure may have some input for you on this matter. Also our chair, the crc chair, has asked that this matter be placed on the agenda of the next stakeholders' meeting, which I believe is sometime in july. So overall, in general, i'm just asking that you would please consider waiting on this matter to allow for citizen input. Thank you.

Adams: Thank you both very much.

Leonard: I'd like to make clear a couple things. The police review board is an advisory board to the police chief and the commissioner in charge of police. They don't decide on discipline. They make recommendations as to discipline. To me, the issue in drafting the ordinance that council passed reforming police oversight was not who the police bureau chose as its representatives but rather whether or not they should be able to pick the citizens that sit on the review board, I think most of us except the police bureau agreed it was inappropriate to have the police bureau pick the citizens. Notwithstanding testimony from the police bureau to the contrary and quite public about why they thought their judgment as to who the citizens should be should not be second-guessed. There was that, two, and whether or not the ipr director should be a member of the review board. And to me, a change today that involved either of those two memberships would be in fact a substantive change and would have cause for me and it wouldn't have even ended up in front of the committee were talking to because I wouldn't have agreed to it in the first place. The reason it didn't come up in the committee meeting because I attend the committee meeting is I truly believe this is an administrative change without consequence. In fact, in retrospect, i'm not sure why we shouldn't have just written three police bureau members shall make up the police review board and two citizens appointed by the auditor, confirmed by the council and member of the ipr board. Or the ipr director shall be a siting and voting member. And the reason I say that is that is this in part of my preparation in bringing forward the ordinance was to review different processes throughout the united states of oversight committees of police departments. I did not write the ordinance we have in a vacuum but not only looked at ordinances throughout the united states and talked to different locales but also analyzed what happened after they passed the ordinances. In other words, what was the impact on oversight? What was the impact on transparency in those police departments, and how did those police departments react to that new transparency? And I learned a

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couple things. One was, in citizen oversight committees, the primary view by the professionals in the field of police oversight services found that they generally tend to find themselves in one of two places. This is as opposed to professional independent review board or oversight. In citizen review committees, you either had a group of citizens who were uniformly antagonistic towards the police department to the extent that they isolated themselves and they became ineffective in oversight because it was assumed they would be opposed and objecting to everything that that particular police department did in that locale or the other end of the spectrum was -- and, interesting, I found nothing in the middle. The other end of the spectrum was police citizen oversight committees that generally were appointed by the police departments or where the police department had some influence so that they had no credibility with the community. I wasn't interested in either of those. What I was trying to find was a balance, and I think we did that where you could get the citizenry to buy in and the police department to buy in. Well, that didn't happen in drafting the ordinance. They are opposed to virtually every aspect of this ordinance. We drafted what we drafted in a complete vacuum from the police bureau. The new police chief wants to make this work not because of his personality. In fact he's actually said he wants substantive changes to occur that happen as part of a process that outlive whoever the particular police chief might be to be there permanently. He's the person that going to be receiving the recommendations from this review board. And I don't want the police chief to dismiss them as out of hand or not credible because the police department has no say in who it is that represents them. That would be a mistake in my view. The reason I didn't bring this up at the review committee is I didn't even think to bring it up. It truly hit me as an administrative change. If they decided they wanted officer X instead versus officer Y beyond the committee, that was fine with me as long as the structure itself remained in place and the balance continues the way it does. If the group that we've appointed wants to discuss this further, their charge, and it's been real clear, is to write a series of recommendations to the council. That was their charge. Not to write an ordinance, not to say what we were going to do with any promise that whatever they said would happen in terms of us passing an ordinance. They are to write a series of recommendations and to make sure that the recommendations are as credible as can be, I sit at the table, the auditor sits at the table and something refreshing as of late the police chief sits at the table. And I think this is a fine topic to have on the agenda. And had I known that it was going to be discussed like this, I would have brought it up at the last meeting. If this is something we want to focus on, I think we ought to focus on it. But I will continue saying what I'm saying which is make sure we produce a set of recommendations that are in the real world and actually get us to the place where we have credible police oversight without finding ourselves at one of these two ends of the spectrum where we marginalize police oversight. I don't want that to happen in portland. I want buy-in not only from the citizens but the police bureau as well.

