



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **14 DAY OF DECEMBER, 2011** AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Tracy Reeve, Senior Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

Item No. 1354 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
1344 Request of Brenda Hiatt to address Council regarding smaller companies not being able to compete with the Portland Business Alliance for City contracts (Communication)	PLACED ON FILE
1345 Request of Norberto Lopez to address Council regarding the impact of potential infrastructure budget cuts (Communication)	PLACED ON FILE
1346 Request of Moses Wrosen to address Council regarding the Occupation Movement (Communication)	PLACED ON FILE
1347 Request of Barry Joe Stull to address Council regarding the criminal eviction of Occupy Portland by the Portland Police Bureau (Communication)	PLACED ON FILE
1348 Request of Andrew Mason and students from Open Meadow High School to address Council regarding support of the Youth Pass (Communication)	PLACED ON FILE
TIMES CERTAIN	
1349 TIME CERTAIN: 9:30 AM – Accept the Graffiti Abatement Semi-Annual Progress Report (Report introduced by Commissioner Fritz) 30 minutes requested	RESCHEDULED TO JANUARY 11, 2012 AT 9:30 AM TIME CERTAIN

December 14, 2011

<p>1350 TIME CERTAIN: 10:15 AM – Appoint Phillip Hillaire to the Regional Arts & Culture Council for term to expire June 30, 2013 (Report introduced by Mayor Adams) 10 minutes requested</p> <p>Motion to accept the report: Moved by Mayor Adams and seconded by Commissioner Saltzman.</p> <p>(Y-5)</p>	<p>CONFIRMED</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Sam Adams</p> <p>Bureau of Planning & Sustainability</p>	
<p>*1351 Authorize a grant agreement with Portland Community College Foundation to administer \$10,000 in funds for the Youth Action Grants Program (Ordinance)</p> <p>(Y-5)</p>	<p>185060</p>
<p>*1352 Approve an Intergovernmental Agreement with Metro Regional Government to receive \$150,000 for Portland Brownfield Redevelopment Assessment as part of the Construction Excise Tax Planning Grant Program (Ordinance)</p> <p>(Y-5)</p>	<p>185061</p>
<p>Bureau of Police</p>	
<p>*1353 Extend an Intergovernmental Agreement with Multnomah County, acting by and through its District Attorney's Office, through FY 2011-12 and increase reimbursement by \$60,500 to reimburse Police Bureau overtime costs (Ordinance; amend Contract No. 30001158)</p> <p>(Y-5)</p>	<p>185062</p>
<p>Bureau of Transportation</p>	
<p>S-*1354 Authorize an Intergovernmental Agreement with Metro and accept and appropriate a grant in the amount of \$20,000 for five Sunday Parkways in 2011 (Ordinance)</p> <p>Motion to accept substitute ordinance: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-5)</p> <p>(Y-5)</p>	<p>SUBSTITUTE 185075</p>
<p>*1355 Amend Intergovernmental Agreement with the Oregon Department of Transportation to change the completion date for pedestrian safety improvements at the intersection of NW Naito Pkwy and Flanders St (Ordinance; amend Contract No. 30002457)</p> <p>(Y-5)</p>	<p>185063</p>
<p>1356 Amend Intergovernmental Agreement with the Oregon Department of Transportation to define the roles and responsibilities for maintenance of stormwater management facilities constructed by the St Johns Pedestrian/Freight Project (Ordinance; amend Contract No. 30000332)</p>	<p>PASSED TO SECOND READING DECEMBER 21, 2011 AT 9:30 AM</p>

December 14, 2011

<p>1357 Amend contract with CMTS, Inc. to add contractual spending authority and extend termination date for street construction inspection and engineering technician personnel (Second Reading Agenda 1308; amend Contract No. 30001969) (Y-5)</p>	<p>185064</p>
<p>Office of Management and Finance</p>	
<p>1358 Authorize contract with Spacesaver Specialists, Inc. in the amount of \$659,264 to provide and install high-density shelving at the Portland Archives Center (Procurement Report) (Y-5)</p>	<p>ACCEPTED PREPARE CONTRACT</p>
<p>*1359 Update Procurement Code to conform to new state law and make technical corrections (Ordinance; amend Code Chapters 5.33, 5.34 and 5.68) (Y-5)</p>	<p>185065</p>
<p>*1360 Revise Ordinance to include back pay owed to Thomas Gogas for the period of September 15, 2011 to November 18, 2011 (Ordinance; amend Ordinance No. 185000) (Y-5)</p>	<p>185066</p>
<p>*1361 Amend contract with Multnomah County, Metro and the Visitor Development Fund, Inc. to reauthorize City participation in the Visitor Development Fund Services Agreement (Ordinance; amend Contract No. 51557) (Y-5)</p>	<p>185067</p>
<p>*1362 Create a new represented classification of Environmental Policy and Hazardous Materials Coordinator and establish an interim compensation rate for this classification (Ordinance) (Y-5)</p>	<p>185068</p>
<p>1363 Create two new represented classifications of Collection System Video Inspector and Collection System Investigator and establish interim compensation rates for those classifications (Ordinance)</p>	<p>PASSED TO SECOND READING DECEMBER 21, 2011 AT 9:30 AM</p>
<p>Commissioner Nick Fish Position No. 2</p> <p>Portland Parks & Recreation</p> <p>*1364 Authorize Intergovernmental Agreement with Multnomah County Drainage District regarding work at Whitaker Ponds Natural Area (Ordinance) (Y-5)</p>	
<p>Commissioner Dan Saltzman Position No. 3</p> <p>*1365 Authorize a grant agreement with Impact NW to deliver the after-school science program for the Portland Children's Levy (Ordinance) (Y-5)</p>	

<p align="center">Bureau of Environmental Services</p> <p>*1366 Authorize application to American Rivers for a grant in the amount of \$100,000 for Crystal Springs Culverts Removal and Habitat Restoration Designs (Ordinance) (Y-5)</p>	<p align="center">185071</p>
<p>1367 Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Luther Road Habitat Restoration Project No. E06947 through the exercise of the City's Eminent Domain Authority (Ordinance)</p>	<p align="center">PASSED TO SECOND READING DECEMBER 21, 2011 AT 9:30 AM</p>
<p align="center">Office for Community Technology</p> <p>1368 Grant franchise to Comcast of Oregon II, Inc. to operate a Cable System for a period of ten years (Ordinance)</p>	<p align="center">PASSED TO SECOND READING JANUARY 18, 2012 AT 9:30 AM</p>
<p align="center">REGULAR AGENDA</p> <p align="center">Mayor Sam Adams</p> <p align="center">Bureau of Planning & Sustainability</p> <p>S-*1369 Authorize the City to execute a Contract-Specific Procurement agreement to purchase electricity from an Energy Service Supplier, if in the City's best interest (Previous Agenda 1334) Motion to accept substitute ordinance: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-5) (Y-5)</p>	
<p align="center">Bureau of Transportation</p> <p>*1370 Grant the Bureau of Transportation authority to close SW Ankeny St between 2nd and 3rd Aves for the purposes of issuing permits to adjacent businesses to accommodate customer seating for the purpose of food and beverage service (Ordinance) 20 minutes requested Motion to amend to add emergency clause: Moved by Mayor Adams and seconded by Commissioner Leonard. (Y-5) (Y-5)</p>	<p align="center">SUBSTITUTE 185072</p> <p align="center">185073 AS AMENDED</p>
<p align="center">Office of Management and Finance</p> <p>1371 Accept Guaranteed Maximum Price of \$31,552,701 from Advanced American Construction, Inc. for the construction of the Bull Run Dam 2 Tower Improvements Project (Previous Agenda 1336; Procurement Report-RFP No. 110465) 20 minutes requested Motion to accept the report: Moved by Commissioner Leonard and seconded by Commissioner Fritz. (Y-5)</p>	<p align="center">ACCEPTED</p>

<p style="text-align: center;">Commissioner Randy Leonard Position No. 4</p> <p style="text-align: center;">Water Bureau</p> <p>1372 Amend contract with Black & Veatch Corporation to increase compensation and scope of work for Bull Run Dam No. 2 Tower Improvements (Previous Agenda 1337; amend Contract No. 37587) 15 minutes requested</p>	<p style="text-align: center;">PASSED TO SECOND READING DECEMBER 21, 2011 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p> <p style="text-align: center;">Portland Housing Bureau</p> <p>*1373 Authorize the conveyance to The Yards Phase C Limited Partnership of a portion of real property known as the Yards at Union Station, a loan of \$565,000 for the purchase price of the real property, a loan of up to \$4.4M in tax increment financing to be used with funding from other sources to develop an affordable housing project, and a limited tax exemption under Code Chapter 3.104 for the resulting new multi-unit housing (Ordinance) 20 minutes requested</p> <p>(Y-5)</p>	<p style="text-align: center;">185074</p>

At 11:19 a.m., Council recessed.

December 14, 2011

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 14TH DAY OF DECEMBER, 2011 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz, Leonard and Saltzman, 5. Commissioner Fish arrived at 2:05 p.m. Commissioner Saltzman left at 3:16 p.m.

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

The meeting recessed at 2:13 p.m. and reconvened at 2:44 p.m.
The meeting recessed at 3:16 p.m. and reconvened at 3:20 p.m.
The meeting recessed at 4:34 p.m. and reconvened at 4:37 p.m.

	Disposition:
1374 TIME CERTAIN: 2:00 PM – Progress report on the 2011 Charter Commission (Presentation introduced by Commissioner Saltzman) 45 minutes requested	PLACED ON FILE
1375 TIME CERTAIN: 2:45 PM – Zidell Property Brownfield Clean-Up in South Waterfront (Presentation introduced by Mayor Adams) 20 minutes requested	PLACED ON FILE
REGULAR AGENDA	
Mayor Sam Adams	
1376 Accept Report on Recommendations Regarding the Portland Police Bureau (Previous Agenda 1340) 1 hour requested for items 1376 and 1377 Motion to accept the report: Moved by Mayor Adams and seconded by Commissioner Fish. (Y-4; Saltzman absent)	ACCEPTED
City Auditor LaVonne Griffin-Valade	
*1377 Establish the authority for the Citizen Review Committee to make policy recommendations directly to the Portland Police Bureau, increase the length of term served by Citizen Review Committee members and clarify procedures of the Citizen Review Committee in hearing appeals from community and bureau members (Previous Agenda 1341; amend Code Chapter 3.21) Motion to accept Mayor’s and Auditor’s amendments as stated in memoranda dated 12/9/11 and 11/22/11: Moved by Mayor Adams and seconded by Commissioner Fish. (Y-4; Saltzman absent) Motion to add emergency clause: Moved by Mayor Adams and seconded by Commissioner Leonard. (Y-4; Saltzman absent) (Y-4; Saltzman absent)	185076 AS AMENDED

At 4:57 p.m., Council recessed.

December 15, 2011

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 15TH DAY OF DECEMBER, 2011 AT 2:00 P.M.

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

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council from 2:00-2:22 p.m. Karla Moore-Love, Clerk of the Council beginning at 2:58 p.m. Kathryn Beaumont, Chief Deputy City Attorney from 2:00-2:22 p.m. Ben Walters, Chief Deputy City Attorney beginning at 2:58 p.m. Wayne Dykes, Sergeant at Arms.

The meeting recessed at 2:22 p.m. and reconvened at 2:58 p.m.

	Disposition:	
<p>1378 TIME CERTAIN: 2:00 PM – Consider the proposal of Portland Adventist Academy and the recommendation from the Hearings Officer for approval with conditions, to change the Comprehensive Plan Map designation for this 267,738 square-foot parcel from Central Residential to Central Employment and a concurrent Zoning Map Amendment from IRd to EXd at 1500 SE 96th Ave (Hearing; LU 11-138415 CP ZC) 1 hour requested for items 1378 and 1379</p> <p>Motion to uphold the recommendation from the Hearings Officer for approval with conditions: Moved by Commissioner Leonard and seconded by Commissioner Fish.</p> <p>(Y-5)</p>	<p>ACCEPT HEARINGS OFFICER'S RECOMMENDATION</p>	
<p>*1379 Amend the Comprehensive Plan Map designation and change zoning of two lots in the vicinity of 1500 SE 96th Avenue at the request of Ty Johnson, Portland Adventist Academy (Ordinance; LU 11-138415 CP ZC)</p> <p>(Y-5)</p>	<p>185077</p>	
<p>1380 TIME CERTAIN: 3:00 PM – Accept Cully-Concordia Community Action Plan Report (Report introduced by Mayor Adams) 30 minutes requested</p> <p>Motion to accept the report: Moved by Mayor Adams and seconded by Commissioner Fish.</p> <p>(Y-5)</p>	<p>ACCEPTED</p>	
<p>REGULAR AGENDA</p> <p>Mayor Sam Adams</p> <p>Office of Management and Finance</p>		
<p>*1381 Authorize sole source acquisition and a redevelopment agreement with the Portland Winter Hawks, Inc. and Rip City Management, LLC, dba Portland Arena Management, for the renovation of Veterans Memorial Coliseum and exempt bond requirements (Ordinance) 30 minutes requested</p> <p>(Y-5)</p>	<p>185078</p>	

At 3:53 p.m., Council adjourned.

December 15, 2011

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

Susan Parsons
Acting Clerk of the Council

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

December 14, 2011

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.

DECEMBER 14, 2011 9:30 AM

Adams: (gavel) Good morning everybody welcome to the city council chambers. It is Wednesday December 14th its 9:30 a.m. and the city council will come to order. Karla, how are you this morning?

Moore-Love: Fine.

Adams: Are you enjoying the cold snap?

Moore-Love: Yes.

Adams: Good. Would you please call the roll? [roll call]

Adams: Quorum is present. We shall precede beginning with communications. Can you please read the title for item number 1344.

Item 1344.

Adams: Come on up. Hi, welcome. Glad you're here.

Brenda Hiatt: Thank you.

Adams: As you're taking a seat, if you're a lobbyist, under local law, you need to disclose that when you come to the table and have a seat. All you need to give us is your first and last name. We do not want your address; we don't want your email, we don't want your phone number, just the first and last name. That clock there has a – sorry that hunk of wood has a clock on it and it will help you count down your three minutes. I'm glad you're here.

Brenda Hiatt: Hi, Mr. Mayor and council people, no I am not a lobbyist. I'm a small business owner, I own a small security company that does business within the city of Portland. And I have contacted your office, Mr. Mayor and I have also been in contact with commissioner Fish's office. And it was your assistant Mr. Leonard who told me to do this communication thing. The problem with the -- that as I see it, that the city council has, is the rfps that are coming out of the bureau of purchasing -- and I have had a meeting with the bureau of purchasing also, with Barb Gibson, and we came up with some great ideas. I just don't know, you know, where they're going at the moment, he diversification project, a mentoring project, things like that. The rfps that are coming out of the city of Portland for the business improvement district, until this last one, for the parks bureau, and for all the other departments, are basically being written as a résumé for the Portland patrol and the Portland business alliance. And it is making it so that small companies like myself in the areas of security and janitorial cannot compete fairly. And, you know, I'm not asking to win. I'm asking to be able to compete. But when they come out of your office, written so that you have to have a small army or a small police force and you have to hire all ex-military or ex-police officers, we can't compete. We can't compete with \$4 million that the pba is getting from the business improvement district. I don't have police officers on my payroll. The way the Portland improve -- the way ppi does things to the business improvement district, if you read those rfps, it almost eliminates any small business. You have three security firms in the city of Portland, who eat up probably 95% of all of the security contracts in the city of Portland. And that's g4, I think that's what they're calling them now, I know them as Wackenhut, Portland patrol and pacific patrol. And it came to my attention quite by accident the other day that pacific patrol has also put in an objection to the undue influence that Portland patrol has. When they can do things like walk in here like they did with your original rfp, and have it pulled, because they don't like the way the

December 14, 2011

funding structure is set up, that's not fair to the rest of us. And each time we do those rfps, we're talking about approximately 40 hours, 40 manhours of sitting down and doing those. So I'm asking the city to please take a look at this. I will be in contact with each one of your offices individually, but please take a look at this. And let's see what we can do about getting smaller companies involved in the city, because we pay our taxes here too.

Adams: Thank you very much for your testimony.

Fish: Thank you. And Mayor, I just would like to comment, that Ms. Hiatt and some other folks actually sat down with my team and we reissued the rfp yesterday and it's a stronger and we think fairer rfp based on the feedback we got from folks. So we appreciate the time you took to educate us on your concerns.

Hiatt: Thank you.

Adams: Can you please read the title for item number 1345.

Item 1345.

Adams: Welcome to city council. Glad you're here.

Norberto Lopez: Hello. My name is Norberto López. I've been employed with the city of Portland for about six months now. I'm a utility worker in the sewer cleaning division. My primary responsibilities are traffic control, emergency response patrol, as well as sewer cleaning and assisting the operators who do that. By maintaining our infrastructure and protecting public health, water quality and the environment, our bureau contributes to the livability of Portland. The proposed budget cuts threaten services that are vital to our community. Portland citizens are affected by flooded streets caused by stormwater systems at maximum capacity, backed up sewer systems when overloaded, become potential sewage spills in Portland homes, streets, rivers, creeks, and waterways. We're responsible for routing traffic on busy Portland streets, requiring maintenance during inclement weather, our snow and ice operations clear the streets in order for to provide safe passage for police, fire and emergency medical response crews. We provide daily commuters the ability to travel to and from their respective neighborhoods, and places of business. Our sewers are deteriorating due to aging pipe systems requiring maintenance, overhauling and redesign. Our streets are crumbling from the wear and tear and heavy use of commuter cars, public transportation and large over the road semis. The wear and tear is constant and requires ongoing maintenance. This ongoing maintenance is what my co-workers and I address on a daily basis. Covering the many miles of sewer and street is already an operational challenge at our current staffing levels, cutting 100 positions will dramatically reduce our capacity, impacting operational goals and create an emergency situation for the city of Portland and its citizens. I'm a divorced single father of two daughters. My 17-year-old daughter, Bianca, is a junior in high school and my 12-year-old daughter Stephanie is a sixth grader. Both of them live with their mother. They rely on my income to meet their daily needs and maintain the basic quality of life they are accustomed to. If these cuts at PBOT go through, I will be laid off. My joining the ranks of the unemployed will have a dramatic affect on their lives and will threaten their current living situation. I am not a homeowner, but I'm in danger of not being able to provide the necessary financial assistance to help my children and their mother hold onto what little security and hope they have while they deal with the threat that they might lose their home. I believe that hardships that my family faces are shared by many of my fellow employees. Some of us who are directly threatened by these proposed cuts left better paying jobs for the opportunity to work for the city of Portland. We chose the city because of its reputation of providing job security and for the competitive benefits offered as part of the employment experience. Because of the current economic conditions the jobs we left behind are no longer available. My co-workers' families, like mine, are asking themselves, what will become of us. I urge you not to create job loss in your quest for cuts. We need to look at

December 14, 2011

longer term budget concerns; we need to coordinate strategic thinking. This is an emergency for Portland families and I and my family and the families of Portland call on city council to stand up for the families of the 99% and work for solutions not cuts. Thank you.

Adams: Thank you very much, sir. Can you please read the title for item number 1346. Sorry – yeah 1346.

Item 1346.

Adams: Welcome back.

Moses Wrosen: Good morning, Mr. Mayor, commissioners. I humbly ask for an extra minute in my presentation.

Adams: No.

Wrosen: I can't have it?

Adams: No.