Saltzman: Does that mean you're willing to perhaps just move ahead with the deadline extension and give the committee a chance to look at the r.u. issue?

Leonard: No. I think we should continue with the ordinance as we have and allow this system to begin operating as of september 1st, gain some credibility. I think one of the group's work should be to develop an oversight in the long-term to measure how the new ordinance is functioning. If this becomes an issue where the ipr director and the citizens appointed by the auditor determine that it isn't functioning as well as it could be, it should be part of what we review down the road. But I want this to have every chance to succeed and not just from cop watch's perspective, the aclu's perspective, or the police bureau's perspective. But from everybody's perspective and the police bureau is an important part of this working well and they have to commissioner Saltzman, you more than anybody here should appreciate this. They have to at least feel as though they're listened to and respected in terms of how this is going to work for them to buy into this process. I want everybody to buy in, and I want, over the long-term, for us to be able to adjust and make changes as this group moves ahead that we've formed as we see them come up. I think we ought to give them

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every chance to succeed at first, and that means the police bureau said this is an important point for us. We'd like this person to be off the committee, and that police officer's replacement should be this person. I think we ought to do it.

Saltzman: I generally buy that and somebody brought up the fact that the parc report specifically--

Griffin-Valade: The parc report was brought up in the 2003 report.

Severe: There's a reference to it in the 2006 report.

Griffin-Valade: But the crc has a work group that has met for several years. They were going to present a report to you in mid july in which they looked at all of the parc reports and drew from those reports formal recommendations to make to you. None of those recommendations include anything about the r.u. Commander being a voting member of the board. Which as a reminder -- and I know you weren't here last week --

Saltzman: None of the parc recommendations or none of the crc?

Griffin-Valade: None of the crc work group that studied all those reports makes that recommendation.

Fritz: Is that final, the report?

Griffin-Valade: Yes. It's been approved by crc. I forgot you were not here last week. I apologize. This ordinance is trying to do two things which I consider to be administrative. One is to create a real process to allow us to prepare for a september 1 starting date for the new board. The current two boards, performance and use of force board, currently have the r.u. Commander as a voting member. So then to -- in addition to the tremendous changeover in the bureau, chief reese and his command staff have made a compelling case about the negative impact of removing the direct supervisor input, and they've pledged directly to me and directly to ipr staff a commitment to accountability and demonstrated their commitment through their actions and cooperation, and I think they've shown good faith. It's a reminder that we are now sitting members of the police review board and we're voting members, and we will be there monitoring. If it's not working, as commissioner Leonard alluded to, we will come back before you at another time and say we want a change. I've also committed to having an independent review by an outsider a year after implementation of the police review board, and I will in fact do that. This is an advisory board. The changes of the ordinance that you approved on march 31st not only create ipr as a voting member but created the facilitator and at least twice a year report. This change as recommended in a vacuum, where transparency and accountability have been strengthened. It is ultimately your decision of course --

Saltzman: Which change?

Griffin-Valade: Both changes really but specifically focusing on the change of panel, and it's only a change from the march 31st ordinance. It isn't a change from current practice.

Saltzman: The issue again, parc report did or did not specifically recommend against this idea?

Severe: The 2003 parc report made a reference to when involved -- the 2003 parc report was dealing with officer-involved shootings and in-custody deaths. In those particular cases, it recommended that a noncommanding officer of the involved officer be on a review board. But in performance cases, which is the vast majority of the police review board's work and in other types of use of force cases, the parc report saw the benefits of having -- actually having the manager of the bureau officer involved in the case viewing performance-type issues and be able to be up to speed and give recommendations to the chief.

Saltzman: So in cases of officer-involved shooting and in-custody deaths, they recommended not having the r.u.?

Severe: That was their recommendation because of concerns about potential for conflict of interest.

But it's also necessary to look at the context of the 2003 report. Back then it was a review committee where there were three assistant chiefs, and the r.u. commander. One of the major recommendations of the parc report at that particular time was that there be a civilian member of the

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police -- of the review level committee. It became the performance review board and now the police review board. And not just a regular civilian but a civilian with a lot of knowledge about the issue. I think one of the major steps forward with the ordinance is actually having the ipr director being appointed as a civilian member as somebody who has this kind of knowledge of these cases from basically the beginning to when it gets before the board. And also having the citizen member appointed by council with the auditor putting that person's name forward. So I think it's a very different context, particularly with the police review board being an advisory member to the chief. One of the important things that we got as ipr staff Mary beth and myself in conversations with bureau members subsequent to the ordinance being passed, was that not having the r.u.

Commander as a voting member was something that would be detrimental to the effectiveness of the police review board, because it's important to the chief to have a diversity of opinions. With the citizen member, with the ipr, with our own perspective as well as having the r.u. Commander who, in some cases, knows the officer -- obviously knows the officer, but kind of knows the backgrounds, has done the findings memo in reviewing the investigation done by iad, putting that together in a packet, and usually aside from the internal affairs division and ipr director is the most informed person about that case. It's necessary to have somebody with that level of information and knowledge be present at the table as not a deciding vote or even a plurality of the vote but as one important voice so the chief can have that range of information he'll need as manager of the bureau to make a decision of what he's going to do with that officer. Also critically important for not just the police chief but also the police commissioner to have that voice when they kind of get the report of the facilitator of what was said at the police review board meeting, kind of hearing the divergent opinions. If you leave the ordinance in place where it is as the r.u. Commander or the revolving r.u.

Commander who's not the supervisor of the officer, I don't think you'll get the same level of in-depth knowledge because they're going to get this report probably -- they try to do a good job, so several weeks, maybe a month before, and they'll just kind of read it as opposed to the r.u. Commander who's put together the report and who kind of understands the issues kind of at a base level. So I think if council decides not to approve this amendment, it does a disservice to the police review board.

Fritz: With respect, I don't think the decision about whether the r.u. Commander is a voting member or not is nearly as important as the trust issue. I'm seeing folks and representatives of the league of women voters, the bureau advisory committee, Portland cop watch, aclu, and citizens review committee fit to be tied in the audience because they'd like to comment on some of the things that are being said. And we had this tremendous sense of hope after the march 31st hearing where we felt that citizens and leadership were coming together in the stakeholder group, with your support auditor griffin-valade, to actually talk about this stuff and to come to some agreement. And now what we've heard from multiple stakeholders is that feel that trust has been breached. With respect, this is your ordinance, so you could, if you wanted to, hold it over for a while and see whether you could maybe talk to the committee after and bring it back again without an emergency clause on it. I think it would be a real shame to give the committee -- the stakeholder committee and the citizens review committee -- the impression that their viewpoint doesn't matter. I respect that both you, auditor, and commissioner Leonard believe that this was a housekeeping amendment. We have heard that that's not how it's viewed in the community, and I would encourage you to think about the trust issue and the bigger picture as well as this amendment which, as I said, I think it can be argued either way as to whether the responsible commander should be a voting member or not. I don't think that's as important as the trust issue.

Griffin-Valade: Well, I was caught off guard a little bit by the emergency clause. I will say that. But I respect your intention when you did that, so i'm not -- i'm fairly much a novice with regard to dealing with the procedures here, and so the only thing I think -- obviously it's unfortunate that this is perceived in such a way. I do understand the concerns of some of the community members.

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Again, i've been convinced that a decision to keep direct supervisors as voting members of the police review board ultimately strengthens the accountability that we're trying to strengthen. So there is that piece of it. The stakeholder group, again as I mentioned last week, my understanding that they were brought together to talk about a number of issues, not just the police review board. A number of police oversight issues. And bringing forth recommendations to council. They still could talk about this issue of the r.u. Commander being a voting member. There's nothing to preclude them from doing that. But the bottom line for me is that, in terms of practicality, in order to be able to move forward with having the review board start on september 1st, that's the most important part of this. And I do see this as part of that.