Wrosen: I'll read fast. Mr. Mayor, I voted for you and have supported and believed in you, recently though, I have questioned your actions. You are lucky to be mayor of such a fine city. Portlanders have flair, amazing creativity and truly free spirits. We have a long history of innovation and standard setting across the spectrum, we love this town, we take pride in being Oregonians and we cherish our country and its values codified in the constitution and the bill of rights. And across the spectrum Portlanders are increasingly abhorred at the intentions and actions of the federal government. We're in fear of the evil corporate persona that's running the show. The nationwide highly coordinated crackdown with police state overtones on non-violent Democratic people and the media slur that preceded it, testify that someone fears our power. We saw the same thing nationwide, horse troops, riot gear, water cannons, batons, pepper spray, tear gas on non-violent democratic citizens. The dhi, department of homeland insecurity, orchestrated the whole thing like a ballet. These un-American bastards don't give a damn about the rules. They're looking to paint occupiers into domestic terrorists and direct the military to round us up and haul us off to special brigades. I know it sounds wacky but the full details can easily be obtained. Don't believe what I'm saying? Ask President Kennedy or Dr. King or building seven for that matter. Mr. Mayor, I believe in you, the real you. The real Sam Adams, the civic activist who stands up for his country's values and is willing to fight to preserve our liberty. You choose, sir. You are the judge and jury over yourself and by extension over Portland. So I plead with you for your own sake and for everyone's sake, use your courage and your wisdom. Stand up or stand down. Will you be remembered like police commissioner Bull Connor who used covert action fire hoses and attack dogs on peaceful freedom fighters or will you be remembered like Governor George Wallace who tweeted in 1963 segregation now, segregation tomorrow segregation forever? Or will you stand up like your brothers and sisters did at stone wall. Will you stand up and be remembered like New York City council member Yodanus Rodrigus and Philadelphia police captain Ray Lewis who were stripped of their liberties while being arrested in Tucati park, will you stand down like Sharon Cornewer, Dan Segal, high-ranking Oakland officials? You are the judge and jury. We hope to support you in the future, but you will have to stand up or stand down because the city's treatment of the occupation movement which is not going away and the bones of federal legislative agenda you are throwing us are unacceptable. At the very least, we need to see the council issue a resolution in support of the occupy movement as Cleveland and Pittsburgh have done. Cleveland and Pittsburgh: Mr. Mayor, I understand you have endured tremendous pressure from forces seen and unseen as if someone has your fingers in a vise --

Adams: I need you to wrap up.

Wrosen: I will in 30 seconds. I empathize with your fear but I submit to you that the evil corporate persona has our cities charter our states persona and our country's constitution in a vise

December 14, 2011

as if they were tender appendages. Our grandkids will still be paying for these senseless wars, and these treasonous bailouts. We must stand up together and shake off these vices if our country has any hope of surviving.

Adams: I need you to --

Wrosen: Whatever you do, I've got one more sentence.

Adams: Alright one more --

Wrosen: Whatever you do please cease being a patsy for the corporate empire that runs the feds. In conclusion I wish to remind you that ORS 446265 empowers you to establish encampments -

Adams: You said one more sentence and that's more than one sentence. Thank you, sir. Can you please read the title for 1347.

Item 1347.

Barry Joe Stull: Good morning, my name is Barry Joe Stull and I'll follow up ORS 446.265, authorizes you to provide transitional housing. Commissioner Fish, you were present when my property was illegally destroyed. I was in Chapman park I heard that the water bureau's equipment -- I don't know if you know this, commissioner Leonard, was being used to destroy people's property in Lownsdale square, I went over and I witnessed that. And I witnessed our gender roles here in the Portland police bureau commissioner. And that's whether the women dragged the tents out while the men suit up with riot gear. Now I happened to be stripped of all my possessions as I got into the ambulance to go to Emanuel hospital for one of several trips I've made, owing to my neuropathic pain condition. I have a severe disability. My disability is worsened by emotional stress. And I'm emotionally stressed every time I get up at my camp where I'm sleeping as one of thousands of homeless people with disabilities, mayor, in your city, and I see one of thousands of people begging on every freeway off ramp at every grocery store. You're a failure: except for your boot licking of the interests that my friend Moses Wrosen was challenging you to stand against, and not stand for. Now once I was stripped of my goods, after I pressed into sergeant Bacigalupi's hand, the statute requiring that it be stored for 30 days, I had to address the fact that I didn't have my clothing my bedding my medical equipment, including prescription drugs that I obtained through the Multnomah county health department. Here we have one arm of the government attempting to address my condition and we have another, your criminal one, commissioner Fish, you're a failure also, you wouldn't have thousands people homeless if you were anything but a decent provider of housing as housing commissioner. We have options. You let the Clydesdales camp in waterfront park but now I have to escort people to the loo, past people sleeping in doorways as we exercise our nonviolence, the reason you have \$1.3 million in police overtime, is because you don't have one cent in fire bureau overtime, is because when Moses and I start fires, it's outside to pray for you and your souls, because you are depraved. Occupy Portland was illegally evicted. Not because it was against the law, because it was against you. Sergeant Pool said, reporting as we know, the police officers hang out at the 7-eleven, and according to Lindsey Hunt he said on Tuesday, after -- oh, early Wednesday, after the eviction, that he told his supervisor, we're going to have to stick the shit out of them, else wise we'll never get them out. And they did.

Adams: Your times up. Alright that gets us to the consent agenda, does --

Moore-Love: One more.

Adams: oh I'm sorry we have a very special presentation. Can you please read the title for item number 1348?

Item 1348.

Adams: Welcome, glad you're here.

December 14, 2011

Andrew Mason: Thank you, so are we. We appreciate the time here. Andrew Mason, executive director of open meadow, we serve 900 students each year, some in our own schools, some in public schools. And our task is to serve what we finally identify as the clover shaped pegs who don't fit into the square hole of the traditional system and I've come today with Evan and others from our high school to thank you for the cities recent support of youth pass. The importance in continuation of this pass, to our students and families must not be underestimated. I'm aware that there are many, many, many other worthy issues competing with youth pass at the present but I'm here to underscore the importance of youth pass particularly in the shadow of current economic hardships. Youth pass gets young people to school; more importantly it makes the difference for kids in poverty. In Portland where "the Oregonian" reported that had 50% of our black population lives in poverty. Youth pass lands right at the intersection on issues of race, class, education and poverty reduction. At open meadow, your action assures that 24, our 24 graduates, this year will get to school for the remainder of the year and graduate as planned. Across the city, there are currently, in PPS, 12,924 students enrolled in high school. 3,405 of them are seniors. And so if we look at the 47% of students in poverty at PPS, your action directly was impacting 6,000 high school students in poverty, 1600 graduating seniors in poverty. Who will now have a way to continue on and get their diploma. And so this is going to require that I sing. Because I want you to think about this again. I want this moment to come back again, because right now the wheels on the bus do not say move on back. Right now, the people on the bus say graduate: Graduate: Every time one of those tri-met buses drives by, its saying to our students those 1600 students -- graduate: -- as opposed to move on back and move on down the line. Thanks for what you're doing and Evan is here to talk about the -- to express his thank you and just, you know, the investment in the youth pass is an investment in our families and our future. And --

Evan: I do thank you. We and my fellow students here and everybody at my school, we do thank you. I guarantee you that you've helped at least half of our school get to school this year and have the quality education. There are some of us that maybe don't need the bus pass to get to school directly but we use it for other things. I myself have a volunteer position to fill at the family farm part of the zoo, I wouldn't have been able to get to that, if this pass hadn't been extended. And we thank you for that and we would also like to possibly extend it, if possible. If there's any more funding. As Andrew said, if there's any - there are multiple things that the funding could go towards but I think the most important is education and people's future. So we thank you for this.

Adams: Thank you very much --

Evan: and also, we do have a card here for every one of the city commissioners we gave one to mayor Adams by himself earlier, but I'll give one for the rest of you.

Adams: Thank you for taking the time to be here. Very well spoken Evan. And that wasn't the worst singing voice I've ever heard. (laughter) It wasn't the worst...

Mason: Well that's good. Thank you.

Adams: Thank you all very much. We really appreciate it.

Mason: Thanks so much.

Adams: Alright. Now we're going to consider the consent agenda item. I'd like to pull item 1354.

To the regular agenda to be -- it has an amendment. Are there any other items that need to be pulled? Alright. Karla, can you please call the vote on the consent agenda?

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

Adams: Aye. The consent agenda is approved. [gavel pounded] that takes us to the time certain. We're running a little behind. We have a 9:30 time certain, it is a report. Can you please read the title 13 - item number 1349.

Item 1349.

December 14, 2011

Adams: Commissioner Amanda Fritz.

Fritz: Mayor we're requesting to reschedule this to January 11th, at 9:30 time certain. One of the key people in the office of neighborhood involvement is out of town on a family bereavement.

Adams: Ok. This item is continued until January 11th at 9:30 a.m. time certain, in 2012. Unless there are objections, we're right back on schedule, thank you I appreciate that. So we'll go to the regular agenda. Can you please read the title -- and I believe, call the vote for item number 1369.

Item 1369.

Moore-Love: I have a substitute noted for this.

Adams: Okay I move the substitute.

Fritz: Second.

Adams: It's been moved and seconded. Any discussion on the motion to move the substitute? Please call the vote on the motion to move the substitute.

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

Adams: Aye. [gavel pounded] substitute is approved. Does anyone wish to testify on item number 1369? Any additional council discussion? Karla, would you please call the vote on substituted 1369?

Leonard: Aye.

Fritz: Well, thank you, mayor, for delaying this for a week and for the staff and bureau of planning and sustainability and procurement services and also Tom Bizeau in my office, who all worked really hard to add more specificity concerning the bottom line of acquiring less expensive energy that is also greener and I also particularly thank Bob Jenks at the citizens' utility board for his advice on this issue and David Tooze, who was the staff person most responsible. Aye.

Fish: Aye.

Saltzman: Aye.

Adams: Well I thank the counsel consideration and it looks like approval of this measure, we spend about \$19 million each year on electricity. And the driver behind this effort is to reduce the city's electric bills at the same time that we achieve our climate action plan goal of 100% renewable power by 2012 for city government power needs. I have appreciate the additional polishing and work that was done and I'm glad that it's being approved. Aye. [gavel pounded] all right. Can you please -- can you please read the title for nonemergency ordinance item number 1370?

Item 1370.

Adams: I think everyone -- hopefully everyone has an opportunity to take a look at Ankeny. I consider it very successful. And Jerry, what are we looking at here specifically?

Jeri Jenkins, Bureau of Transportation: Do I introduce myself? Okay, I'm Jeri Jenkins with the bureau of transportation. What we're looking at specifically here is to go back to -- I'm here to talk to you about the ordinance before you, but to do that I want to just address the - earlier this year when we had the pilot program, the ordinance before you to close Ankeny street. That was very successful from the standpoint of the businesses. They sort of rushed into getting ready for the summer --

Adams: Can you move the mic closer.

Jenkins: They rushed into oh -- getting ready for the summer and getting their feet on the ground in terms of the seating, they experienced a greater visibility for their businesses, better interaction, really, with the outdoor seating both at night and during the day. Positive feedback from area -- the employees in the area specifically, the building owners are very supportive of it and they're working together toward a greater vision for that. We extended that original ordinance through January 31st. So what we're looking at -- that your looking at in front of you is an ordinance that

December 14, 2011

would authorize PBOT to basically keep the street closed and for us to move into an annual permitting process to each of the businesses that would emulate the existing café permit process that we have in place.

Adams: An administrative renewal?

Jenkins: Yes.

Adams: Alright let's see if there is council discussion on this or if we can push forward? Does anyone signed up to testify on 1370? Does anyone wish to testify on 1370?

Leonard: We're extending this in perpetuity then – is that?

Adams: We're extending – we're giving administrative authority to the bureau to approve these permits on a year-by-year basis. And as long as they want to.

Fritz: The one question that I've heard by email is regarding smoking in the area. How will you process requests for having the area be non-smoking?

Jenkins: I actually have not received that feedback directly. So I think that we would have to address that on a business-by-business basis and if smoke is affecting or -- was the feedback you got from residents living above?

Fritz: No it was other restaurant users who -

Adams: So why don't we -our legislative intent is for you to deal with that issue that provides for, a, following the law, and, b, providing for non-smoking.

Jenkins: Sure, similarly to how other sidewalk cafés handle the smoking issue. The non-smoking seats and smoking.

Fritz: Thank you.

Adams: Alright, because the certainty of the businesses there, I think they would appreciate it if – I'd like to move we apply an emergency to this so we can just take care of it today.

Leonard: So moved.

Fish: Second.

Adams: It's been moved and seconded. We'll vote on the motion to apply the emergency. Karla, can you please call the vote on the motion.

Moore-Love: Tracy do we need some language for that emergency?

Tracy Reeve, Sr. Deputy City Attorney: Yeah.

Adams: The basis of the emergency is to be able to provide as much time as possible to the businesses that are directly affected by this issue to have the certainty that this will or will not move forward as they plan the next year. Which happens -- you know, around this time, and immediately after the holidays.

Reeve: Okay and then I think we would just want the language that council having found that emergency exists, then it's in the public interest the ordinance will take effect immediately upon passage.

Adams: You've got that Karla?

Moore-Love: Yes.

Adams: Thanks for the follow up.

Jenkins: Sure. Thank you.

Adams: Please call the vote.

Leonard: Aye.

Fritz: I support the adding of the emergency clause because this would have been the time that people could have come and testified on this and there wouldn't have been any changes by next week. Aye.

Fish: Aye.

Saltzman: Aye.

December 14, 2011

Adams: I want to thank the PBOT team for being nimble and fleet-footed and really helping the businesses get this together very quickly. It's become another little iconic little spot in the city of Portland. So thank you. Aye. [gavel pounded] so approved can you please read the title --

Leonard: I think we have to vote on the ordinance now --

Adams: Sorry. Please call the vote on the ordinance.

Leonard: Aye.

Fritz: Well thank you Mayor and PBOT staff for working on this and also community members who have engaged very constructively, as have the businesses. I did have concerns when it started but it seems like those are being addressed and that there's being appropriate dialogue and collaboration, so I appreciate everybody's work on this. Aye.

Fish: Aye.

Saltzman: Aye.

Adams: Aye. [gavel pounded] so approved. Can you please read the title and I believe call the vote on 1371 -- we'll check it out here --

Moore-Love: Oh we really didn't have the hearing on this --

Adams: Oh, it's a continuation out of - okay can you please read the title and we will consider a procurement report, item number 1371.

Moore-Love: Did you also want 1372. I thought they were together. Did you want them both?

Adams: Yes, is that right?

Christine Moody, Bureau of Purchases: Yes.

Item 1371 and Item 1372.

Adams: Commissioner Randy Leonard.

Leonard: Thank you, this is a project that is consistent with our habitat conservation plan that the council adopted some time back. I'll turn it over to David Shaff.

Adams: Director Moody. [laughter]

Moody: Christine Moody.

Adams: Director Shaff, whomever, please help us here.

Moody: Procurement services. In September 2009, city council authorized the use of a CMGC process for the Bull Run dam two tower improvements project. Through this process an RFP was issued and four responses were received. The responses were evaluated by a five-person selection committee which included three city staff, one clean water services staff and one minority evaluator. Advanced American Construction was the highest scoring proposal, receiving 86 points out of a possible 100 points. The city then entered into contract negotiations and now you have before you the procurement report recommending a contract award for a guaranteed maximum price of \$31,552,701.00. The city and AAC jointly worked on the minority women in emerging small business suppliers' construction plan in which AAC has committed to achieve the aspirational goal of 35%, MWESB subcontracting, or four million one hundred and twelve thousand dollars. AAC will comply with the cities workforce requirements on all project work performed and will meet or exceed the 20% apprenticeship work hours. I'll turn this over to David Shaff and Mike Stuhr to talk about how they got to the guaranteed maximum price and brief on the scope of the project.

Fritz: Before you do that could you just explain to those at home, what a CMGC is?

Moody: Construction manager general contractor. So it's a process that we use where we evaluate other criteria besides the lowest price. So there were other criteria involved.

Fritz: The benefit of that to the public is?

December 14, 2011

Moody: Project scope and timeline. And sometimes rather than just having the lowest bid, we can evaluate not only the diversity that is going to be used on the project, but how well the contractor will approach the project.

Adams: And it also - She can't say this, but in the right situations it also prevents us from being gamed by the so-called lowest price that doesn't turn out. In the end, with change orders and all to actually be the lowest price. So it allows them to really dig in and make sure that the contractors that have come forward really can deliver the lowest price. Not just as defined narrowly by state law. I know you can't say that, but I can.

David Shaff, Director, Water Bureau: Hi, I'm David Shaff, I'm the director of the water bureau.

And just to add what Christine said. This is -- we don't normally do power point presentations to you, our boss doesn't care for them that much. But this is a fairly expensive, very complicated potentially dangerous job that we're going to be doing and we want to explain to you how we -- how we're approaching this job and why it is as expensive as it is, and the type of work that the contractors going to be doing. So you can kind of get an idea of why we did do the CMGC approach. So this is a project that's intended to comply with the habitat conservation plan, which was adopted back in April of 2009. It is -- and if as -- just as a reminder, the ACP does a couple of things. It both meets our obligations under the endangered species act but it also meets our obligations under the clean water act. I will -- no not yet. So it meets our obligations under two different federal regulations that we have to live under. This portion of the ACP or this project is intended to deal with our obligation under the clean water act and control the downstream temperatures of the Bull Run River. So if you look at that first slide, the Bull Run management unit, just as a reminder, we're 25 plus miles away from downtown Portland, in a very remote part of the Mount Hood national forest. And it will become clear when Mike starts to go through the technical slides that the challenge of a large construction project in that remote area are fairly significant. We have very narrow roads; we have bridges that are limited in their weight capacities.

So we're going to have to do a lot of things that we wouldn't have to do. For instance, downtown, like Tri-Met's building in the -- in the river, for the light rail. So if you look at the next slide -- as I said, the habitat conservation plan was adopted in April 2009 and outlined various tasks that we had to perform to mitigate the impacts of our dams on the Bull Run system. One of the things the ACP does is prescribe water temperatures for the Bull Run River and that modifying the intake towers is necessary to achieve those prescribed temperatures. As an aside, the ACP is the only one in the nation that we're aware of that allowed for offsite mitigation measures in lieu of providing fish passage. So the ACP, as I mentioned does two things; meets our endangered species act obligations and the clean water act obligations and it provides us with regulatory certainty for a 50-year period of time. So at any point over the next 50 years -- 45 now -- if a particular group or agency were to say we don't think you're meeting your obligations in the endangered species act or the clean water act, the ACP gives us some certainty to say, yes, it does. So it's a binding agreement for 50 years. If you look at the next slide, this is what we're trying to achieve. The very bottom line is the needed outlet temperature in order to control the downstream temperatures on the Bull Run River. And we have a number of years of data that show what our actual downstream temperatures have been. So it's not a lot. It's four and five centigrade degrees difference. But those four or five centigrade degrees difference make a difference to the fish. So with that, I'm going to turn it over to the real expert about dams, deep water diving and what we're try doing with the dam two towers.

Mike Stuhr, Water Bureau: A little bit of background on dam two. Oh, I'm Mike Stuhr, I'm the chief engineer of the water bureau. Dam number two was completed in 1962 it's a 145-foot tall earth filled dam, pretty standard dam for that era. We have two intake towers upstream of the dam.

December 14, 2011

This is what they looked like in the dry when it was being built. And this is a more typical picture of what you would see today, north tower and south tower. The north tower is where most of our water comes from and the south tower is generally used as backup. Our project team is, of course, the Portland water bureau, our partner in this enterprise is Christine Moody in procurement service, the design consultant for the design is Black & Veatch and the cm/gc contractor is Advanced American Construction. A little bit about Advanced American, they're an excellent, very experienced, heavy water construction firm, very well known in the northwest. Who've done work all over the northwest. And that's critical for a couple of reasons. One, they know how to do this heavy underwater work and the second thing is, that they're used to working in our environmentally protected waters in the northwest, and more on that as we go along. What we're doing: I'll mention this a couple of times. But you saw the slide that showed the temperature and we needed to get the temperature down and what we're really going to do out of this enterprise, is basically we're creating a cold water bank. Right now, today, the gates to the towers come off the bottom. That's where the coldest water is. So when we bring water into town or we turn water loose in the river, it comes off the bottom. That's a problem later in the summer because we've basically taken all the water off of the bottom and the temperature goes up as the warmer waters settle down and what we're trying to do here is create a cold water bank and what you see before you is kind of busy, there are lots of things going on here. But if you look at the bright red gates, you'll note that those are at three different levels. Those bright red gates allow us to take water at various temperature layers. Because basically the water stratifies in the reservoir, and we can sort of mix and match out of those gates and leave cold water on the bottom so that when later in the summer we actually need to release cold water, we can do so.

Saltzman: Is this what it currently is or this is what it's going to be?

Stuhr: Oh no. This is what we're going to construct.

Shaff: That original picture you saw from the early dam construction, that's the way it looks now under water.

Stuhr: That's what it looks like.

Saltzman: Ok.