Fritz: We could do that separate. I would move that change.

Leonard: Move what change?

Fritz: Change to starting on september whatever the date is. 1st.

Leonard: I'm unclear what you're saying.

Griffin-Valade: I am, too. I'm sorry.

Leonard: I'm unclear what you're saying.

Fritz: We can do that change which everybody agrees is a good thing to do without doing the change to the composition of the board.

Leonard: First of all, let's make one thing clear. I added the emergency clause at your request. So implied in that was that, because I was resistant to doing that last week and having a second hearing today and voting on it today and then having it take effect in 30 days from today was that you were going to vote for it.

Fritz: I thought I was.

Leonard: Well, that will be the second time that's happened up here, and I will tell you that, in my experience -- just in my experience, having been in a legislative body since 1993, when members of a legislative body offer an amendment and then -- let me finish please -- and then vote against the very bill they amended, that usually doesn't create trust amongst their colleagues. That's happened once already. If you suggested last week that I added an emergency clause for the purpose of killing this -- let me finish. Killing this ordinance today, that will be twice. The old adage fool me once, shame on you. Fool me twice, shame on me. I will take responsibility for that. But it won't happen a third time. That I promise you. So just to reiterate what I said earlier, this ordinance originally came before you because of the commitment the auditor and I had to create transparency at the police bureau that we believed did not exist. When I met with this group the first time that we appointed after the passage of the ordinance -- passage of the ordinance and they wanted to know what is that we're here for, what are we supposed to accomplish, what is it we are supposed to accomplish, I was -- I was apolitical in my answer. I didn't give the typical political answer that, oh, yeah, we want you to give recommendations and we're going to lack at them hard. I was really clear I said, if you guys get off and the wrong track and come up with a series of recommendations that don't meet the real world, I won't support them. In the end, it has to introduce something and it has to be credible. So I will tell you that I have a lot of respect for dan. In fact the previous police chief accused me of being too close to dan handleman, that I just parroted whatever dan said. That's how much I listen to dan. And he probably is shocked to hear that. I've worked with andrea meyers since my days in the legislature, have always respected her. Oftentimes agreed with her even to my own political detriment. I am often a lone vote or one of them in Oregon. But you guys don't represent the community, having said that, and I know that. The community is a large and diverse group of people. Oftentimes they don't even have the opportunity to watch these things on television. So I have to use my judgment as to what it is that I think is in the best interests of the entire community and not just people who say they represent the entire community, because I know the difference, with all due respect. And the fact of the matter is I want to point out what our auditor said during a highlight and to what constantine said. We want this ordinance to work. I

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brought this ordinance forward with some resistance from sitting council members. And what i'm telling you now is in that same spirit i'm asking that you approve this change in order that we get off on the best foot possible because, in my opinion, this will give the ipr the best chance to succeed in cooperating with the police bureau, and it gives the police bureau no room to argue that they weren't listened to, and I don't want to hand them an argument unwittingly that undermines what everybody is trying to accomplish.

Adams: So there appears to be unanimity in terms of the date. There appears to be a tie in terms of the substantive change or the change of having the specific r.u. manager on the council --

Leonard: we won't know that until we vote.

Adams: That based on my poll we can take it all the way to a vote if you want.

Leonard: I'd just as soon have a vote.

Adams: Please call the vote on the amended emergency ordinance.

Saltzman: Well, i'm fine with the deadline extension. And I understand a lot of the points commissioner Leonard's making about who is the community. But I think commissioner Fritz' point about the particular change on the r.u. Manager coupled with the parc recommendation gives me pause and think it wouldn't hurt to run that by the committee to give them a chance to either sign off on it or not. So I guess I would prefer that course of action and therefore I would vote no.