Stuhr: Down at the bottom, there is two relief gates. These aren't used for temperature management. What these are is gates that are sort of on autopilot. If there's a five psi difference between the temperature inside the wet well, we call it the wet well, it's basically a box hooked onto the face of the existing tower, if there's a five psi pressure differential, the gates will open up and equalize the pressure inside so it doesn't damage the facility. But the gates that we use to control the temperature with are the pretty little red gates. South tower project elements, we have access and safety improvements on the south tower. Some of these improvements come from firm generated requirements to probable maximum flood and also redoing the mechanical equipment that's, obviously was put in in 1962, and it's over 40 years old and needs a tune-up. Also in the south tower elements we have included the fish flow piping. This was originally put in the u.v. facility, because when we were going to be rebuilding the u.v. facility, and it appears that we're going to get a variance, there was a lot heavy duty piping involved and it just seemed smarter to put that piping in the u.v. project. Now since it appears that we're going to get a variance, we still need the fish flow piping so that we can release water separately to the river for fish temperature issues. It was attached to this project because they're up there and a heavy contractor can effectively build that. CMGC contract strategy, this is important, the price that we're approving here is the maximum price. It will not be the price that we pay, exactly. This is really a time and material contract, and we pay for what we use on the time and material contract. There's a savings clause in the contract where we and the contractor share the savings at 75% to the water bureau and 25% to

December 14, 2011

the aac. We feel that's a very good incentive for them to save money and do the best job they can and get off the job as quickly as we all can and that's all been worked out with help from procurement services and Jim Van Dyke in office of counsel. The main cost drivers, the sites in the Bull Run water shed and it's very remote and what I'm going to so is I'm going to show you pictures. This is a fascinating project. Engineers think this is a cool project. But it's also very difficult because of where it is and we don't usually have to think about these kinds of things. So being remote, I'll show you why that's important. The project is one of a kind. It's not truly the only one of its kind but I only know of two others and I'm going to show you some data on the two others that are on the west coast. There aren't a lot of examples to copy or to look at and compare what you do to. It's a 15-story steel structure with gates and controls and ways, just the steel, about 375-tons when it's all put together. The wet well installation requires diving to 100 feet. There are all kinds of challenges associated with deep-water diving. In one of my past lives, I did this. I dove to 95 feet to do inspection and I spent a lot of time between 30-60 feet. It is interesting work and it can be dangerous if it's not properly done. We also have to keep this facility operating because we're still providing water to towns while we're doing this and we have the water quality requirements to manage both for people and for fish while this project is underway and I'm going to show you a little bit about each of those. The project cost estimate history, in 2008, the price was \$10 million. And I'm carefully separating out here the \$4.5 million that has do with the fish passage pipe. Because that wasn't in the original scheme, so I'm keeping them separate so you can see what's going on. The original two-tower option for the temperature control towers back in 2008 was \$10 million. Obviously you can see it's -- it's grown. The reason that it's grown, the principle reason is both means and methods. That's how you actually put this thing together. And also, it was a planning level estimate and probably didn't consider all of the relevant things like how hard this is to do, where it's at, and I'm going to show you about that. The one tower option, which is what you're seeing before you today, point to note here is, when this was originally scoped we were going to put temperature control gates on both towers because we're very conservative and we like to make sure we can do everything all the time. And going through the design for this project, one of the things we did was do a cmgc. Cmgc's do all kinds of things but one of the great things they do, is when you're doing projects that you don't do very often, you can often use the help of a contractor who is experienced in doing the work, to help you lay out the work and figure out what your means and methods are going to be, and Advanced American was very valuable to us in doing that, because we obviously had never built a temperature control tower before. In doing the design, we've been watching costs and we became concerned very early about the cost growth, making sure that we were doing right minded things, we did a VE study to try and trim anything out that we weren't absolutely certain needed to be there and then last summer we sat down and looked at the costs and they looked like they were still going to be over what we had programmed and we had some very difficult conversations internally, about do we really need two sets of gates? And we came to the conclusion that we don't.

Fish: Can I ask a question off this line to either you or David?

Stuhr: Yes sir you may.

Fish: You know, what we've seen in the last few years, is when we put things out for competitive bids, we've seen that we're getting pretty good prices because of the down economy. This is somewhat unusual in that your historical analysis shows that over a three-year period, it's doubled in cost in terms of projections. And we've gone from a two tower to a one tower, which is somewhat counterintuitive. And I -- you know, you've said that you've been scrubbing the numbers and you know obviously, we'll defer to you on that. But what's the take-away again as to what has changed over three years and explains the significant jump in price?

December 14, 2011

Stuhr: When you did the original planning estimate, and the history of this project goes back to like 2000 2002. This job is all about means and methods and exactly how it's designed and put together, for example, in the original project estimate, there was only 60-tons of steel. That's a planning estimate. It's kind of the typical thing you would do at planning level, it's fudge factors and cost numbers and somebody drawing sketches on a piece of paper. Over the intervening 10 years, more or less, the price of steel has gone up. Even with the recession, just the simple inflation factor. The original project had 60-tons of steel in it; this thing actually takes 375-tons of steel to do. If we had done both towers, it would have been 500-plus tons of steel to put in there and steel is expensive and it's expensive to manipulate it manufacture into what you're going to use. The original planning level estimate, I don't believe gave accurate allowance for how difficult this is to be there, to do this. There are a lot of costs in getting up there to do it and I'm going to show you some pictures of that.

Shaff: If I can add, we are still experiencing what you just described. We recently got the bids for the emergency coordination center that we're working on with POEM, and we got lower bids than we were expecting. So I think that's still true today, but this particular job involving deep-water diving is one where there aren't that many firms out there that can do the type of work we're talking about and as Mike will show you in the slides that are coming, that just the access to where we're going is part of the complicating factors that make it so expensive.

Stuhr: Another thing that can't be discounted is that this all has to be done by divers. And when we were doing the design work, one of the big reasons we decided to get a cmgc is that the estimates were kind of all over the map from folks who were imagining how you do it. So we got the cmgc contractor on board, Advanced American and I think we're extremely fortunate to have them. They're well known, well respected and they know what they're doing. And the way this diving works, is its personal intensive. It's not just one diver, you have to have someplace between four and six divers down there at any one time and the regulations and safety requirements for deep-water diving are very difficult and they're designed to ensure that the diver gets to come back to the top. For each diver, you have a tender and for some number of divers, you have a dive master and their business is to keep an eye on this guy on the bottom and be in constant communication with him.

Adams: So I need to interrupt you, because we have a ten fifteen time certain that will take probably just a few minutes but they've all arrived and I want to pause if that's okay with you? It's an appointment that's important, so if you could hold that thought.

Stuhr: I will hold that thought.

Adams: And suspend the rules to come back to this. Item, which is item 371 and 372 and we will now consider the 10:15 time certain. Karla, can you please read the title for item number 1350.

Item 1350.

Adams: Well I'm very pleased to offer for council consideration Mr. Hillaire. He's a -- we're very lucky to have him interested in this position and he joins a board -- for the regional arts & cultural council that is just a powerhouse of a board, with a fantastic leader on the staff, with Eloise and the entire team so I'm very pleased to offer this appointment for councils consideration. Would you like to say more?

Eloise Damrosch: Thank you Mayor Adams. Good morning everybody and the commission. I am thrilled to introduce Phillip to you. He is somebody that we've been courting for a while and he was too busy for a while. So now we have him and we're very happy. He has many talents and most recently, I think managed a couple of miracles to pull off being the host for a national native American association conference here that hadn't been here in 20 years, right, Phil?

December 14, 2011

Phillip Hillaire: Yes, a yes that is correct. It was the national congress of the American Indians and I'm very honored to be invited and very delighted to be a part of this community. I've lived here in Portland for 28 years. And come from the Lummi tribe the Lummi nation which is near Bellingham, Washington. This is my second home, I still call Lummi my home and culture is very important to me, without culture, you have nothing and it's a very important role to be on this board and very very delighted to be here.

Damrosch: So I hope you will embrace him for the RACC board. I know he's going to bring a tremendous amount of energy. He has already and I think he's only been to one or two meetings so we're really really happy to have him and look forward to his contributions to RACC and to our entire arts community here. Thank you.

Adams: Any questions from council? Does anyone wish to --

Saltzman: I'm just curious, what occupation are you?

Hillaire: My background is media advertising and I'm an artist.

Saltzman: Ok.

Adams: Unless there are additional questions, does anyone wish to testify on item number 1350?

Moore-Love: No one signed up.

Adams: Can you please call the vote?

Moore-Love: Do you want a motion to accept the report?

Adams: I move to accept the nomination of the report.

Leonard: Second.

Adams: It's been moved and seconded. Would you please call the vote?

Leonard: Thank you Mr. Hillaire for agreeing to serve, aye.

Fritz: Thank you for your service and for yours, Eloise. The regional arts and culture commission is extremely important. It manages a lot of money as well as providing a lot of services to citizens and to artists in creating jobs in arts and culture so it's a big responsibility and I appreciate your willingness to serve. Aye.

Fish: Welcome to RACC and thank you for agreeing to take on this assignment. Aye.

Saltzman: Thank you for your service. Aye.

Adams: Very pleased to vote aye. Thank you. Aye. [gavel pounded] all right. That takes us back to our otherwise scheduled programming. We will now be considering again, for those of you following along, items number 1371 and 1372. You were literally in the middle of a sentence.

Stuhr: And I'm clever, but I can't remember exactly.

Adams: You were at the word --

Saltzman: You were talking about tenders and dive masters.

Stuhr: Tenders and dive masters and there's --

Saltzman: Well I'm curious what a tender is, is that somebody who --

Stuhr: A tender is the guy at the stop and I'm going to show you pictures. It's really very interesting how this works. And I'll show you how all of this trips out. I'm going to go on to the next slide. These are three other projects that we could find that are temperature-controlled facilities and what you can see, if you read through there, is there's a fairly wide variance in what these things cost. \$110 million, \$80 million. \$55 million. We're definitely at the low end of those.

If you look down in configuration, you can see that there's one \$80 million one that -- are 300 feet high. \$110 million dollar one is 57 feet high. There's a huge variation here in trying to compare yourself to somebody else. And partly that variation is the exact nature of the design and partly that variation is how can you build it? Because for the most part, you're working out in the reservoir. Even if you can dump the reservoir, you have to deal with how do you travel across the muck in the bottom? So we did our best to try and compare where we had comparisons, in working

December 14, 2011

our way through what this project costs we've done VE studies and had an outside facilitator come in and do that, we have our own estimate, we have the estimate from the engineering firm Black & Veatch and of course the estimate from the contractor and we worked very hard to rationalize those estimates and I still think we're getting a very good deal here for the type of work and then I want to go on and show you what this work is like and this will become clear.

Fritz: Just before you do that I'm really intrigued by the price, the guaranteed maximum price of \$31,552,701. How did you come up with something that specific rather than 33 or 34 or 31 or 32?

Stuhr: Oh man, we make big estimating spreadsheets and we add them up and because we deal in dollars and sense that's what it added up to, in casual conversation, we would say, \$33 million or something like that. But the spreadsheets, we have to add them up and that's what they add up to.

Fritz: That's what this comes out to? So I appreciate that. And I also wanted to note, following up from Commissioner Fish's comments, that when we did it back in January '10, it was at \$30 million. So even though it changed from the very rough estimate in 2008, it's not much different and I do appreciate you showing me those three other projects which were significantly more expensive.

Stuhr: So project phasing, we talk about this thing in two parts. As we have developed this, we were going to be doing the UV plant and now we -- it appears that we are going to get a variance. Part one is the north tower and south tower work, that's the stuff that is required to do the temperature control and gate improvements, that's \$27 million. And part two is the fish flow piping and head work sets, \$4.5 million. And --

Shaff: I wanted to add just one thing to that. Right now, even with the two towers re-configured the north tower so that we can do selective withdrawal. The reason why we have to do the fish flow piping is because everything is plumbed so that it all mixes together. So everything that comes through the north tower or the south tower mixes together and goes into town and down the river to the fish. The fish flow piping allows us to segregate it so that we can separate it so that just the water from the selected withdrawal, either at the bottom of the reservoir, is going down the river or just the water that is at the upper levels is going down the river and not being mixed with the colder water. So that's why it's separate.

Fritz: And since it's separate and in a different location, why did you decide to add it to this contract rather than doing a separate contract for the piping?

Stuhr: It -- convenience. We were going to put it in the UV project, if the UV project would have gone ahead, that would be where it belonged, because it's a confined area up there. And all of that piping -- that place looks really clean and tidy above ground. But when you start peeling the ground back, there's probably miles of pipe down there and it needed to be under the control of one contractor who was managing all of the work and as the project has developed over these last months and working on getting the UV variance, we really have to have this fish flow piping. Advanced American is a heavy duty contractor and they're on-site and it's something we could organize quickly so we were prepared to go whichever way we had to go at the time.

Fritz: Would it be possible to split it out and what's the timeline for when we have to have the fish piping in place?

Shaff: It's on the slide that Mikes got in front of you.

Fritz: But what's the --

Shaff: Excuse me, I should - it isn't. The acp requires that we begin -- that we meet our temperature obligations in the summer season of 2015. Completing the fish flow -- completing the project by the end of 2013 gives us one season to do -- to make sure that the Fish flow -- that our temperature controls are working and that we've basically dialed it in so that when the next season

December 14, 2011

comes around, when we're under a compliance schedule, we'll actually be able to do it. So we have a year's worth of practice, basically.

Stuhr: And in trying to advertise from the get-go a contract, it takes four or five months to actually do it so we were trying to be prepared for whatever eventuality came out of the UV variance process.

Fritz: And just to clarify for those at home, this is in compliance with the endangered species act, not anything to do with --

Shaff: This is the clean water act.

Fritz: The clean water act, okay.

Shaff: The endangered act, we're doing a number of other things throughout the sandy basin. The clean water act is the one where we have to control the water temperature.

Fritz: So why do we have to do the fish piping, why does the clean water act make us do the fish piping?

Shaff: That's how we control the down stream water temperature for the Bull Run. It's modifying the dams, or the towers, the intakes and separating the piping so that we can keep that cold water and keep it from mixing and that's how we're meeting our clean water act obligations to monitor and control the temperature in the Bull Run River.

Stuhr: Potential costs; this is a guaranteed maximum price. It is not the likely price. And what I'm showing you here is what we believe the most probable cost is. To some extent, that's our estimate and the contractor's estimate and also the lowest probable cost, if everything fell our way probably a large portion of this is how much diving is actually required to get this done, then the total price would be \$27.5 million. So the project will come in at something less than \$31.5 million and the most probable cost we think is \$29.5 for both parts. Environmental controls, this is a sensitive area that we're going into and control of our environment up there in the watershed is very important to us. So we have extensive environmental controls written into this contract. There is erosion control which you are used to seeing around most projects around town, silt fences, hay bales, waddles they're called, just like sticks that hold things up in the water all of that usual stuff. All the equipment will be cleaned prior to entering the watershed will be cleaned prior to entering the water shed. In 2009, we created something called the aquatic invasive and nuisance species standard operating procedure. I think the word is actually protocol and we have been operating under that since 2009 and the idea there is to keep invasive species out of the watershed. The specifications that are in the contract are derived from our aquatic control policy and some of those controls include the routine controls that you see up above that exist on any contractor in the city. They also include rules about sanitary facilities that are being used. An extensive pollution control plan so we don't want accidental discharges into the water that we drink. There's controls on the vessels and barges. Basically they have to be cleaned and disinfected before they're brought into the watershed and I'm going to show you something about how hard that is, there are also rules about fuel, hazardous materials, control of the bilge water and dealing with garbage. There are also controls, similar controls on the actual diving equipment. You see the divers are in suits and hoses and hard hats, and all of that stuff has to be disinfected before it's brought in the watershed, so that invasive species don't come in on that too. They can dive in other places and what we're really trying to prevent here is quagga mussels and zebra mussels. In one of my other past lives, I was involved in trying to get rid of those things on the Missouri river, and it's extremely difficult to do and there's nothing you can do it with that's not really nasty. So we're trying to keep all of those invasive species out of the watershed. The next sets of slides are pictures. The pictures I'm showing you are all work done by Advanced American. And I'm going to use each one of these photos, there's several of them, to talk to you about how difficult this is

December 14, 2011

and what you're seeing. Now here, what they did at Lake Pend Oreille, in Idaho is – that's pretty much what you're going to see on the on bank operation, minus the railroad track. And you can also see that it looks like there's a pipeline floating out there in the water, that's a silt fence. We'll have one of those around the tower itself. But look at the big crane sitting there, the big blue crane. Normally when you see those moved around the local area, you'll see it on the back of a heavy lift truck. Basically, the bottom part, the tracks and the cab are all together and there's a lead vehicle and a trail vehicle behind it. You can't do that. That won't get through the bridges. But it takes -- you must cross to get in there. It's too big for the road network. So what has to happen to that crane is it's taken apart, way more than what you're usually seeing one of these things taken apart. The tracks may be taken off, so all you have is the big center black body, the cab is taken off, the weights, there's huge weights on the back of one of these things that are taken off. Each of them put on a smaller separate truck and, of course, the gantry is completely disassembled and hauled in in pieces. Then that stuff has to be cleaned on the way in and then carted up our skinny little roads up to the dam site and then put back together. The same thing is true of the barges. You can't take a full-sized barge through the bridge network up there. You could drive them down the freeways here in town, but you can't do that up there. So your barges are segmented, either they find segmented barges or you take a welding torch to them, cut them apart, cart them up there, put them back together and use them. And that applies to all of that equipment and every bit of it has to be cleaned and disinfected before it goes into our water supply. The next picture is again, all of these are Advanced American, is just to give you a idea of a heavy lift. This is a gate at John Day dam. What they're doing here is the same we're going to be doing with pieces of the temperature control tower, the wet well, it's built in sections, 11 sections to make that one wet well and they basically pick it up with a crane, mounted on a barge, and then have to put it in place. This is a typical diving barge. This one, Gig Harbor, you have a tender, you've got a barge that the divers work off of, and you've got a barge with a crane. We're going to be doing something fairly similar to that up there in the watershed and again, I keep saying this, every bit of this stuff has to be cleaned and disinfected before it is brought in and our staff will be inspecting that. The diving itself, I was lucky, I was doing my inspection dives, the deep ones in the Persian Gulf, it's warm and it's clear. Our water is not warm. And it's not clear. I did all that in scuba gear; I didn't have to use a hard hat. These are hard hat divers, you can see a big hose, that hose goes down and each dive has his own hose that's an air supply and a communication link and you see the guy at the top of the ladder, you can see his hands on that hose, that's the tender. There's a tender for each diver. His mission in life is to make sure the diver is ok and keep an eye on all of his hoses and all that stuff. And that's a fairly typical setup. There's a safety boat, diver in the water, tender at the top and there's going to be some place between four and six divers in the water at the same time to manage this work and each will have a tender. Top deck where the divers are, you can see the tender again helping this guy hook up all these hoses and stuff and some other folks. The guy in the middle is probably a dive master. But that's fairly typical top side scene. In the background here, you see something very important, it's a depression chamber. This is deep-water diving, things can happen and one of the best defenses you can have is ready access to a decompression chamber. We have one on-site. The decompression chamber can be used if somebody gets hurt down below and have to be yanked up quickly. You put them in the decompression chamber and there's a whole time sequence, I don't know if any of you are divers, but you can calculate this out, you have to say a certain number of minutes at a particular pressure level and what that does is allow the oxygen and nitrogen to balance inside your bloodstream and eek out slowly instead of accumulating in your joint and ending up with the bends. It can also be used in routine operations if you need to bring people up and put another diver down quickly, you can bring them up on purpose and just sit in

December 14, 2011

there and go through the decompression. And that's actually what we were doing on dam number one two years ago when we were fixing some gates. They were actually bringing the divers up, putting them in decompression and sending another diver down to continue to work. So that was one of the ways that they kept the work going all the time. What this looks like and these are some pictures of what it would look like in the water and I must tell you, that these pictures are taken by a professional photographer in very good conditions. Otherwise you wouldn't have a picture. At the end I'll show you what it might be more likely to look like. But here you have a diver controlling one of the cables; it's coming down and I'm not quite certain what he's doing here but he's bringing cable down that maybe it's going to wrap it around that pipe. But everything is slow it's probably somewhat akin to working in space. Here you see a picture of a diver down working on bolts. And you'll note on that humongous wrench over there, that he's got a tie line on it. Everything is tied off, so you don't lose track of it. If it falls down in the muck, you might never find it again. But this is difficult work. Their bottom time, for a diver is 20 minutes to 40 minutes depending upon temperature and how long they're down and how deep they actually are down there. And that's a main cost driver for this, if you're going to have production work done, you have to have enough divers that you can basically keep people down all the time. So it's doing underwater work is expensive for that reason. It would be much simpler if this was 30 feet or less, and you didn't have to worry about decompression.

Saltzman: So I just - how soon can one diver who has done 20 to 40 minutes go back in?

Stuhr: There's a decompression schedule and once they've gone through the decompression if their body has gotten back to normal temperature and they're not cold, they can go down again.

Shaff: It's a scheduling enterprise to work all of this out. When we had -- when we were doing the dam one work, we had three divers, there was the one in the water, there was the one up top who was the safety diver who was all suited up ready to go and there was one in the decompression chamber and they just kept rotating through.

Stuhr: What this more -- might more likely look like? Silt gets stirred up, very, very fine silt in the water. And your visibility goes down to, in the case of the top left, almost nothing. I've had to dive inside water tanks and it was all done by feel. You can't see what you're doing, you better know what you're doing, you've studied the drawings, you have some experience doing this and hopefully we won't end up in that shape. But the work can be difficult; it's not easy and it can be dangerous. So we think we have a really good project here. We think we've got the best possible price we can get. And arrangement that we can get. We're proud of the contract team. And subject to your questions.

Leonard: Thank you, Mark.

Fritz: Thank you that was a very helpful presentation regarding the technicalities. I'm still struggling to understand the timeline and the process. Because this was -- the proposals were due March 11 of 2010 and according to the write up and here we are in December of '11 so and I'm also struggling to understand the timeline for adding the fish pipes. Because we only just found out about the variance a couple of weeks ago. So could you talk to me a little more about the timeline and why we're here now?

Shaff: Well let me -- you can talk about the timeline, I'll - let me talk about the fish flow. Yes, we did just find out about the variance. The fish flow was part of that project that Mike's design team has been working on for designing the UV facility. As soon as we find out that the -- we will not have to build that UV facility, ok, well we still have to do the fish flow. So we pull that out and attach it to -- attach it to this -- this particular contract so that we can get it done.

Stuhr: The -- maybe Steve, can you come up here a minute? We have to be able to operate in 2014 and I forget the month. What's the month?

December 14, 2011

Steve Kucas, Water Bureau: Hi, I'm Steve Kucas, environmental program manager at the water bureau. So to -- we're supposed to be in compliance in 2014 for the clean water act responsibilities. So all of the tower improvements all the operations, all of the experimentation to make sure we're able to do that, has to be in place to be able to hit the temperature targets in that year.

Stuhr: And so what we were trying to doing is that - you can model this until you're blue in the face, but what you're doing is moving very, very big pieces of equipment, very small amounts, and frankly, we wanted nine months or so, 10 months or so, to practice hitting the targets, before we had to hit them. Because once we have to hit them, we really do.

Leonard: When was the UV plant scheduled to be finished?

Shaff: April 2014.

Leonard: This project is being done exactly along the time line it would have been done had we got the UV plant?

Stuhr: Right.

Leonard: We are not building the UV plant; we're still doing the project in the same timeline. But this contract, rather than a UV contract?

Stuhr: Right.

Stuhr: So when you back up and look at the fact that we really feel we must practice this, have time to operate it and make -- it's not so much make sure the controls work, you do that with the contractor once the contract is done. You know the controls work but you still have to figure out all these micro-adjustments that you make to actually achieve the temperature targets. So we're trying to have this system up and running nine or ten months before and that's -- that's the driver for having the fish flow piping done.

Fritz: I do understand that. I appreciate that. Because your presentation was very clear. What I'm struggling to understand is how we can pull that piece out of a different project and put it into this in two weeks.

Leonard: They had already planned for the eventuality of the UV plant not being built. They knew they had to build -- had to construct this project and they had contingencies as to whether to install it in a UV plant or in this project.

Fritz: Okay.

Stuhr: We've been carefully watching I mean we'd applied for the variance and there's some unknown about whether we were going to get it. So when we structured the parts for this fish pipe, it's basically a package and as we -- and as we watched it go, we would be prepared to do whichever alternative that we had to do, so it was packaged in that way, not knowing the outcome until obviously a few weeks ago.

Fritz: Had we already bid out the UV plant? No?

Shaff: Not the construction, just the design.

Fritz: So again, I'm wondering about the timeline, when this proposal was due in March of '10, a year and nine months ago, and then adding this piece into this project rather than bidding it out again. How did we come up with the number, pulling it out of the UV planning?

Moody: So I think I can speak a little bit to the timeline and Mike, you can step in here as needed.

But part of this was that it was originally bid out with the two towers and going through the negotiation, not only having information from Black & Veatch, which is the design team, the city staff and the contractor on board, I think you found out at that point, that you were not going to be able to do both towers for the amount of money that you had originally planned. And so having to go back and really re-think the project and take that second tower off. So that's what took some time in the negotiations of the contract. And the fish flow, it sounds to me, that it was part of this project contingent on if the variance was going to be added to the UV.

December 14, 2011

Fritz: Ok, thank you. That -- that's helpful.

Stuhr: Thank you, Christine.

Fritz: Also in your write-up, you have the Advanced American construction is in delayed compliance with the equal benefit program, what does that mean?

Moody: That means - actually, I don't have that in front of me right now. But there is a - for equal benefits, there is an option to be in delayed compliance and a lot of times, that is because they have to negotiate equal benefits into their insurance term. And so at that point, and I can go back and double check on that, it may be that their insurance term is not up until the spring and so then they will negotiate that in with the new provider so we put them into delayed compliance until they can get that with their new term for insurance provisions.

Fritz: But they are required to comply as soon as -- and does the gm/gc contain other similar family wage requirements and union requirements and other such considerations?

Moody: Being a construction project, it is subject to prevailing wage, so the workers on this project are subject to prevailing wage by Oregon state law so they will be paid prevailing wage rates.

Fritz: Thank you.

Adams: Go ahead.

Fish: A question to my colleague Commissioner Leonard, my understanding is, this is a first reading so this will go to next week?

Leonard: Yes.

Moody: It's a report.

Leonard: It's a report, I apologize. To accept the contract.

Fish: We'll vote on it today?

Leonard: Yes.

Fish: Okay, I was just curious because I think we're going to be a little shorthanded next week.

Shaff: On the report, then there is a vote on the Black & Veatch contract that comes right after this.

Adams: Additional council discussion? Alright has anyone -Thank you all. Has anyone signed up to testify?

Moore-Love: We have two people.

Adams: Please come forward.

Adams: Welcome back. Ms. Newell please begin.

Nancy Newell: Actually, I'm going to ask Scott -- Scott actually got here before me, so if you don't mind, that he testify first.

Adams: Ok.

Scott Fernandez: Good morning, thank you, my name is Scott Fernandez. The dam two intake modification project will rely on large construction equipment previously exposed to unwanted geographically widespread environmental marine contaminants for extended periods of time before entering the eco-sensitive bull run management unit and dam to reservoir water. Aquatic nuisance species are an extremely serious problem in Oregon and in the world as a whole. The state of Oregon has identified over 100 non-native aquatic organisms, add to that the number of non-native species hitch hiking in discharge in the Columbia river by foreign vessels and the risk becomes exponential. Entering a protected drinking water shed calls for more diligence in excluding invasive species than what we were proposing today. Invading organisms can be as small as a grain of salt, even microscopic and even missed by conventional mitigation and other methods used, therefore, the community asked for a new and revised construction and engineering plan that does not include any construction equipment interacting at any time and exposed to bull run

December 14, 2011

drinking water. The community also asks for a latest environmental impact statement regarding this dam to intake modification project before any council action is taken. Thank you.

Newell: I'm Nancy Newell, I'm a resident of Portland for about I guess 30 years now, and very concerned about environmental issues, very concerned about Bull Run water, as you well know. And very concerned about the ethics of the Black & Veatch contract that's put before you today and the \$31 million and the credibility and the code of ethics that you operate under is representative of public officials and elected officials in this council. There are now major lawsuits on some council's action on water bureau funds and this will generate further lawsuits. I've talked to some of the specialists on water issues related to this project and the fact of invasive species and what you're trying to accomplish with flow raises so many conflicting regulations that this particular consultant group is known in this council for writing regulations from the federal level that drove the burial of our reservoirs projects on false science. So to trust these very contractors to go forward with ratepayers' water money, which really ratepayers are strapped even to be able to have the human right to water, puts jeopardy on the reputation of the council as a whole, number one, lets the public know that in spite of all of the attempts to stop the major banks from taking over the infrastructure of the city, that now at Christmas, the \$31 million plus a \$4 million contract of unethical designers, consultants, the very person that originated from the water bureau is driving is questionable and I think with the trust of the public at risk here and their pocketbooks at a very critical time, I mean you see the suffering on the streets every time you walk through the city, it's terrible. So I'm asking the council to further consider this project, there will be federal lawsuits based on this attempt to go forward in this manner on this project and it's not going to be something that you can just do easily. So rather than going forward with expense, which we have done on the bull run situation burying the reservoirs, why not avoid expense and opt for wisdom when once again, if you're fast tracking something, and it's very questionable if you're going to get the results you want, they haven't even considered global warming and how quickly we're warming, faster than any scientist anticipated. And it's also been recorded that we're going a lot faster than they anticipated. So we don't even know if that will have any impact in the long term and on the federal level, they're reviewing some of these standards for cities on that basis. So there is so many things to consider, I would not go forward with these contracts. Thank you for your time. Also, we've been expanded to 11,000 participants in our organization since we started. We put a video out and we have tracked how many people are following this issue. And they are following this issue, even though they aren't present today. Thank you.

Adams: Thank you both.

Fritz: I just have one small question if I could ask David Shaff. I think I know the answer, but I wanted to make sure that it's on the record. Thank you. Thank you, I -- I know my staff has asked you this question I want to have it on the record. The cut project is about \$1 million more than the projected costs in this citizen – the capital improvements project for '12 to '16. Do you anticipate any impact on the water rates from this project?

Shaff: I don't think so, not – no, not with the guaranteed maximum price, there shouldn't be any no.

Fritz: So you have the capacity in the CIP to absorb the expense?

Shaff: Yes.

Fritz: Thank you very much.

Adams: All right. Motion?

Leonard: Move the report.

Fritz: Second.

Adams: It's been moved and seconded. Karla, can you please call the vote.

December 14, 2011

Leonard: Aye.

Fritz: Well, \$31 million plus all the other numbers in the ordinance, is a lot of money and I appreciate the time the whole council has taken, in particular, the diligence of the water bureau and procurement staff and in answering my questions today and my staffs ahead of time. It's very helpful. Commissioner Leonard, thank you for your work on this project. Aye.

Fish: Aye.

Saltzman: Well, this seems to be a very important project and I do appreciate both in the presentation and the testimony the emphasis on keeping invasive species out of our Bull Run water supply system. I think as anybody knows, once those invasive species are in your system, they're nearly impossible and I can't imagine us using any of the toxins that rivers like the Chicago rivers used to get rid of their mussels, in our Bull Run reservoir. So I am sure with the water bureau we'll be paying due diligence to the disinfection process, for all the vehicles, and people and diving suits that are entering the bull run system, as is consistent with our heritage and our obligations to protect our heritage in Bull Run. Aye.

Adams: Well I want to thank Commissioner Leonard and director Shaff and his team for putting this together. I think the -- I think our efforts in this area to have a positive impact on the downstream fish population has been long sought after and is very important and based on the information that we've received, prior to this hearing and in the good discussion at the hearing, I think that what we have here is the best possible way forward. And I want to thank you for your efforts. Aye. [gavel pounded] so approved. So that gets us to -- the next item. Can you please call the vote on -- please read the title for 1373.

Item 1373.

Moore-Love: We're continuing that to next week, correct?

Adams: 1373 is continued to next week. So it is?

Moore-Love: We didn't really have a hearing last week on it, it was just rescheduled.

Fritz: No.

Fish: 1372 goes to a second reading. Now we're taking 1373.

Moore-Love: Right 1373.

Adams: Commissioner Nick Fish.

Fish: Thank you Mayor, before I turn it over to the distinguished Director of the Portland Housing Bureau, Traci Manning and the Deputy Director Jacob Fox, I want to give you a short version summary of what's before you; seven, eighty, sixty, two hundred, twenty, thirty, ten and silver. (laughter) You're wondering what I've just said.

Adams: Yes.

Fish: So that is --

Saltzman: I know the silver part I guess. (laughter)

Fish: That is the most succinct statement and summary that I could come up with. And I will amplify just a little bit. Seven is the seven acres of brown field that was reclaimed and is now home to behind union station and is now home to the Yards, and this is the fourth phase that we have proposed developing at the Yards. 80 is the number of units that this particular project will deliver. 60 refers to 60%. These units would be affordable to people at 60% and below of median family income. And I checked with my team, 'cause I always forget these numbers, for a family of four, that's \$43,200. 200 is the number of, the estimated number of construction jobs that would be created through this development, good news in this economy. 20% is the goal that we have established for MWESB participation. And of course we don't rest on our laurels at that level and we would hope to exceed it. 30% refers to 30% set aside for affordable housing which is our primary -- a funding tool for projects like this within urban renewal districts. Traci will briefly

December 14, 2011

explain the two loans that we're proposing to leverage this development. 10 refers to the length of the new multiunit tax abatement, well something – we'll get to that, the tax abatement that is being proposed for this development has a 10-year life. And silver refers to the leed green designation for this building, which is to be leed silver. That's a succinct summary of what is before you. I will tell you that, in my view, this is a good deal for the neighborhood and a good deal for taxpayers and is relatively straightforward, but I'll turn it over to Traci to amplify a few things and then take your questions. Welcome. This is actually Traci's second presentation as the new director of the bureau. So welcome, Traci.

Traci Manning, Director, Housing Bureau: Thank you Commissioner Fish, city council, Traci Manning, Director of the Portland Housing Bureau. And I am actually just going to very briefly amplify commissioner Fish's excellent points. So the Yards is providing the city some substantial public benefit for a fairly sound public investment. So this development is the culmination of a long partnership that was started at the Portland Development Commission in 1995 with GSL.

Adams: I was the project manager for that.

Manning: Oh. No kidding. So 16 years later, here we are.

Adams: Ouch.

Manning: Yeah.

Fritz: You got it done.

Adams: Well I didn't, let the record show I did not.

Fish: Well, Traci, we have two votes. We just need that third, and --

Manning: Okay, thank you very much.

Fish: We can quit while we're ahead. No. Go ahead.

Adams: Because the project has stretched over so much time it - it absolutely is very fulfilling to be able to finish – to be on the council to vote the good work of commissioner Fish to finish it. But I think council should - if you could go through, this has turned out – it's taken longer than we thought, but it's turned out to just be a fantastic overall development.

Fish: And your right Mayor, this is the fourth and final phase, even though it's a phase C - C site, it is actually the fourth and final phase.

Manning: Yeah, so excellent point. It is a culmination of a long process. And so if you can remember, sort of what that part of town looked like in 1995, it's a great development. As commissioner Fish mentioned, so one of the city goals that we're hitting, perhaps the primary goal, through the Portland housing bureau, the city provides affordable housing options that the market does not. So through this long long-term partnership with GSL, a private firm that has done an excellent job both in the development, ownership, and property management of phases A and B, we're going to get 80 units, primarily two-bed room units, 60% median income, as the Commissioner mentioned. We're also going to get substantial common areas. Commissioner Fritz, as we've recently discussed is a priority. And it's obviously an excellent location, central city, near transit, near affordable services. And funding is available because of council's earlier action on the 30% satisfied for tax increment financing, so a lot of wins for the city's affordable housing agenda, for the equity agenda, we will exceed our minority women and emerging small business contracting goals. In terms of advancing and the city's sustainability goals, the Commissioner mentioned the phoenix award, it's a water front brown field redevelopment in an earlier phase of the project, and the current development will meet leed silver standards which includes measures that help meet storm water management goals concurrent with the lovely video we've seen on the completion of the CSO project, and finally the creation of 200 construction jobs. So I think, as is made clear by these benefits, we also want to acknowledge the assistance of many other city partners in addition to the Portland development commission that started the project: The bureau

December 14, 2011

of development services, bureau of planning and sustainability, the bureau of environmental services just to name a few. So we wholeheartedly recommend this ordinance, and Jacob Fox is here to provide detail.

Jacob Fox, Housing Bureau: Great, Jacob Fox, deputy director with the Portland housing bureau.

We usually thank employees at the end, but I just want to start by thanking our employees here that have worked on this project. Siobhan, worked closely on the project, Dory, and Komi all from the housing bureau, and Uma is here from the planning bureau, and they've been fantastic partners.

So thank you four very much. Kate Allen, Kathy Romero, and Marla Mendahee are all not here today but have worked and been instrumental on the project. I think Commissioner Fish and Director Manning have done an amazing job off teeing this project up, obviously you all are very knowledgeable about it. I'd point out just a few things, and then we would love any questions you might have. First, let's just say that I think it's a great improvement for the city to be able to develop affordable housing on the site. I think you can see the site in front of you. It's actually on front. I think you're all familiar with it. On the left side of the steel bridge directly adjacent to the steel bridge, developing on a site like that is going to be difficult, and I think it's a big amenity to our community to have apartment buildings there.

Saltzman: So the yard C or phase C is the property - the triangular shaped property right in front of us?

Manning: The southern most tip.

Fox: Yep. So again the passage of this ordinance will authorize the housing bureau to enter into a development and disposition agreement with GSL. Again, they've been a great developer and they are a great property manager here in the city of Portland. We were working closely with the state, another very important partner with us. As we all know, Director Van Vleet is now head of OHCS, and we're working closely with her and her staff on the issuance of the bonds.

Adams: Do you have pictures of what it will look like?

Fox: I do.

Adams: Okay. As your talking can we watch the --

Fox: Absolutely. So this is a rendering of what the building will look like when complete, and this is a view from the bridge basically. And then this is a bit more of a pedestrian view. And if any folks are interested, we obviously have a lot more elevations, and we would be happy to get those to you and/or walk through those with any of you or your staff. Again, I think Traci mentioned that this is the completion of a long project. Obviously, Mayor Adams, you've had a lot of involvement in it. So it's a nice thing to complete. And what you'll be authorizing is two loans, one for the land and the rest for the improvements to the site and the equity gap necessary to complete the project.

Fritz: Where do those loans come from?

Fox: Those come from tax increment financing from the urban renewal area.

Fritz: Thank you.

Fish: And just be clear, the loans -- we often -- we sometimes put grant money in as we did at Bud Clark Commons, where we put 29 million dollars into the project. This qualifies for loans, so we're putting some bridge financing in to help them. And it's - if you take the loan for the purchase price of the property and the additional \$4.4 million, it comes out to about 5 million dollars, which is a third of the total project cost of 15 million.

Fritz: And we're expecting to get paid back for this loan Commissioner Fish?

Fish: Yeah these are loans.

Fritz: And what's the timeframe for paying them back?

Fox : It's a 40-year term.

Fritz: Thank you.

December 14, 2011

Fox: So I think, just to wrap up, we're committed to equity. Our MWESB percentages will exceed city requirements. We're excited about the lead silver certification that we'll receive. And we again have worked very closely with PDC and other city departments to put this project before you. So I'll conclude my remarks.

Fish: Thank you.

Fritz: I do just have one other question about the loan. If the units are all going to be rented to people living below 60%, how are they going to be able to pay the loan back?

Fish: The loan is structured with the developer. And we do these regularly. But you raise another interesting point which is someone, that for example, has a tenant-based section 8 voucher would be eligible to come and live in this project and pay much less obviously, so it will be affordable to people with tenant-based section 8 vouchers but then and to general public up to 60% of MFI. The point that you're asking, commissioner, has to do with how we finance these things, and we do them with the developer and we get a split of the income that they generate from rents, and pay off the loan over time, and this is a standard – this is a garden variety project for us in terms of a loan to help leverage a development.

Adams: Does anyone wish to testify on this matter?

Saltzman: It's an emergency.

Adams: Karla would you please – unless there's additional council discussion, thank you both.

Will you please call the vote?

Leonard: Nice work, Traci and Nick, thanks. Aye.

Fritz: Congratulations to everybody who's been involved in this. It's particularly great to be doing another public works project at this time when we so desperately need the construction jobs as well as finishing up this development on the brown field. Aye.

Fish: Well I want to just say first that Traci's been with us now for --

Manning: About seven weeks.

Fish: -- about seven weeks, and she came in and was presented with a very full plate, and we have a lot of work that we're doing, and I just want to say what a pleasure it is to have her at the helm, and she's made this transition very easy for all of us. So thank you, Traci. And Jacob is a great partner with her in doing the work of the bureau. Jacob, thank you, as always, and to the team that's here that worked diligently on this. Mayor Adams, 16, 17 years ago, when you were -

Adams: A child.