Leonard: Aye.

Fritz: Thank you for bringing back the changes, and there are more changes in this than I noticed last week, and i'm very happy to be the last check off on ordinances between the first hearing on march 18th and the second hearing on march 31st. There were 110 changes that I counted in that ordinance. So i'm raising that issue to illustrate, when you rush things without proper citizen review, you don't have as many eyes on them, and you don't catch the things that citizens would catch. If you didn't ask the committee, they'd have no way to know that this was coming forward and that they didn't think it was a housekeeping concern. So I am very troubled by the choice to move forward with this given the fact that so many of the stakeholders are telling you that this is a breach of trust and that this is going to make it harder to move forward. Having said that, on the substance of the issue -- and, commissioner Leonard, in spite of your threat and not because of your threat -- I am deferring to the new chief of police on this in that he believes it would be helpful to have his commanding officer as a voting member. I still want more advice from the citizens advisory committee and the bureau advisory committee and the stakeholders group, and we can change this again, because it is now on the agenda. It can be changed back again. As a practical matter, I believe that this is only about 17 command officers. They're obviously going to be talking to each other all the time and have regular discussions on policy, so the thought that a noncommanding officer is going to have a different view than a commanding officer I don't quite understand that. I would like to hear more about the parc report and why that particular choice was recommended by them on our police bureau. But our new chief has asked for this change, and I believe that he should have the ability to be able to move forward if he sees fit. Aye.

Adams: Well, I want a full airing. I want there to be a venue for a full and complete airing of these types of issues, and I think paramount to ensuring that full airing is that the r.u -- specific r.u. Manager needs to be at the table. We can, I believe, judge performance in the future as to whether those discussions truly are robust and there truly is significant agreement and disagreement as part of those discussions specific to that case. We have to be able to dig deep on these specific issues in order to develop -- to reinforce a culture of continuous improvement with the police bureau and to fortify that culture of continuous improvement. So having looked at the previous parc reports -- and I do agree with constantine's sort of description of how their recommendations are analogous and how they're different -- i'm going to support this. I'd like to get this going. Aye.

Leonard: Mayor Adams?

Adams: Yes.

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Leonard: I'd like to move to change my vote from yes to no and reconsider the vote by which item 963 failed.

Adams: The chair recognizes commissioner Leonard's request to change his vote from yes to no and further recognizes his proposal to reconsider this item.

Leonard: And to my motion.

Adams: And to your motion.

Leonard: If the council adopts the motion to reconsider the vote, I will ask to remove the emergency ordinance, ask that it be heard for a second reading post july 1st when the group gets together next and then have the second reading the first date, the first wednesday as close to the july 1st date as possible after, whichever that is. I'm not sure. I think july 1st is a thursday, so it would be the following wednesday.

Moore-Love: We're not having a meeting that --

Leonard: What's the next one?

Moore-Love: 14th of july.

Leonard: Yes.

Moore-Love: You want a time certain?

Leonard: Well, I need to pass my motion first.

Adams: Can you summarize the motion again?

Leonard: It's to move to reconsider the vote by which item 963 failed.

Fritz: Seconded.

Adams: Its been moved and seconded to reconsider the vote. Karla please call the vote on the reconsideration motion.

Saltzman: I'm fine. Parliamentary, can you just change your vote?

Ben Walters, Chief Deputy City Attorney: Yes, roberts rules allow you to change your vote if you do so before the announcement of the result of the vote.

Adams: And if you're recognized by the chair.

Fritz: And if you voted yes.

Saltzman: I know that part.

Leonard: Voted in the majority.

Saltzman: Ok. Aye.

Leonard: Aye.

Fritz: Thank you, commissioner Leonard. This is an elegant solution. Aye.

Adams: Aye. So we are now reconsidering --

Leonard: Mayor Adams, item 963 is before us. I move to remove the emergency clause.

Adams: Motion has been made to remove the emergency clause.

Fritz: Seconded.

Adams: Please call the vote.