Fish: -- a mere child working for another mayor, you know there were probably people who did not think that this would ever occur primarily because of the brown field and the environmental remediation issues, the location next to a -- as you know, when you're developing near railroad tracks, that adds to the complexity and whether we'd have the financing and the willing partners to do it. This will conclude the project and all the phasing, and I think we will all agree it's an attractive building which adds to the other development in that place. As Traci mentioned though, our capacity, our ability to do this relies largely on the 30% set aside for affordable housing. And this tool has been used very effectively in the river district. And this is yet another example of something that we can do where we're helping to meet a niche that the market doesn't reach. And just to put a fine point on that, 'cause we attended a conference the other day, zero to 60 generally when you think about median family income. You need some kind of subsidy to make it happen, gap financing, grants, bond financing, tools, tax abatement. That's how government directly and indirectly stimulates that slice of the market. The next chunk is 60 to 120. And that's probably loosely described as workforce housing, that's the next component, and it's probably the forgotten stepchild in our work, because of the federal government and our tool kit is focused at below 60, and the market is focused at above 120%. So there's a middle gap that is very challenging for us to

December 14, 2011

meet. Our particular focus as a bureau is on the unmet needs of people in our community that the market doesn't reach. This is toward the higher end, but it still falls within our guidelines. And then, thanks to council over the years for establishing really the values that we bring to all of these projects, including the green building component, the MWESB, the affordability, the design, and ultimately the community benefit. Thanks, team, for another great job, and I'm pleased to vote Aye.

Saltzman: Well I want to thank Mayor Adams, and Commissioner Fish, the Portland housing bureau, the PDC, but I think we also need to thank GSL Properties who has taken, since 1995 I guess or thereabouts, has taken a you know, sort of a speculative venture in trying to build or in building apartments in - on a brown field in a place that does have its challenges, as Commissioner Fish just mentioned, and for sticking with this project and now going through the ultimate final phase. So I want to recognize GSL Properties as well. Aye.

Adams: I deserve no thanks for this, because I just helped another Mayor get it started, but you've brought it home, Commissioner Fish, and I appreciate that. If I recall correctly, this final triangle where I sort of left off on working directly on the project was slated for, I think, was upper upscale housing at the time, and so the fact that we're bringing it in at affordable housing is a fantastic turn of events. This is -- this is a -- this was a very, very polluted part of Portland, because this was the switching yard, and there is a filling station and all kinds of -- for tankers and all kinds of stuff. So I too, in addition to thanking Commissioner Fish and the great team of the housing bureau -- thank you all very much -- I want to acknowledge GSL Properties, which is a local company. And talk about patient capital. This has got to be some of the most patient capital. So, thanks to them. Aye.

We're in recess until --

Moore-Love: We have the substitute -- the pulled item.

Adams: Oh yeah, thank you, sorry. Linda, please come forward. This will be quick.

Moore-Love: Item 1354?

Adams: Please.

Item 1354.

Linda Ginenthal: Yes. Metro decided to give us money that is a grant instead of just cash, and so the ordinance needed to change to reflect that it's going -- it's coming in as a grant through the intergovernmental agreement. So it's a change.

Adams: So it's a technical change. I move the substitution.

Fritz: Second.

Adams: It's been moved and seconded. Anymore discussion on the motion to substitute? Please call the vote.

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

Adams: Aye. Is the underlying -- is this an emergency? Yeah. Ok. So please call -unless there's additional testimony; please call the vote on the substituted ordinance.

Leonard: Aye.

Fritz: Aye.

Fish: Congratulations for all the work you do on Sunday parkways and thank you for allowing Portland parks and rec to be a full partner in this what someone has once referred to as a juggernaut. I forget who said that Tom, a Ted a Sam. (laughter) But thank you for your good work. Aye.

Saltzman: Aye.

Adams: Hear, hear on that. Thank you, Linda, for being one of the most entrepreneurial city employees we have. Appreciate it. Aye. (gavel pounded) Now we're in recess until whenever -- 2:00 and put on your patient pants.

December 14, 2011

At 11:19 a.m., Council recessed.

December 14, 2011
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.

DECEMBER 14, 2011 2:00 PM

Adams: Alright, hi Karla, how are you?

Moore-Love: Hello, I'm fine.

Adams: How was your lunch?

Moore-Love: Oh, very good.

Adams: Can you please – that doesn't sound right does it? (gavel pounded) Today is Wednesday, December 14th, 2011. Its 2:00 p.m. city council will come back from recess. Karla can you please call the roll? [roll call]

Adams: A quorum is present we shall proceed beginning with a time certain at 2:00p.m., it is a report, can you please read the title for item 1374.

Item 1374.

Adams: Commissioner Dan Saltzman.

Saltzman: Thank you, mayor. And it's my pleasure to introduce the charter commission co chair, Mark White, and anybody else from the charter commission who may wish to give us an update. But I think Mark is leading the efforts here.

Mark White: Good afternoon, my name is Mark White; I'm co chair of the city's charter commission. I have to apologize, because I left my glasses in my bag, so I'm going to have to struggle a little bit.

Adams: Do you need to borrow –

White: Actually I was going to borrow Joe Ann's, but they're pink and have rhinestones.

Adams: You can't rock them?

White: No I didn't think the camera would pick it up very well so.

Adams: Okay. You're very practical.

White: But I think we're going to make this really quick because there's been some changes, and I had originally intended to give an update and then have the new co chair and their -- whoever was to take my place to finish off, in six months, but that's not going to be the case. So I'm going to just go ahead and review this very quickly. Everyone should have a copy of it already. It basically reads about our first meeting was January 21st of 2011, and that some of the activities that we've done, we've developed protocols, we have an internet page, we've done some recommendations already on the selection of future charter commissioners. We conducted an orientation for the second round of commissioners who were appointed and then also we've started a binder for Commissioners with materials that has all the minutes from each of the committees as well as the general meeting and other information that's important to Commissioners as they move forward and try to work on things. We've also created nine different subcommittees. Those are all listed there; steering committee, a couple of different issue specific committees, instant run-off voting, Ombudsman office, human rights commission, independent utility commission. We also conducted three public forums. The first two were issue specific at least as the lead so the primary issue on the first one was the independent utility commission, and folks were able to talk about anything that they wanted to in addition to that. The focus on the second one was the human rights commission and again folks were allowed to speak of course about anything that they wanted to, and the last

December 14, 2011

one was general and folks could have talked about anything. Those public forums were actually the first one wasn't very well attended but the second and third I thought were pretty well attended. And I think it's important to note that they were televised and I recall one day going across the street to a tire shop, that's right across the street from my house and looking not very much like myself and had someone come up to me and say, hey, I saw you talking about the charter commission on television. So I know that people are watching it. If they can recognize me the way I looked that day, then --

Adams: Welcome to our world.

White: And then also we've held public hearings on nine different housekeeping measures. And those are listed there. As far as the future, right at this point, we have a vote planned on house keeping issues, and that is planned for December 21st, and then two public hearings are planned for January 2012, the primary focus of that is going to be the independent utility commission. And --

Adams: That was January 23rd did you say?

White: No no, there's no date set yet for the public hearings. The December 21st is the date for the vote on the housekeeping. But the public hearings for independent utility commission have not been determined yet. And those will be in -

Saltzman: They will be in January.

White: Correct. And they'll be in accordance with the requirements that council put forth in the prescribed public process. So one of them will be on the weekend between, I believe it's 9:00 and 4:00, and another will be a weekday after 6:00 p.m., and they will be in two different locations, and we will attempt to televise both of them. I know that we have money to televise the one here in city council Chambers because the fee is much less because of the set-up. I've already talked to Portland community media and the only other locations where this same set-up is available is just across the river at Multnomah county and at Metro, and I don't think that's geographically distant enough for it to be -- to kind of fulfill the intent. So we'll have to look at something else and work with Portland community media to try and figure out a way to do it as cost efficiently as possible.

Adams: We do these things all the time, and we'll make it happen.

White: Ok. Well our budget is limited, so we need to work with them.

Adams: We'll make up the distance - difference.

Fritz: You might check with ONI because we televise the Spirit of Portland awards at the East Portland community center, so that's already been set up.

White: Are you talking about the same facility that the Spirit of Portland awards were at this last year?

Fritz: Yes.

White: Because that's a pretty big room for what we're trying to accomplish I think.

Adams: We'll make up the difference so that it can be further east.

White: Okay. It will come out of commissioner Saltzman's personal budget. Okay, thanks Dan.

Saltzman: Okay, you're welcome.

Adams: Any other - did you have more to add?

White: No. I can answer any questions if anyone has any?

Adams: Does anybody have any questions? Has anyone signed up to testify?

Moore-Love: Yes we have two people signed up.

Adams: Okay, Thank you Mark. Thanks for your service as co chair. We really appreciate it. Hi.

Dan Handelman: Good afternoon. Mayor Adams and commissioners, I'm Dan Handelman with Portland cop watch. And I actually attended the charter commission meeting back on March 28th and gave public testimony. What I suggested then was that the commission consider creating a protected place in the charter for three entities whose decisions regarding city policies and

December 14, 2011

employee behavior might cause a conflict of interest for the city particularly with the city attorney's office seeking to shield its client from liability. You've heard this discussion in other auspices before, but this is what I brought to the charter commission. Three bodies are the independent police review division, but not with the details of its current form. The office of the Ombudsman and the Human Rights Commission. I later submitted this idea via the Charter Commission's website, for a long time mine was the only comment on there, including proposing adding the human rights commission as a charter amendment. At the time I also submitted, which I've submitted to you here, a list of ongoing issues for council consideration from the 2000 charter commission report which lists both the Ombudsman and the IPR in that discussion that they had had in 2007. And the human rights commission wasn't created until 2008. That's why we weren't talking about it back then. And then also a proposed charter amendment that auditor Gary Blackmer and Michael Mills put forward a few years ago, but it was rejected because Commissioner Saltzman rightfully said that there are too many -- any changes should be made by the charter commission in the larger context instead of doing it one little piece at a time. There were too many restrictions in their specific Ombudsman's proposal, for my taste, but I'm just submitting this for historical context. I also testified at the human rights commission that included in any charter amendment for this agency there should be independence including independent legal counsel a chain of command to all of city council or some other means to prevent politicizing the offices and/or allowing one elected official the ability to hire and fire staff and control the agenda of these bodies. And funding, similar to my concerns about the 2008 Ombudsman proposal it's important not to put too many restraints on any of these three bodies in the charter but the charter could be used to fully empower them if that's the direction the commission thought the public would support, for instance given the IPR powers to call officers to testify without them needing the police bureau to do so on their behalf, and allowing HRC not only to have input on their director to be involved in hiring and firing and other staffing decisions. And of course that ability to have input on the director kind of got taken away with the equity office being put in place. I understand the charter commission is now considering police accountability issues and that there's going to be a meeting sometime in January and I look forward to people showing up at that. I think it's going to be on January 9th and putting in support for having police oversight part of the charter. I think it's unfortunate that there are always these threats of taking away people from their staff, and changes to the ordinance that are willy nilly and it would be good if it was embedded in the charter so that we know that there will always going to be some kind of police oversight system here.

Adams: Thank you, sir. Alright, unless there's additional -- if someone else is signed up, then this is a report, requires no action from council. And we have a 2:45 time certain, so that gets us -- we'll go to the regular agenda. But the regular agenda is -- so what's the -- are the folks here that need to be here for the 2:45 time certain? They are? Roland, this is a presentation to council, it's a 2:45 time certain. Does that mean we have to absolutely wait for 2:45 or can we suspend the rules to hear it sooner?

Roland Iparraguirre: [inaudible]

Adams: Okay. All right. Well, then we have a break, we will see you back here in 30 minutes. We'll have to stop in the middle. So we will - we're recessed for 30 minutes.[gavel pounded] That went faster than we thought, because we have it down for forty five minutes, so you were very efficient.

At 2:13 p.m., Council recessed.

At 2:44 p.m., Council reconvened.

December 14, 2011

Adams: Alright, if members of the city council that are listening to my voice on the city hall monitors would make their way back to the city council chambers, we're about to begin again. Alright, city council will come back from recess. Karla, we have a 2:30 time certain, this is a presentation, it's item number 1375 and Karla, would you please read the title?

Item 1375.

Adams: Mr. Zidell, if you would please come forward and take a seat and your associates. I asked that the city council be updated on a brown field clean-up in south waterfront. And I want to thank Mr. Jay Zidell for joining us today, and I'll make just a few introductory remarks. This presentation provides an opportunity for us to recognize the Zidell companies, including Zidell marine and two forging of America in their ongoing work to be competitive in a very tough industry, providing 200 family wage jobs while at the same time just completing the largest private brown field clean-up in the history of the city. The clean-up took more than a decade to plan and carry out, and for those of you that don't know what the term brown field means, it means legacy and historic contamination from a time when the rules and regulations around these matters were not as stringent as they are now. So as I mentioned, this took \$20 million, it's been a long and winding road going through all kinds of federal, state, and local metro rules and regulations. But the project is substantially complete. And I've had a lot of questions of folks that travel over bridges, around the east side or the west side where they've seen work happening and so this helps answer the question to a lot of Portlanders, what's going on over there? The result is a net benefit to working families, folks that are looking for quality jobs and environmental health, and it cleans a 30-acre parcel at a prime south waterfront location, one of the largest undeveloped sites in the city that used to be an industrial area, and now a new neighborhood is rising. I'm eager as I know others are to learn how this site will continue to serve both business and the community and also any lessons learned from your efforts, which I assume are quite ample. Mr. Zidell, thank you for being here.

Jay Zidell: Thank you. Good afternoon Mr. Mayor and members of the council. Today we are here to talk about cleaning up a brown field site on a prime piece of Portland's waterfront. This property has a long and storied history as a center of economic activity that has been the home of various industrial businesses belonging to both our family and others for nearly 100 years. Activity on the property peaked during World War II when commercial ironworks built and delivered 185 ships to the U.S. Navy for the war effort. When my dad returned from the service, he launched a ship dismantling business on the site first leasing the land from commercial landlords, and then buying it. Our family became America's largest ship dismantler and over the course of 30 years we dismantled a total of 336 vessels. Over the years, my dad built a series of family-owned and operated businesses on the site, including three that thrive today in our city, Tube Forgings of America, Zidell Marine and ZRZ Realty. In 1955, he founded Tube Forgings of America, which is a manufacturer of carbon steel well fittings used in a variety of high pressure piping systems. TFA is one of the world's largest manufacturers of fittings today. In 1960, my dad saw an opportunity to make use of his own recycled product on site and eventually established the company that would become Zidell Marine Corporation. Zidell Marine originally used steel from our ship dismantling business to build new barges. These barges were highly durable and demand soon outstripped the supply of recycled steel, so we began to build barges from new steel since 1961 our company has built over 300 barges, most of which are still in use today. Tube Forgings of America and Zidell Marine today employ more than 250 local men and women and we are proud to provide these family wage jobs. ZRZ Realty is the latest Zidell family business established to generate new jobs to this 30-acre site. In 1995, we entered the Oregon DEQ voluntary clean-up program to take care of a hundred years worth of industrial activity and urban contaminants on the site and in the river.

December 14, 2011

Historically, there were a number of industrial users in addition to our businesses in this area. But as the stewards of this property, we took on the responsibility to clean it up. We worked with DEQ, river experts, and leading environmental engineers to develop a plan that was thoughtful, creative, and responsive to the unique characteristics of the river. Most importantly, we made a promise to make the property safe for our children and grandchildren and all Portlanders to enjoy. Today we are celebrating the substantial completion of this remediation project and have made good on our promise. It is a single largest privately conducted and funded clean-up on the Willamette River in Portland's history. It was more than 15 years and well in excess of \$20 million in the making, and it wouldn't have been successful without the collaboration of some very smart and talented individuals. I'd like to take this opportunity to acknowledge DEQ director Dick Peterson and project managers Bruce Gillis, Keith Johnson, and Scott Manzano and their staff for their cooperation, openness to innovation, and collaborative spirit. Bruce, Keith, and Scott were steadfast in their support of the project and willingness to find creative solutions to challenging conditions. For this, I thank them and their team. Now I'd like to acknowledge and introduce another key member of our team, Paul Fishman, of northwest echo system services. Paul has been the project manager of the project design and permitting for the past four years, and has helped oversee the on the ground work over the last two years. He will walk you through some of the details of the project.

Paul Fishman: Thank you, Jay. As Jay stated, Zidell companies entered into a voluntary agreement with DEQ in 1995 to take responsibility for remediation on the site of remnants of past industrial and urban uses. It's important to note that this project is not part of the Portland harbor superfund actions. This was a private clean-up effort undertaken by a family-owned business. The project was developed in collaboration with the DEQ who over the course of more than 15 years of work. Our team explored a variety of alternatives for remediating the site to achieve the cleanup program goals of protecting human health and the environment. The final plan agreed upon by DEQ and Zidell in 2006, accomplished numerous goals, including protecting human health, protecting and improving fish and wildlife habitat and water quality in the Willamette river, isolating, capping, and containing contaminants on the land and in the river, stabilizing the riverbank, removing areas of highly contaminated soils and river sediments, and coordinating with other property owners, neighbors, and public entities to contain public costs. The plan was particularly sensitive to the habitat needs of salmon and steelhead species listed as threatened under the federal endangered species act. We added, we modified the project design elements specifically to improve habitat conditions for these species as well as for other fish and wildlife species known to use the area. I'd now like to highlight a few of the hallmarks that made this project unique, in terms of complexity, innovation, sustainability and scale. The project was large, and very complex, and the project design had to respond to a very large number of variables. Within just over a half mile of river, there were areas of scour and deposition, mud to rocky river bottoms, very steep and very flat topography, very deep and very shallow water, and an inconsistent distribution of contaminants. Add to that the continuation of barge launches at Zidell marine, and the relatively late-breaking plan for a new light rail bridge running right through the middle of our project, and complexity became our middle name. To begin to address this complexity, the team created three distinct design reaches along the river. The slip way bridge and downstream reaches. Each of these areas required a different riverbank and/or a sediment capped design using a variety of capped materials and grading plans and planting plans to restore ecosystem functions and to ensure that the engineered cap stays in place for the long term. Using a complex model for chemical isolation, the engineered sand cap for this project was determined to have an effective life of hundreds of years. Another hallmark of this project was creativity and innovation. When site conditions required

December 14, 2011

innovation, we responded with creative solutions. And I want to share with you just a few of these and also give some recognition to the people on our team who developed these ideas. One was that in response to the criteria developed by our engineering team, Dean Large of waste connections, which is the operator of the Wasco county landfill, developed a novel process for the safe transport and disposal of asbestos contaminated soil removed from the site. The company used a high density woven polyethylene fabric as a truck bed liner and once it was filled with the asbestos contaminated soil, it was wrapped up and sewn together. This prevented any material from escaping during transport and during disposal at the landfill into the proper part of the landfill. This method was then approved by DEQ and it allowed larger loads to be delivered to the landfill using fewer trucks with less overall environmental and traffic impacts. Ted Wall principle engineer at Maul Foster & Alongi developed the concept of a low-profile cap design for the slipway reach where the barges are launched. This will allow Zidell Marine to continue launching barges. The innovative design uses a fabric less than a half-inch thick that's filled with materials that absorb the site as contaminants. Any contaminants carried by groundwater that flows up through the bottom of the river through the fabric will be removed with rock placed on top to protect it; this reactive core mat will isolate underlying contaminants for hundreds of years. Finally I want to point out, or acknowledge Eric Balkam, the lead engineer at Maul Foster & Alongi, for this project. Who worked closely with Sean Batty and Dave Unsworth of tri-met and they developed a concept for building a containment cell for our lower level contaminated soil within the new light rail right of way. This cell will be encased within the light rail project fill and concrete surfaces. The result was almost 500 fewer truckloads of contaminated soil going to the Wasco county landfill, and it will avoid the same number of truckloads of fill that will need to be brought into the site for the light rail project. Certainly a win-win for traffic reduction, sustainability, and cost savings. We would not have been true to the Zidell family's values and history if we hadn't done everything we could to make this project local and take the long view. Wherever possible we chose local companies and materials to support the local economy and lessen the environmental impact of the project. We hired locally, between 15 and 20 Oregon and Washington companies worked on this project. In this year, 2011, the construction work had anywhere from 60 to 70 people working on the site each day between May and November. We sourced locally. The sand for the sand cap came from the Columbia River between Portland and Vancouver. Our rock came from quarries near the lower Columbia River. We looked for ways to reduce environmental impacts; we transported sand and rock from the Columbia to our site by barge, saving 11,000 round trips by truck. By creating the soil containment cell that I just talked about in the light rail right of way, we greatly reduced diesel fuel consumption, created much less emissions to the air, and created a lot less traffic on our roads. My final example, we protected the riverbanks with less rock and more plants. We used bioengineering techniques for erosion control that incorporate native plants and biodegradable erosion control fabrics, thereby greatly reducing the amount of rock in the riverbank compared to the pre-project condition. In addition to being complex, groundbreaking and designed with long view in mind, this project is truly massive in terms of its scope and scale. Part of what made it so large was that it was actually two separate projects. Up land work that we completed in 2010, and the riverbank and river bottom work completed last month. Let me share with you just a few of the many statistics on the completed project. The project covers 30 acres of land, with 2700 linear feet of riverbank and 3,000 linear feet of in water cap. The sediment cap extends more than one half mile along the shore. That's the distance between the front door of this building and the middle of I-5 on the east side of the river. That's a lot of enhanced fish and wildlife habitat in the heart of Portland. We removed approximately 2½ acres of mostly nonnative invasive vegetation, and planted more than four acres, about three times the size of a city block, with native riparian and

December 14, 2011

upland plants, including 15,000 shrubs and 275 trees. This will have multiple benefits for fish and wildlife. Finally we cut and removed more than 2,200 treated wood pilings in the river from the former dock. And I'll bet that our divers set a world record by accomplishing this in just 17 days using underwater chain saws. That was quite a process. Finally, the completed work will result in long-term beneficial effects to the lower Willamette river ecosystem, including the restoration of habitat for fish and wildlife, encapsulating contaminants to protect both land and water from daily wave impacts, severe weather events, including the hundred-year storm, and seismic events, improving the riverbank, cleaning up a brown field site, and preparing for greenway and public access. And now I'd like to hand this back to Jay, who will talk about collaboration on the project and a bit about future plans.