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

Adams: Aye. All right. And unless there are objections, this is continued this'll what date, Karla?

Leonard: Was is the 14th?

Moore-Love: 14th of july.

Leonard: Is that the first wednesday after the -- july 1st date that we'll have council? July 14th yeah.

Adams: At what time?

Moore-Love: Time certain, we could do probably 3:00.

Adams: Ok. 3:00.

Moore-Love: On the 14th of july.

Leonard: We could just have it on the regular agenda.

Saltzman: Isn't there an evening hearing on the 14th?

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Moore-Love: We're meeting on the 14th.

Adams: Are we meeting in the evening?

Moore-Love: No. It's a 2:00.

Leonard: Just a regular agenda?

Moore-Love: Regular agenda.

Griffin-Valada: May I ask a procedural question?

Adams: Is there objection to continuing? Unless there is objection to continuing it to this time and date -- is there an objection?

Griffin-Valade: It's not an objection. It's a reality that, in order to move forward with our recruitment of community members and some other sorts of procedures and processes that we need to have in place so that the board can actually start on september 1st, I don't want to be presumptuous, but I heard clear support for that as a start date and sun setting of the other two boards, and in reality, in order to be able to do all of that and get it done, may I just move forward?

Adams: If I were you, I would move forward. There is a question of course until this council votes as to that one position, but --

Leonard: But if everybody effectively removes the emergency clause a unanimous vote is not required. Three people voted yes today. I can't predict that that will mean that on the 14th, but I would think that that will be --

Adams: And to finish my thought, you can go ahead with the recruitment. There's nothing that stops you from doing the recruitment for it and requesting applications.

Griffin-Valade: Excellent.

Adams: So continued as noted. All right. That gets us to the item that was pulled. Can you please read the title for emergency ordinance item number 926.

Item 926.

Adams: Sorry to keep you waiting.

Dan Bower, Bureau of Transportation: Gave "me" time to come down from my world cup drama. I'm dan bower with the bureau of transportation.

Adams: And just to expedite things, commissioner Fritz, can you please pose your question or concern and see what your response is?

Fritz: Thank you for staying to watch democracy in action all morning. My concern is that this provides more money to trimet for fareless square. However, because it's now the free rail area rather than fareless square, citizens are actually getting less free service than before, so this would have us paying more for less.

Bower: Ok. As with everything, there's a short story and a long story. I'll start with the short story and, if you want to keep digging, we can. We've entered into a contract with trimet since 2001 to pay for lost revenue for fareless square, same contract we've had with them since that time. That goes up by the cost of living or consumer price index each year, so this adjustment reflects the cost-of-living increase from 2009. To your question about less service versus more service, what we looked at last year when the council adopted this contract is that very issue of, if the buses are gone, why are we continuing to pay tri met? The analysis that we did jointly with trimet and lloyd district demonstrated that first of all this contract is just for lloyd district extension of fareless square, does not involve downtown buses, so that's a key distinction.

Fritz: It was only the rail before that this paid for?

Bower: Lloyd district had rail and bus, but there are very few people who ride from lloyd to downtown on bus in fareless square.

Fritz: Did it apply to buses?

Bower: Yes. So that's relatively minor number of people who are making that trip from lloyd to downtown on the bus for free. It's been more than offset by additional riders on the green line.

Fritz: Ok. I'm done.

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Adams: Unless someone wants to testify on the matter, please call the vote on emergency ordinance 926.

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

Fritz: Thank you. I'm sorry I didn't notice this until midnight last night to ask the question ahead of time. Aye.

Adams: Thank you. Aye.

Fritz: I move to suspend the rules to give less than two weeks notice and to hold the ipr hearing for the report next week on june 30th at 6:00 p.m. I understand this is ok with all the schedulers and at auditor.

Adams: Seconded. Please call the vote on the motion.

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

Fritz: Aye. Thank you.

Adams: Aye. We are adjourned for the week.

At 12:28 p.m., Council adjourned.