Zidell: Thanks, Paul. As you can tell, we went over and above on everything we did in this project, and our commitment to collaboration with public agencies to contain public costs and limit project impacts was no exception. During the past 15 years, our team has cooperated with multiple agent - public agencies to get their goals as well as ours accomplished. One example of this stands out. We had been working on the project for 15 years when tri-met received approval for the light rail bridge. Rather than seeing this as an impediment to our plan, we instead saw the value in what tri-met was offering to the people of Portland. We were the only private contributor to the light rail bridge project. Tri-met spent \$150 million to purchase land from other private parties along the light rail route. Our family donated the two-acre multimillion dollar parcel of land because of the value that this new transit option will bring to the area and the citizens of Portland. From that moment on, we were attached at the hip with tri-met to make two major projects happen in the exact same place at the exact same time. Numerous other examples of collaboration exist on this project, including working with PBOT on the new pedestrian bridge, as well as the new Moody avenue improvements. Working with BES on the decommissioning of an 1892 city storm water outfall into the Willamette River, and finally, working with parks bureau on the integration of the central district greenway and our project. The list is quite extensive as you can see. No project like this is successful without some public private collaboration. But the extent of the collaboration that we promoted speaks volumes about our commitment to a successful outcome and a clean site. Our family has been working on these 30 acres for decades. Just like cities reinvent themselves to shape the future; we've started planning for the next phase of our business. We're very proud of how this project has gone. DEQ approves of this project and the federal agencies have determined that this project protects listed fish species and their habitat. Further, because of the net -- because the net results of our work is beneficial to fish and wildlife, no habitat mitigation was required by the state or federal regulatory agency. We look forward to the next phases of our work on the property. In the spring and summer of next year we'll complete phase two of the clean up by planting more than four acres of native trees, grasses, and shrubs, along the bank of the Willamette. The final phase of the project will come when we commence development on the site. If he were alive today, my dad would be amazed at the changes that the south waterfront area has undergone since his time. The cranes and heavy equipment are building residences and office buildings instead of ships. OHSU has brought academia, research, and health care to the area formerly filled with mountains of scrap iron. A new streetcar line runs from downtown, a tram floats up Marquam Hill, and light rail across the river is under construction. It's come a long way from the shipyards and scrap yards he was familiar with. But he was always one to see the opportunity in change and be willing to embrace it. And he was a man who took action. He saw a problem and he solved it. The desire to embrace and affect change are fundamental Zidell family values, and we continue to hold them dear. As we've gotten closer to the end of the cleanup, we've devoted our attention to what comes next. While we don't have specific plans in place as of yet, we do know that with 30 clean acres, it's the largest

December 14, 2011

undeveloped parcel left in the city of Portland. It's a rare and unique opportunity to have this amount of waterfront property in the heart of the city under a single private ownership. We recognize the once in a lifetime nature of this opportunity and are carefully evaluating the options to ensure that the next great business we create will bring jobs and long-term value that the city and our family will be proud of. This land is not simply a corporate asset on a balance sheet. It is the day-to-day heart of our family's businesses, and a large part of our history. It was important for us to clean up and do it well so that the next generations of the family can continue to make the land their business. Unlike our other developers, we have a unique connection to the site that goes back nearly 100 years. My nephew, Matthew French, seated over my left shoulder in the back, recently joined ZRZ and represents the fourth generation of our family to work on this property. It is because of that connection that our goal is not just to make a quick buck, but to continue to be involved in this property for the long term. Nearly three months ago to this day, I celebrated my 40th year of working full-time in our family business. As I look back over those 40 years, I wouldn't trade a day of it. Maybe a couple. I find our current businesses to be exciting and stimulating, and they cause me to wake every morning looking forward to getting to work. That said, today we stand at the threshold of an opportunity for both ZRZ and the city that is as compelling and exciting as any I can remember in all my years. I hope that you will come to share the same level of enthusiasm for this opportunity as I do. Thank you for your time and interest, and we welcome your questions.

Adams: I guess one question is; we are dealing with property owners potentially responsible parties up and down the Willamette that haven't voluntarily chosen to take on these issues. But instead are sort of waiting to be compelled to take them on through federal decrees. Why did you from a financial side do you think in the end that this is the most cost effective way? Would you recommend it to other property owners in terms of the voluntary versus waiting to be compelled by federal or state agencies?

Zidell: Well, I think what we see happening in the Portland harbor, which is not where our property is located, is a very contentious process. The entire legal community is tied up in this thing and will be for decades. Certainly a voluntary approach to this would be I think much more efficient, and I guess the other thing I would say is this, that a wide range of people have a wide view of what the science says. And what levels of cleanup we need to attain. And I think the process would also become far more efficient, the river would get cleaned up quicker if all those differing people with differing views on what level we need to clean up to could come to a consensus on a much quicker basis.

Fish: Mayor I have a question, first, Jay thanks to you and your family for all that you mean to our community. There was one slide that you put up that kind of started giving me a headache and may have caused you on those two or three days to question your sanity, and that's the slide that showed all of the agencies of government, all the people that have a dog in this fight. And the truth is that when we talk about the river, there are all kinds of federal, state, and local regulatory bodies and actors, I can't resist since you're here to ask you the obvious question, which is as you start looking forward to developing your 30 acres, and obviously my team at housing and parks has a great interest in continuing our relationship to talk about what kind of green spaces and parks and housing for people of all ages and incomes you would consider developing, what advice might you have for us about how we can better coordinate among all those alphabet agencies that you identified as being partners in what you just completed to help move the next phase forward?

Adams: And you only have two hours to answer the question. (laughter)

Zidell: I'm not sure that will be enough. Actually I suspect that other people who are in the real estate development business who have come before us and have vastly more experience in dealing

December 14, 2011

with that alphabet soup as you refer to it may have a more informed response than we do. That being said, I think from our perspective one thing that would be really helpful is if there was a clearinghouse if you will, one place that we as the landowners could go to that acts as a clearinghouse, if you will, in dealing with all the various agencies within the city. And in that regard we are seeing some of that cooperation through PDC. They've been very very helpful in terms of the development agreement that we have been working with and negotiating with them, and a role similar to that would be very helpful.

Fish: Thank you.

Saltzman: I just wanted to thank you Jay and your family and I know you mentioned your father, and your mother, Mim, who looks down upon the property as I recall, she lives in south water front.

Zidell: Every day she's looking down on me, making sure I'm there.

Saltzman: So anyway, it's quite remarkable. I want to laud you for your leadership and getting the cleanup underway. And I know many people from many walks of life in city government and without, have all dreamt about what your property shall become, but I'm happy to see the dream is still firmly in the family's control. And I do look forward to what comes next but I just want to recognize your long-standing contribution to our community and for really doing an outstanding cleanup job here. And really hopefully showing the way for a lot of other properties along the Willamette that are going to one day or another have to face up to the situation of cleaning up our river and restoring our stream, our river banks, so thank you.

Zidell: Thank you.

Fritz: And I just add thank you for taking the time to come and tell us about the completion of the project, that's sometimes a step that we miss when we're doing enormous projects like this, is to come and tell both the council and the public. So thank you both for taking the time for that, all three. And also to talk about the collaboration with tri-met with the bridge that has been key, and we greatly appreciate that. And particularly also the working with bureaus on the riverfront greenway trail, which adds an amenity that then helps people look at the site and know more about the history. So thank you very much for all of those, and particularly for you and your staff working with my staff in my office, with Ann Beier in the office of healthy working rivers and with all of the city staff. It is indeed a complex and multifaceted project. And we greatly appreciate all of your work.

Zidell: Thank you.

Adams: The - just a final comment of thanks to underscore that this is 12 acres of aquatic habitat restoration, and that is a very very valuable 12 new acres with two plus salmonoids a fish listed as endangered in this part of the Willamette, those are much needed. And people don't get to see those except at very very low water, and even then they won't necessarily see it. So I just wanted to underscore my thanks and appreciate you taking the time to come brief us and look forward to having a further debrief with you so that we can make this better quicker and cheaper for other companies, thank you for being the thin edge of the wedge on this. Thank you very much.

Zidell: Thank you.

Adams: Alright we have just a four-minute break while we switch things out and we'll take up the other two items.

At 3:16 p.m., Council recessed.

At 3:20 p.m., Council reconvened.

December 14, 2011

Adams: Okay city council will come back from break and a just a reminder to everyone, we have a [gavel pounded] just a reminder everyone the same reminder we give every -- before every policy consideration that includes a vote is this is the people's chamber and as such we have just a few protocols to make sure that all points of view are welcome, we actually welcome differing points of view, and so to make sure that everyone feels welcome, there's no utterances, there's no noise, if you like something feel free to do a thumbs up, or your version of it. If you don't like something, feel free to do - one day I'll learn that, I really will, do a thumbs down. (laughter) The other thing is out of courtesy for folks sitting behind you, you're absolutely free to put your signs in front of your chest, that's great, but if you could, keep them down so folks behind you can see, and it also helps to ensure that the security folks can see all the way to the back of the room. If you're here to speak for yourself we only need to hear your first and last name. We don't want your address, we don't want your email, we don't want your phone number, just your first and last name. If you're a lobbyist, if you're speaking, authorized to speak on anyone's behalf, then by local law we ask that you disclose that you're a lobbyist, that could be for a company, that could be for a nonprofit, let us know if you're a lobbyist. Today we are considering items 1376 and 1377. Last week Commissioner Fish, Commissioner Fritz, and myself also took testimony on just general comments related to the police bureau and/or occupy Portland. Today it is comments about these two issues and I'm going to keep us to these two issues. So I need to see evidence when you approach the mic that you're actually talking about some details of these two issues before us. And so with that -- oh, and how many people have signed up?

Moore-Love: So far we have about 20.

Adams: Okay so it will be two minutes each like last time, and can you please read the titles for item number 1376 and 1377.

Item 1376 and Item 1377.

Adams: So also today Irene, where's Irene? Okay, so when Irene comes back I will introduce her. Irene Konev is the IPR independent police review outreach coordinator, and is here and has complaint forms. Folks that testified last time at our last hearing talked about abuse by the police, mistreatment by the police, we take those kinds of concerns and complaints very seriously, and we want you to fill out a complaint form so that we can investigate those. She would be happy to walk through with you with that. Irene works for the auditor, the auditor is an independently elected official in the city of Portland, and we -- Mary Beth Baptista, who is the IPR director, is hired and fired by the independently elected auditor and this is Irene, so raise your hand, can everyone see Irene? Raise your hand if you want a complaint form, anybody? Ok. If you could feel free to walk around Irene, you have -- you can walk around. And we have brochures as well. So what we're talking about today is a report from the Portland police bureau and an ordinance and code changes from the auditor's office relating to the auditor's independent police review division. The Portland police bureau report gathers together the bureau's responses to three different sets of recommendations that have been submitted from community groups and stakeholders. Some date back six years, I think pastor Bethel talked to me, and it gives detailed responses in the report from the Portland police bureau where we are with those reforms. Since I've been police commissioner and Chief Reece has been police chief for the past 16 months, we've worked hard on instilling in the police bureau, fortifying in the police bureau, a commitment to community policing and a commitment to continuous improvement. The IPR amendments, which we'll talk about in a minute, those seek to after we have more time and experience with the independent police review system, we have the ability to continue to refine it and clarify it and so you'll see some of those. Since we last met I want to acknowledge and thank everyone who has contributed to some of the final polishing on the work today. This -- these sets of reforms have been out in various forms or fashion

December 14, 2011

for five weeks. This will be our fourth hearing, and I'm going to ask the council at the end of the hearing to vote on the code changes today if they so choose. And I'll be supporting such an endeavor. With that, I would like to introduce the auditor, or Mary Beth Baptista, who will present the IPR amendments, and then we have some other amendments as well, and then after we get all - everything amended, then that will serve as the basis for public testimony.

Mary Beth Baptista, Office of City Auditor: Good afternoon mayor and council. I'm Mary Beth Baptista; I am the director of the Portland city auditor's independent police review division. I submitted a proposed amendment to the city code revisions that I had initially submitted. On November 22nd, and this amendment is due to the afternoon discussion on November 16th, 2011 of the public safety recommendations. During that public testimony, a community member made a recommendation regarding the proposed city code changes. After further review and discussion with the chair of the citizen review committee, the auditor and I are proposing an amendment to the revisions we submitted. Specifically the amendment pertains to 3.21.160 sub A, sub 1, sub A hearing appeals. Language has been added that explicitly provides the citizen review committee the option of recommending further investigation by either internal affairs or IPR at the appeal hearing.

Adams: And for the city council, you have a -- we have a copy of the proposed revised ordinance? You just handed it out. And the black strikeout underlines represent the auditor's changes and for ease of consideration, the mayor's changes are in underline and strikeout in red. Did you pass those out? The back of that, okay. Alright, are there -- so I would move the amendment.

Saltzman: Second.

Adams: Should I substitute -- No, move the set of amendments contained in the December 9th, 2011 memo. Did I make that the right -- is that the right thing to reference?

Baptista: I submitted a memo to council on November 22nd, 2011, that included this amendment, and then my understanding is that you have now incorporated that into the overall document that's in front of council today.

Adams: Okay. So both the original amendments from the Auditor and subsequent amendments that we worked on, and the mayor's office, I move that we make those amendments now to serve as the basis for further consideration. It's been moved and seconded. Any council discussion? Karla, can you please call the roll on the proposal to amend.

Leonard: Aye.

Fritz: This puts the revised proposal on the table for discussion; it doesn't approve anything other than doing that. Aye.

Fish: Aye.

Adams: Aye. All right. So anything -- any other discussion with director Baptista?

Baptista: Not unless council has questions.

Adams: Okay.

Fritz: I just wanted to clarify, in the piece that you just talked about in having -- making clear that the committee can hear new information and ask for it to go back to the independent police review or the internal affairs review, there will be administrative roles put forward to say exactly how that gets done and that they then get to report back to the committee as to what the internal affairs does with that.

Baptista: That's right. There's a - the citizen review committee has an appeals work group, and assistant director, Constantin Severe the staff person assigned to that, they hold public meetings to revise the protocols surrounding appeals. They have held off on the last protocol regarding appeals going to council and such. And they will be revising that. And the procedures in place can be easily addressed in those protocols.

Fritz: Thank you.

December 14, 2011

Adams: Thank you very much. All right. Karla, lets start going through public testimony. And we'll come back and have additional discussion after the public testimony. Alright so -- Would you like to begin sir?

David Burgess: Yes. Good morning everyone. My name is David Burgess. I'm here to testify against the police brutality that we received. Several of my protestors -

Adams: We need you to - I need to hear within the first couple words folks, you testified last time as well.

Burgess: Yes.

Adams: I need to hear you speaking to something in these two council items.

Burgess: Sure. November the 2nd, and as well as several other days, me and several other protestors were abused. I just want to let you know that I particularly don't have any trust with the police department. Myself, and just myself on several different scenes have seen certain different actions of police taking more power than they need to -- to practically to teenagers and then to older adults as well, and I just want to say that I was the only person arrested on, I believe the date was November the 2nd and I feel like I was blatantly targeted and I had a sign in my hand, I was just having freedom, I think I said peace and love to all people and I was targeted and I was arrested. I was the only person arrested.

Adams: So I need you to -- thank you for your testimony. You give the similar testimony last week, I appreciate that, I encourage you to file a complaint.

Burgess: Yes.

Adams: Mr. Handelman.

Dan Handelman: Mr. Mayor I was wonder if I could get five minutes today, since there are new amendments on the floor that weren't on the floor last week?

Adams: Sure.

Handelman: Thank you. Mayor Adams and commissioners, we've been following the IPR since before its creation and the first time we heard the assertion that CRC's role is to review the process and not the evidence was when commissioner Fish stated that in council chambers two weeks ago. That assertion did not come up in the original testimony on the ordinance it was not stated in the orientations for new CRC members, it was never used at a stakeholder group meeting and to argue against the proposed changes to the system. The ordinance creating IPR states the same to respond to complaints, so quote, services are improved and trusting government is restored and stresses the system be, quote, perceived as fair by participants and the community. It's difficult for us to understand then, why council, the auditor and city attorney are reluctant to make some basic commonsense changes to the IPR structure. Most urgently the Mayor's new proposal will restrict the CRC and take away some of the only power they have. The system that people already feel was designed with too much police involvement to be independent; taking away CRC's power will lead to more community mistrust at a time the city needs to build confidence in its police and oversight system, as evidenced by these folks who are trying to tell you about that. The Mayor's changes do not respond to the calls to change the standard of review, which traces back to the 2008 [inaudible]. Rather, they would forbid CRC from considering new information presented during appeals hearings when deciding whether an officer violated policy, instead, forcing the board to send the case back to internal affairs for more investigation. Currently, CRC uses its discretion, whether to use new information to formulate a new finding, send a case back for more investigation or accept the original finding. In 2002, an officer admitted to an act of misconduct at a CRC hearing, saying she probably did not call the appellant ignorant, but probably called her stupid.

Adams: Did you say 2002?

December 14, 2011

Handelman: 2002. At other times, CRC's recommendations have simply been to add a debriefing to non-sustained findings; in some cases the new information has led CRC to support the original findings. The mayor's proposal is far too restrictive. Why would any citizen complainant want to bring their police misconduct appeal to supposedly independent body so powerless that it would always be forced to return the case to the same agency that harmed them in the first place? The mayor's own nominee, CRC chair, Jamie Troy, came to this body asking us to give CRC a standard of review that was less deferential to the police. He was relating a unanimous opinion from the committee itself. With the next batch of CRC members are sworn in, there will be four former or current lawyers. Yet the city keeps insisting that CRC does not have the capability to weigh the evidence in these administrative hearings. The city's attitude is reflective of something that the auditor told us when we tried to find common ground on the stakeholder recommendations. If we said no, the answer is no. That is not how elected officials should be responding to community members. As a historical note -- at the request of the previous auditor and IPR director in June 2003, council took away CRC's ability to select its new members, one of several such power struggles that led to the resignation of five members that August. It appears that council is being fed faulty information from people who for some reason have an interest in keeping the CRC from achieving its full potential. For example, deputy city attorney Woboril believes CRC members spend only half an hour reviewing files prior to appeals hearings. That's not our understanding; most CRC members listened to all of the recorded interviews in addition to reading transcripts and case summaries at internal affairs. We may be among CRC's harshest critics but we are also their biggest fans. We've put forward a number of compromised ideas that nobody's expressed any credible opposition for and they should be on the table today. Among those are, fixing the mayor's new proposed language by stating CRC can consider undisputed information when deciding whether a finding is supported by the evidence. Creating a mechanism for CRC to complete a hearing if internal affairs refuses to do further investigation, which had happened just last year. And fixing the mayor's other language about the scope of counsel appears -- appeals, so they can look at documents related to the CRC's hearings and not just listen to recordings. We also proposed adding as many as two non-voting members of CRC who could participate in workgroups and fill midterm vacancies. We also have several other items which you'll see in my written testimony, previous and current. The citizen's law enforcement review board in San Diego county, has eleven volunteer members, which their staff of four, which is five less that IPR has, does not find unwieldy. The city of San Diego's review body has 23 volunteer members, with 12 more brought on for training. The county board votes on proposed recommendations based on the preponderance of the evidence about misconduct allegations. The director there works at the will of the board who hires and can fire him. It is amazing how many stakeholder recommendations are being rejected arbitrarily, when with one phone call, we could find two review bodies with some of the very attributes we're asking for in Portland. Last year, the changes made to the ordinance were deliberately made to IPR and not the CRC to allow CRC to ask for its own changes. Several of their recommendations are being ignored. We urge council to see the growing discontent among people who initially had a very relationship with the bureau and see it as a sign that people want community members deciding what is appropriate police behavior, not the police themselves. On that note, I really urge you not to adopt the bureau policy document today. Because we really haven't had a chance to have a discussion about that, no changes have been made based on community input and we hope that will be delayed until after the IPR ordinance debate has concluded.

Adams: Thank you.

Fish: Mayor can I just make -- clarify something?

December 14, 2011

Adams: Yeah.

Fish: Because I don't have the benefit of whatever record Dan is referring to. But Dan, in your statement, you say that I made the assertion as to review the process and not the evidence. I think you'll recall that the question that I posed to the -- to you and others is whether the role was more in the nature of an appeals court or a trial court and that has to do with whether you take new evidence or you review existing evidence. This quote to me is taken out of context. Because I clearly understand the role, is to review the record that you're presented with, which includes testimony that has been given before. So, again I don't have the benefit of this citation, but I think in fairness, since I posed the question and did not make the assertion, I hope you understood that the question I was asking had to do with whether you made the record or reviewed the record. Not whether you are prohibited from reviewing the evidence, because this does not reflect my view.

Adams: Thank you. Go ahead.

Miriam Germon: I'm Miriam Germon, and I'm not incredibly hip to all of the on goings with the CRC, but my feeling about it is the more citizen oversight we can get with regards to police activity, the better we will be as a city. I can only think that if we had citizen oversight or more citizen oversight that actually mattered, we wouldn't have certain police officers still on the force who are continuing to assault people in Portland and I know that there's a mother of one of those assault victims here today to speak to you. So my question to everyone is how can we without having more citizen oversight of the police bureau here, which is incredibly necessary, how can we continue to call our city like the number one sustainability city in the world or in the US? I don't see sustainability happening when our police bureau is fighting its own citizens and the citizens that they're fighting are peaceful people. This is a given. We don't need to prove it any further. We prove it every day when occupy is on the streets. My feeling about it is, if you're going to grow a green city, it's like growing food. You grow understanding you grow solutions but if you allow police brutality. That's equivalent to clear cuts. I don't see it as sustainable. I don't see any of the actions as a sustainable thing and I really -- I reject the notion that we are a sustainable city because of that and I'd like nothing more than have Portland be able to grow and be in the face of the world, as not only a sustainable city but a city that respects its citizens and respects the wishes of its citizens who are a peaceful people to be treated peacefully. I had a meeting with a native American here who asked that we take all of this into consideration and grow together. I know my time is up.

Adams: Thank you, appreciate your testimony. Sir?

Jeremy Graber: Can I ask for one extra minute, please?

Adams: Yes, because you've been devoting so much time to this.

Graber: I actually got a chance to finally get through all of this over the past few days and I want to touch on a handful of different points.

Fritz: Could you just state your name for the record please.

Graber: I'm sorry, my name is Remi, I represent myself and part of occupy Portland. I'm a member of the medical team. As I've been reviewing over the 45 pages in this packet, a lot of it deals with a lot of use of force flexibility and trying to constrain some of the that and while normally I'd have specific quotes unfortunately I don't have enough time to throw all those out there. There's a point where you actually agreed with the need for training and retraining, the use of force continuum and the escalation of force matrix and de-escalation techniques. And I want to get an assurance that that actually will happen within the precincts and that things will be implemented because I was a little concerned with the wording where it said -- sorry. For instance, where it said implement of appropriate disciplinary actions especially pertaining to use of force and especially when it leads to deadly force. The wording that actually kind of threw me was when

December 14, 2011

employment law requires disciplinary action to be progressive in nature and commensurate with the policy violation, while severe discipline may be appropriate in some cases it may not be involved in others. In context with what was being talked about, we're talking about the use of deadly force in an improper manner where it does lead to a death. And in my eyes, officers need to be held to a different standard. We need officers to be held to a higher standard than you hold the public. These are the people who are going to be protecting us on the streets at any given moment, so we need to be spot on with what they're doing. And while they're not perfect beings, if these people -- if certain officers are unable to handle the responsibility of using a justifiable amount of force to be reasonable when applying that, they shouldn't be in that position and that's just my personal opinion. That's just an objective -- a subjective view after watching some of the things that have happened out in the streets over the past 60 days. Coming down to some wording in there where it says the objective reasonableness standard, we're talking about things that are objective. Statistically when talking about an individual in a given situation, in a high-risk, fast-paced and high-stress situation, you're asking a person to adhere to somebody called objective reasonableness is -- most individuals are unable to stay objective if in that kind of situation, there's a certain amount of subjectivity to any situation and what we're asking for is, if your going to start implementing rules, that you're going to give them a guideline to work with. Again, that starts with retraining on that use of force continuum and the escalation of force and those are things that a lot of us want to see implemented in our society. The philosophy of law of itself is laws are a reflection of society's values. Our society does not value -- or should not value violence over tempered judgment. So overall, justice is the higher value and -- in society.

Adams: Thank you for your testimony. Thank you all. Appreciate it. The next four.

Adams: Would you like to begin?

Benjamin Mandley: Yes. I have before me a written statement which I went home and wrote after last week's meeting which will be supplemented with some statistics and I think you'll happily note, does not contain the words occupy Portland. And on that note, I was wondering if I could have an extra minute?

Adams: For what -- a -- no.

Mandley: Okay. Thank you.

Adams: Unless you've been at the topics contained in these two council items for a long, long time, I've got to give everyone a -- before everyone gets exhausted, an opportunity to testify, so two minutes.

Mandley: That's fine. First, I wanted to thank the city council members for listening to everyone today. I am sure everyone would agree that we're glad to take part in this vital process.

Fritz: Could you give me your name, please.

Mandley: Oh, sorry, Benjamin Mandley. I support all of the recommendations that move investigation of police action from the hands of the police bureau into the hands of the CRCc, because I think it's been seen that police self-oversight is obviously not effective and I have some examples here of why that seems to be true to me. I think everyone will recall the murder of Aaron Campbell, by then Portland police officer, Ron Frashour. If anyone is unfamiliar, I will remind everyone that Campbell was shot in the back with an assault rifle. Resulting in what police referred to as a suicide by cop, marking yet another incident of young minorities being murdered by police officers who were never to face criminal charges. The story of officer Grant comes to mind. Grant was lying on the ground, unarmed, when he was executed by Bay Area rapid transit police in Oakland. In such cases, including the murder of Aaron Campbell, Police departments nationwide have almost universally fought against disciplinary action against the offending officers, effectively putting the interests of the officers in question above the general safety of the public. Stories like

December 14, 2011

these are exactly why it should be considered unconscionable to offer police more flexibility and freedom from penetrating scrutiny. Specifically in a city such as Portland which has an almost legendary reputation for being a very forward thinking community, evidenced by the fact that even as we speak, hippies and anarchists are serving soup outside of bank of America.

Adams: So what would be the final point you'd like to leave us with?

Mandley: My point is this, I think it has been clear and I have some statistics to prove this --

Adams: Your time is up, by the way. So, write that up and make sure we get it. I appreciate your testimony. Sir.

Scott Hibbetts: My name is Scott Hibbetts. I want to address the -- not the complaint process but the review process after an incident, I understand from reading the document last week that there's a policy for every time use of force happens for some sort of review. I imagine there's a wide difference in terms of what kind of force, if the officer actually shoots somebody. There's probably a very big investigation and a much smaller one if we're talking about something smaller happening and what I would like to suggest as a matter of policy for this is to consider some of the -- the pepper spray and the bean bag guns and everything as -- take them more seriously as weapons and to have the investigation be at pretty much the same level you would have if a gun were fired. So I think that is probably one of the things that I see happening with the use of these less lethal weapons. Is that they're not taken seriously and so somebody will take out pepper spray and spray somebody without really thinking that they're using a weapon on somebody or without really thinking that it's something that's very, very serious and so my suggestion is to add into the policy, more at the -- even at the investigation level, not even at the complaint level, but to add into that, the notion that these weapons are actual weapons and they should be taken very seriously as opposed to considered to be something you know that can be ignored. Thank you.

Adams: And in the police bureau document, it says very much the same thing. So -- for example, in the community, we have complaints about officers that draw their gun but don't use it. That's now being -- that's now something that will require review in the police bureau as a use of force. So -- take a look at the police bureau document.

Hibbetts: Okay, may I ask is that automatic or is it only when a complaint is filed?

Adams: It's now going to be automatic with their supervisor which then allows us to keep the statistics so - Hi. Welcome back.

Marcia Meyers: Thanks, my name is Marcia Meyers. I would like a extra minute because I'm a big talker and I have been here before on the same issue.

Adams: Keep it to two. I've got lots of people behind you.

Meyers: All right, all right. First of all, thank you. This is an incredible time, a transformation time. I'm proud of Portland, I'm proud of all of you for listening and working with us to go as far as we can in this transformation. When James Chasse was killed, I happened to go to the demonstration that was saying, no this shouldn't have happened. This was right after. They got me on TV, they asked me why I was there. I said I'm a mother, a grandmother and a teacher. I teach my children, I taught them for 30 years, that the police were peacekeepers; they're our friends, Mr. Friendly, or officer friendly. And then to have that kind of thing happen which goes totally against that model. So I'm here asking you again to help change this model to a peace-keeping model, rather than a fear-based model. My concern here is my own story, but how it's shining light on this whole issue. That's my daughter Lisa who almost four years ago in April was accosted on the max by a police person because the ticket machine was broken. My daughter is incredibly sensitive and she reacted to that person and ran. She was thrown to the ground, her head was bashed in. And then she was arrested, handcuffed and for two years, pursued by our prosecution for those -- that she was the criminal. This went on for two years because it was Chris Humphries and I have to

December 14, 2011

correct, I just want to make some corrections, as the teacher here, on the paper I passed out, there are two of them, it says -- it's giving three major things that Humphries was involved in and Lisa is not even one of those and James Chasse was 2006, not 2008, that's what that says.

Adams: So if you could make those corrections, and submit it to the clerk, your time it up. And I'm letting you speak -- generally because I want to respect -- that you have been back -- but we're dealing with two specific council items today, and so I need to move on.

Meyers: I want you to accept the commissions -- the citizens review -- I want you to accept them all. I think they are from the citizens.

Adams: We're considering those today.

Meyers: The second letter is one I sent two years ago, I just want the people back there to know it, because they got it too. Thank you for your patience.

Adams: You're welcome. Hi. Thanks for waiting.

Shawna Gonzalez: My name is Shawna Gonzalez. I completely support giving more power to the citizens review commission, I do not believe that the police should be given more flexibility or the authority to manage themselves because they've proven, especially over the last month, that that's just not something that they're capable of doing. Not all of them. They're not all bad. Not by far. I've worked with law enforcement for seven years, and not as a police officer, but as undercover security making arrests. So I've been on that side of the fence and I know how they feel, but I'm on this side the fence now and know how I feel and how my family back behind me feels and Justin James Bridges and I know how I felt when the police stepped aside and watched as a front loader tried to run me over at port number five and they did nothing. If they can't even step in front of a front loader that's trying to run me over because the person inside of it is angry, how are they going to manage themselves when it comes down to a tense situation between them and an occupier or them or anybody else that tries to speak their mind. If they're there to protect us, and they don't want us to see them as evil and scary and mean, then they need to protect us, not only from themselves, but from other citizens that --

Adams: Is there something about these two council items that you want to comment on?

Gonzalez: Yes, that's why I think the citizens review committee should be given more power.

Adams: Okay, I got that point.

Gonzalez: It's too police biased as far as the investigations go.

Adams: Thank you. Appreciate it. Next four. Thanks for your testimony, everybody.

Adams: Ms. Straus would you like to begin?

Becky Straus: Thank you. Mayor Adams and commissioners, my name is Becky Straus I'm here on behalf of the ACLU of Oregon. I do appreciate the time that the council's taken to consider these issues and to hear from me again today. Again, I'll voice my support for cop watch. National Lawyer's Guild, League of Women Voters and other stakeholders that will present their testimony today. I do want to take my time to just briefly address the memo from December 9th, particularly the proposed amendment three, I see as limiting the scope and the type of information that the CRC can use on appeal. The ordinance in its current form affords the CRC unqualified authority to receive any oral or written statements, offered in the course of their review. What I see amendment three doing is constraining the committee in their use of this information. I think the new language is unnecessary and problematic to the independent functioning of the CRC. More generally, I want to touch on the use of this analogy that we're hearing repeatedly of the CRC as an appeals body --

Fish: Can I ask you a question since -- before we lose that?

Straus: Sure.

December 14, 2011

Fish: And I apologize for interrupting but – is it your - would you prefer that we delete that language that's part of amendment three?

Straus: Yes.

Fish: Then incorporate the proposed language? Would you prefer that we go back to the original language and delete the new language?

Straus: What I'm – so I'm looking at --

Adams: The December 9th memo.

Straus: The December 9th memo where there's additional language.

Fish: The underlined portion which has been added to amendment three.

The December 9th memo right.

Fish: I just want to make sure I understand your position. Your preference would be we strike that new language?

Straus: Correct.

Fish: I just wanted to understand.

Straus: So to just touch briefly and this is really to continue on support for that position on amendment three. I think that the analogy of the CRC as an appeals court is a risky one. What it does is in order to take that analogy, I think it requires the council to pick and choose which parts of the analogy it's going to use. Unlike a real appeals court, the CRC can receive oral and written statements from the complainant, the member, other officers, any other citizen, also appeals courts are the higher body over trial courts so their decisions hold more weight than mere recommendations to a lower court. So I have trouble with the analogy. I don't think it holds up. But nevertheless, we're seeing it as the justification for scaling back the authority of the CRC. So that's concerning and I just wanted to put that on the record. Finally, from the stakeholders' perspective, I think the additional proposals in the December 9th memo are disappointing. We've seen even from the beginning of these hearings, we're testifying about the council only really looking at about three of the stakeholders' recommendations, now after three full hearings, we're looking at only four more. Some are being described as clerical corrections and one that I'm seeing actually looking to scale back the CRC.

Fritz: So I have a question for you. Thank you for your testimony. If - the ACLU is known for wanting everybody to have a fair trial or and a fair hearing and a fair process. So if new information comes into the CRC and there's no opportunity to rebut that, why would you not want that to be sent back to IPR and IA and then come back to CRC after further investigation through the internal and independent reviews?

Straus: Well I think there still can be an opportunity to send that back, and that's at the citizen review committee's discretion to say this needs further investigation, but as we've heard from cop watch, there are instances where I think it may be just an extra step, it's restricting the CRC more than it -

Adams: How is it – if I could follow up, I mean how is it you prevent someone from manipulating the process at the very end by -- I mean, the safeguards are pretty limited to draw conclusions at that point based only on who shows up and what they say.

Fritz: And in particular, both cop watch and league of women voters say if that new information is uncontested, that as the mayor just said, how does the person who has a new allegation, if they're not there, how do they then get to participate in giving their side of the story?

Straus: I mean I think there are safeguards at the lower level as well that I think there's still -- that risk still happens at the initial level. But what I would also say is that there's a further safeguard in that the CRC's decision is simply a recommendation, so it has a chance to go back and say, okay this needs further investigation and -

December 14, 2011

Adams: But for an oversight committee to draw a conclusion and send it back for recommendation, I mean, that is from a variety of stakeholders through the process, it's hard to un-ring that bell.

Straus: I think that one way possibly to deal with that might be one of the recommendations that we're seeing from cop watch is to not necessarily strike the new language, but to qualify a little bit so that it -- it's codifying some of that discretion from CRC, to say we think this might need verification and we'll send it back.

Fritz: So actually I think we agree. Because that was what I was asking Marybeth Baptista about at the beginning, that that would go into the protocols, that once CRC hears new information, they send it back but then there is a protocol that says that the independent review and internal affairs has to consider that and then has to send it back with the new findings to CRC.

Adams: Thank you. Sir.

Seth Johnson: Hi my name is Seth Johnson. And I support the ability of the community to have as much oversight as possible. I support a healthy relationship between the community and the police department. And that is the best of both worlds. This sheet, I received while I was sitting here in the audience. I can't imagine why Officer Chris Humphries is still employed by the city of Portland. Clearly we have a problem here and as a citizen and taxpayer, I strongly object to having to pay for the behavior of the police department. The police department holds the citizenry to account and to responsibility on a daily basis and I'm expected to meet my responsibility. When the city or when the police department, overrides its responsibility, I, then, have to pay for the police -- their fines their lawsuits. That is not a two-way street and I think that allowing the citizens to have more oversight and to -- the police clearly just by this page is unable to oversee itself. There are alternatives and I think we should take them and I think there's lots of opportunity for a better relationship, but it needs to start with Mr. Humphries' removal, that I can see. And I just learned about this gentleman today and I'm offended that he's still working.

Adams: Thank you for your testimony.

Johnson: Thank you.

Adams: Hi, welcome -- welcome back.

Ashlee Albies: Good afternoon, my name is Ashlee Albies, I'm co-chair of the Portland chapter of the national lawyers' guild. Thank you again for hearing from the community on this important issue. The NLG has been working on improving oversight of the Portland police for the past two decades. In 2000, we joined with 17 other stakeholders as part of the mayor Katz workgroup. After several months of study and debate, this work group ultimately recommended the establishment of a civilian review board with subpoena power and the power to recommend but not impose discipline for demonstrated police misconduct. We were also members of the 2010 stakeholder group, which issued the 41 recommendations that have been discussed throughout these hearings. The majority report of the Mayor Katz workgroup, was discarded by our Mayor Katz and from its ashes rose the dysfunctional PIAC system. That system was replaced by the current IPR system, which was a modest improvement but riddled with serious issues as well. The stakeholder group in 2010, we were promised was the process by which the IPR could be substantially improved to meet community objectives. The guild has always and will always promote a system which provides effective, credible and transparent review of police misconduct. Unfortunately, again as with our experience as with the Mayor Katz work group, the recommendations of the stakeholder group have been largely ignored. We do want to express our appreciation that the CRC - that with these proposed changes the CRC authority to make policy recommendations is expanded and we appreciate that. We still do have practical concerns about the standard of review issue, about the CRC standards of review. We continue to believe that preponderance of the evidence is a practical

December 14, 2011

and understandable standard, preferable to reasonable person in current practice. We also regarding amendment 3 which the ACLU spoke about, and cop watch spoke about as well, we support that as well, the -- want to urge the council not to restrict the CRC's authority to hear additional evidence, it appears to be a disempowering change that the language has currently drafted. And I just want to say very briefly I know I'm out of time, but the occupy and the tea party movements too have grown out of dissatisfaction with government as usual, we urge you to hold off this vote until there can be a meaningful community and government dialogue about how best to serve the community and take a meaningful step towards a credible transparent and effective oversight system.

Adams: So where -- where does it -- show me -- you're a lawyer. Where does it -- it doesn't say absolutely the committee can hear new information. It says it right there, in terms of amendment number three. You just said that this amendment doesn't allow them to hear new evidence. As the crafter of the amendment, I can assure you that's not -- those are not the facts.

Albies: I don't have the ordinance in front of me. I apologize.

Adams: Ok, we'll talk about it when everyone's testimony is done. But a --

Albies: And briefly, also, I noticed an error in our testimony, and I'm I'd like to replace that, I just want to go on record as saying that --

Adams: What was the last part?

Albies: We submitted written testimony and I noticed an error and I'd like to go back and replace that. And I'll also identify the provisions more conspicuously.

Adams: Right. I know that others have said that but as the author of the amendment, it actually isn't there. Hi, welcome back.

Debbie Aiona: Thank you. I prepared three minutes. Is that ok?

Adams: Yes.

Aiona: Thank you. I'm Debbie Aiona representing the league of women voters of Portland. The league appreciates the time and attention council and especially the mayor have devoted to IPR ordinance changes. It is disappointing however that some of the significant amendments supported by the CRC, long time observers of the system, and the community have not yet been incorporated. The mayor's recommended changes would benefit from some refinement. Amendment three clarifies that CRC may hear new information at an appeal hearing but that the information would trigger additional investigation. In cases where an undisputed fact is presented, additional investigation is unnecessary and a waste of time. Revise the proposed language so that if IPR and CRC agree no additional information is needed to confirm the new information, CRC will make its recommended findings based on the evidence and conclude the hearing. If council is unwilling to take that step, you should not amend this part of the ordinance. Doing so would create a fundamental change in the CRC's powers and unjustifiably weaken its authority. Amendment four should include language making available to council all new information presented at a CRC appeal hearing, including such items as documents and photographs. Council should not have its access limited solely to audiotapes as the proposed language states. There are other minor amendments needed to clear up historically problematic provisions. The ordinance should state that the CRC chair or a designated representative is required to approve the written notification of the CRC's recommended findings, the IPR director sends to the bureau. The auditor's proposed language does not clearly state that the CRC will present its recommended findings when an appeal goes before council. Add the following; the committee shall present its recommendations before council. Other significant recommendations for Oregon's changes continue to merit your consideration. The standard of review, staff support for the CRC, the need for a conference committee, the types of cases IPR should conduct independently. Re-categorization of allegations

December 14, 2011

and others are based on recommendations by participants or close observers of the system. We urge you to address these items now while the ordinance is under review. It may be years before another opportunity presents itself. Finally in an email to Portland cop watch and the league, the mayor committed to drafting a work plan for further improvements to the police bureau, once the department of justice investigation is complete. The work plan should also include non-ordinance related IPR and CRC policies. Thank you and then I just want to respond briefly to your comment when you were addressing Dan Handelman. We also heard that the statement about CRC only having the power to review the process in a personal meeting we had with the mayor and the deputy city attorney. So we're hearing that from, besides from you, from other places.

Fish: So Debbie, I have a comment and a question if I could. First, you've been tireless in pursuing this issue and very clear and articulate about your concerns and I appreciate the time you've spent privately with me sharing those concerns. We've had like four lengthy hearings, I think, and there's been a lot of testimony and I think we're all trying to work through this in good faith. But I just want to clarify my understanding on that point. As I read the documents before us, there is -- the role of the CRC is to review the record below and that contains evidence. That contains statements, that contains various different kinds of things. We've had a very thoughtful discussion and I've learned a lot from listening to you, about whether the CRC should be able to develop new evidence, expand the record. But I just want to be clear, because I don't have the hundred pages of transcript in front of me to cite the one of many things I probably said that were dumb and ill-informed, late in the day but that I think we all recognize that the CRC is going to review the record, which contains evidence. The question we're struggling is with -- and it's a good question, is how much additional evidence can come in at that stage and what are the protections that we want to build into that evidence? And I - as I listen to all of the thoughtful lawyers and non-lawyers who've addressed that, I think that's at the heart of our discussion but I don't want anyone to have the misunderstanding that in saying that you are reviewing the record, it is simply just policing the process, because policing the process inherently includes reviewing the record and I've never heard any of my colleagues say that and I hope I haven't said that because it would be a misreading of the very document that we're discussing. But the other question I wanted to ask you is in my extensive file here, I was going back to some early testimony of yours, back in November, and you said that the proposed -- the auditors proposed changes of the IPR ordinance are a step forward and you later referred to them as positive changes. Do you still believe that, not with standing these additional improvements you want us to consider, that we're making progress?

Aiona: Small progress. A little progress, yeah. I mean, I think that the things we're moving forward on, are, you know, somewhat minor, but important. I mean I think it's a -- you know, you've got to keep going. It's just -- you know, those of us who have been at this more than 10 years, you know were sort of hoping for a little bit of a transformational change at this point and I don't think that's where we're headed.

Fish: Thank you.

Adams: Thank you all very much, appreciate it. The next four.

Adams: Hi welcome, would you like to begin?

Greg Reid: Yes, I'm Greg Reid. I'd like to address -- I think the citizens review board needs to actually be given a lot more power and I base that on the fact that as a business owner in Washington, I live in Oregon, but a business owner in Washington, I'll often try to get some of my patients to come to Oregon for various services because there's a closer person in Portland that can service them, or they can get a product in Portland that's not available over in Washington just because nobody over there happens to be carrying it. And I hear a lot of people saying they don't want to cross this bridge, they don't want to come over to Oregon simply because they don't want

December 14, 2011

to be harassed by the police in Portland. Don't want to be pulled over, because if they are pulled over, the police are rude. The police are, you know, intimidating in the way they interact with the public. It's a negative impact on commerce for Portland that the police aren't under control and that they treat the general public so poorly. It doesn't help the city and it doesn't help our image and it's not a good thing for the city of Portland. With that, I'd like to see the citizens review board actually get more power and if they find an action of the police so grossly negligent in what they've done or that they can actually say no, we want that officer fired. Not we recommend it. But, he needs to lose his job. Clearly, there needs to be a way for the officers to come back, if there's new evidence, to say wait, no, you know, this wasn't presented. And in which case, they could look at rehiring them; if they were fired inappropriately they could get back pay as if they were put on paid leave. But we need to bring accountability back so that Portland can start getting good commerce again.

Adams: Thank you for your testimony, appreciate it. Hi welcome back.

Teresa Roberts: Hi my name is Teresa Roberts, I'm here supporting the occupy movement. I want to thank those of you who are present. I would like to note that Dan Saltzman is again absent from this hearing, although we did specifically ask you to expect us and we did express how important this is to the community. You can tell that the citizenry of Portland is beginning to take an active interest in this. I would urge you not -- and I did notice he was able to be here for wealthy business owners who were trotting out a highly commendable plan, but I noticed he was able to be here to compliment them but he was not able to stay for what I consider to be very important portion of this day and thank you, Mr. Leonard for being here today, although you had to be absent last week. I know you were here for the prior two discussions. I have to say that it is clear from the condition of our economy, our country, and the massive display of police brutality across the country at this time, that the police cannot monitor themselves. If this is how they behave when lots of cameras are trained on them and they know that lots of cameras are trained on them, then they clearly, simply cannot control themselves and we are very concerned about how they're behaving when the cameras are not trained on them and we are watching. And this is very important. This should not be a rushed vote. This should not be a half measure. And I do not think it's ready for a vote. And I think that as these hearings continue, we will continue to see attendance at these meetings grow which can only be good for the city council and Portland at large. Thank you for your time and thank you for being here.

Adams: Thank you for being here.

Roberts: And thank you, ms. Fritz for staying last week.

Adams: Hi. Welcome back.

Mike Smith: Hello, I'm Mike Smith and I'm here representing myself. We are Change Portland and Occupy Portland's Media. I support any citizen review of police for two reasons. I was promised by lieutenant King, who is sitting right over there, that officers would be displaying their name tags at all times, it's actually one of the department's rules and at the time, he told me that it was actually a law that they have to display their name tags. I have seen women shoved, I've been hit myself by police officers that have no nametags. No one, no one should be allowed to have anonymity when they're beating on someone period. This second reason why I support any citizens review of police is this little reason here, I was at Shemanski park with my camera when the police were pushing everyone out of the park. I want to remind you that I am holding my camera the whole time this happens. I was shoved twice by a cop. I turned around to get away from them and I start running. He grabs my backpack and starts beating me on the back until we finally get about, oh I don't know, maybe 20-yards away and there's this little foot and a half high concrete wall. He shoves me into it. Jams his knee in my back, falls down in the process, gets back up and leaps in

December 14, 2011

the air and comes down on me with both of his knees. There's video evidence of this. Channel 8 news has it. And the thing that really really angers me the most about this, Mr. Mayor, okay, is the simple fact that I was not arrested. If I was doing something wrong, I want them to arrest me, but don't beat me up and not arrest me, that's ridiculous. That's all I have to say.

Adams: Well I hope you'll file a complaint. Ms. Hardesty, welcome back.

JoAnn Hardesty: Thank you. Good afternoon, mayor, city commissioners. For the record I'm JoAnne Hardesty and I'm here to speak in support of the 41 recommendations that the stakeholders made as part of the four-month process of reviewing oversight of the police through the IPR and the CRC process. And as -- I also want to thank you, actually, this is like kind of new, that we would actually have four hearings on the exact same thing, over and over and over again, so I think this is good. This is good, because what's happening is the public is having experiences that they want to then come and share with their elected leadership and so I'm glad that the mayor and the city council are seeing the importance of actually doing these meetings again and again so that you get more input. I also want to say that many of the people here today have never been here before and so I wonder what it would feel like for a community member to for the first time come to their city council and see armed police officers at the door that they have to come in and then see armed officers standing at both entries to the city council chambers. I think that that sends a message that's very clear and so I'm concerned that you're having four meetings but then you put barriers in the way for people actually fully participating. Because some people are intimidated by those uniforms and so if they were going to come, they probably didn't come because of the armed guards at the door. I think part of police accountability is really having community members have certainty that when the police act inappropriately, that there is a process in place that will handle their complaints in a timely respectful manner. Just like the gentleman who was sitting next to me, I had an experience as well with cops shoving me. But there were cops around him that were smart enough to tell him that if people are doing what you asked them to do, then don't shove people around. But many people didn't have that opportunity. And so thank you for taking more testimony on this very important issue.

Adams: Thank you Ms. Hardesty for your years of advocacy on this issue.

Adams: Welcome back. Glad you're here. Would you like to begin, ma'am?

Teressa Raiford: Yes sir. For the record my name is Teressa Raiford. Also for the record --

Adams: Could you get a little closer so we can hear you?

Raiford: Yes sir. Good afternoon everyone, my name is Teressa Raiford and for the record, I am running for Portland city council and so I am here on behalf of the citizens that I want to represent. I was here to do this testimony last time. I know I got two minutes so I kind of bullet pointed what I wanted to bring up. The IPR was put in place about 30 years it followed a incident that involved my family directly, the Portland police dropped dead possums in front of our restaurant. When there was accountability made with the commissioner at that time, Charles Jordon, he was then fired. The union went on strike and the people of the citizens of Portland have not been that safe since. The system has deteriorated. The citizen review committee needs more oversight and accountability in order to help us, the citizens have a way to distinguish what's harmful to us and what's legal for us, as far as police protecting and serving us and not, you know, harassing and oppressing us. Another problem that we have and the citizens review committee, would might - they might be getting more complaints, the Portland police might be getting more support if we had more opportunities of people not being afraid of them. I go to meetings; I've heard that we have over 119 unsolved homicides, gang related. If we expect people to come and speak to the police regarding who they might have witnessed doing some type of crimes, then we have to make it safe for them to be able to approach them. It's not safe for them for them to approach, that's why we're

December 14, 2011

all here. Minorities and youth being violently beaten or killed by the police when that's the problem and your expecting people to come up and say that they've witnessed it or to file a complaint, if that is the people that are being harassed or hurt, they're not going to stand up for themselves, in the current situation that we have with the CRC is not effective enough for anyone to have value in it. I've gone to some of those meetings and when they're shut down, there's no one that's going to come back and ask for their help again, they need more help. We need to accept the recommendations of cop watch and the other various organizations that have submitted testimony on writing and here in this chambers. We need stronger oversight. I went to a couple of meetings where I've seen senators lobby to the police --

Adams: I need you to wrap up.

Raiford: Okay. Well I've seen the senators lobby to the police to stop people from getting liquor licenses and other things like that. That doesn't seem to be a relationship that we should have but if they feel they have that type of relationship, again, we need more oversight, we shouldn't have that type of thing happening. Thank you.

Adams: Thank you very much. Sir.

Tadd Hess: I'm Tadd Hess. I fully support the idea of a community council to look over the police. I've seen both really great community policing and really crummy community policing here of late. I would ask that one of the things that they are allowed to do is go in after major events like n17 like d17. And the dis-encampment of the occupiers, that the CRC can open their own investigation -- I mean, it doesn't take much, but to have an internet connection and YouTube and you can see abuse. And so I think the idea that they should be able to say, we want to open an investigation of an event, and be able to get all the pertinent information they need to do that, including records from the Portland police bureau and the department of homeland security, if they are involved. And I would say that when the third park was a federal affair and the police bureau was acting under their guise, but they still are -- or, should be responsive to the community council. So I pretty much that's about what I have.

Adams: Appreciate it.

Hess: Other than, you know, I have witnessed some really bad things. And I don't have names. I don't necessarily want my name involved in it.

Adams: I understand.

Hess: So I think that some kind of anonymity also has to -- that they have to be able to grant anonymity to accusers, that do not feel safe accusing the police of something.

Adams: Thank you, sir. Ma'am.

Jennifer Alexander: Can I ask two quick questions to clarify before I start? One is, is the IPR and the CRC the same thing or are those two distinct bodies?

Adams: They are part of the same process under the independently elected auditor.

Alexander: Okay, and then the second thing is, is last week I thought that you said that we were going to have an occupy hearing basically on Thursday at 2:00? Did I misunderstand or is that actually taking place tomorrow?

Adams: The occupy hearing was -- that was earlier in that evening. The occupy hearing is what commissioner Fish and commissioner Fritz and I listened to for a number of hours and listened to testimony on that last week.

Alexander: At the conclusion of that, you said next Thursday at 2:00 p.m. and then I heard about today and I'm just making sure --

Adams: Yeah, this was originally scheduled for Thursday. I mentioned it as Thursday, I said we have to confirm -- today is the day.

Alexander: Okay, I just wanted to clarify to make sure that --

December 14, 2011

Adams: We'll start the clock now, so you're - full two minutes.

Alexander: Thank you very much. Okay so I have a lot of concerns that obviously now is not the ideal time to address some of these. And I'm going to try to be rapid with the few concerns that I have that I think are concerning. I think that the CRC review process needs to be given more authority and I don't think that anything that I'm reading in here goes far enough because even if they find blatant violations all they get to do is recommend a change and I don't feel like that's enough. I as a citizen don't feel that I'm empowered or that there's another body that's empowered to take care of the concerns that I have when I encounter an officer or I see someone else encounter an officer in a questionable situation. I could be mistaken and I don't mean this in any insulting way, but if I understand correctly, you're the police commissioner and you oversee the force, police, and you guys are here to help us determine whether or not more oversight needs to go over that and I'm not sure that I feel confident in that whole process. I feel that the times that I have had complaints, there isn't like a cop that I can call on the cop. There isn't somebody that's able to actually enforce the violations that they're doing and I feel like that the processes that they we're given are so bureaucratic and lengthy that there is no reasonable resolution to the concerns. As I mentioned last week and you guys were here but Mr. Leonard, you were not. My friend was basically robbed by the police. I feel like that was obvious I sent two videos to mayor Sam Adams after that event, they were forwarded to his executive assistant who basically told me that the IPR would take care of that. My friend still didn't get any of her stuff back, it's gone. And I feel like if I had stolen somebody's bag, I'd be sitting in jail right now waiting for trial. But if a cop does it, we can slowly wait for the IPR process to work. And I don't feel that that's enough, I really don't. And I don't know, you know, what the answers are specifically, but while I support the amendments that are in these things, I don't feel that they go even close to far enough.

Adams: Thank you for your testimony.

Alexander: I will be in contact with you by email about other concerns that are related to the occupy that aren't relevant today.

Fish: Mayor, if I could just respond to one thing, I do remember your testimony last week and you also may recall that Mr. Herman testified. He was the gentleman that had lost his lap top and it had some cherished photographs and videos.

Alexander: Yes, yes.

Fish: And I want to say, as a result of that hearing, we were able to locate his laptop and I want to thank the police and the parks bureau people, and others, who worked on that and if there's other property that's misplaced, we'll make the same effort, but Mr. Herman got his laptop back and that hearing helped us --

Alexander: I want to say that that's wonderful for him and those were treasured possessions but I want to point out that he had to come here and testify to you guys to get his private property -- and it's required by law that those be preserved.

Adams: Ma'am --

Alexander: So that's the problem.

Adams: Ma'am he was thanking you.

Alexander: I was just responding to what he said --

Adams: I know. I know. Sir?

Alexander: But it's not complete --

Adams: Alright, sir.

Wayne Elliott: My name is Wayne Elliott. And I hope I get my laptop back. Because that's - I complained about that, and no reason I hadn't talked before, is my attorney -- I was arrested on November 13th by an officer while standing on the sidewalk at I believe the south park, which was

December 14, 2011

Chapman, but I was taking video with my galaxy tablet and I was endeavoring to upload that to my personal site when all of a sudden, I found myself face-to-face with a plastic faced policeman, and when I turned around to leave, because I promised my wife I would not get arrested, I turned around to leave, we were blocked by a garbage can and a sign and some other people to my left and a plastic mask to the side and he said go to the right, I went to the right, bang hit in the back, knocked me down. I'm a disabled American vet, I don't get up very easily, but in the process of trying to get up, and some people were trying to help me up, the officers wouldn't let them help me up and then dragged me back into the park and arrested me. Now at the whole time complaining about the fact that I had injured my back and I do have severe injuries to my back. He put his knee in the back of my back and said, "here, how does that feel?" and then they emptied my pockets and in the process of doing that, took my galaxy tablet, and I asked them when they got me down to the end of the park, I said, well I don't see my tablet. Where is my galaxy? Said, we'll take care of it. Well they took care of it. It's gone. No I've called the place where all the stuff ends up, you know the property room twice, and she said well it hasn't shown up, it hasn't shown up and then when they decided to dismiss my case and not bring me to court, then I decided well okay well I better come forward and then it was suggested I come and testify before you folks, when I heard that other people have lost their phones, had lost their laptops, had lost their cameras and anything that they were doing to take pictures of the events were gone. And the police have decided I guess that they wanted those videos more than we needed them. So my laptop is gone, I \$250 --

Adams: Your time is up but I'm happy to follow up --

Elliott: I will fill that complaint out although I don't have much hope for seeing it again.

Adams: We'll do our best. Alright last person to testify.

Adams: Fred Bryant. Are you Mr. Bryant?

Fred Bryant: Hi.

Adams: Hi.

Bryant: My name is Fred Bryant; I'm the father of Keaton Otis, who was murdered last year on May 12th. I don't know a whole bunch about all this that's going on and how I'm to approach this, but what I want to say is that this OPR thing about turning in new evidence and all of that, well I'm all for that, I'm all for truth. I'm a Oregonian I've raised five children here. All good kids. And came in to be adults and part of this society. So what I want to say is that for the last year and a half I've been through the whole documents of my son's case. And I will say to you that what is in my possession is the same thing that's in our police's possession and they do not match. They do not match. I keep hearing about truth and honor and all this stuff and here I am, a parent, looking at something -- that's wrong. How do we -- how do we do that? How do we look at something sitting in our faces and then say, oh, no, it's you know, and this is not what I know, it's what I can prove and I have a fear. To bring the truth out that something might come down happen to me. Because I'm tired of walking around in the city that I was born and raised in and pay taxes in that I can't even get justice. Period. And I will say this, they know what I have, and they know it don't match.

Adams: Thank you, sir. All right. We'll take a quick three-minute break for compassion break. [recess] [gavel pounded]

At 4:34 p.m., Council recessed.

At 4:37 p.m., Council reconvened.

Adams: City council will come back to order. If everyone will please take their seats. First off, for council consideration, I would like -- where's our -- we'll wait for -- so if city council could

December 14, 2011

please return. Need one more city councilor. Randy, I need you back here. Randy, Commissioner Saltzman, if you're here, I need you back here.

Adams: Alright, let's remember the rules. This is the part where deliberation happens and if you like something, then feel free to make an indication without making noise. Sir, did - - you wanted to testify?

*****: Yes.

Moore-Love: We had others who had also asked to testify as well, who did not sign up.

Adams: Um –

*****: I'll sign up -

Moore-Love: Once we start public testimony, we don't, we have to – let the mayor make that decision.

*****: I know Randy and I'm a former district attorney. I ran the consumer fraud department in the district attorney's office.

Adams: Well let me ask how many other people have want to sign - would want to testify?

Alright, you really are the last person. Have a seat, sir.

*****: Okay, thank you. Well thank you Mr. Mayor, for having this meeting. I do appreciate that. I don't appreciate my phone going off. [laughter]

Fritz: Could you tell me your name?

*****: As I said, I'm a former attorney and public prosecutor I ran the consumer fraud department in the district attorneys office 35 years ago, and former city - Portland city fireman, my father was the deputy chief of the Portland city fire department, I've known Mayor Shrunn, I've know most all the commissioners. For the last 22 years, Mayor, I've been involved in a horrific battle with the corruption that's going on in our court system. For trying to speak in the courtroom, I've been repeatedly attacked, choked to the ground by guards to try to keep me from speaking --

Adams: So how does it relate to the issue in front of us?

*****: Well what it relates to is that people do not have remedied all of this that's going on out there. The occupy movement is because people do not have remedy. I'm a former prosecutor, unless you can get into the court and put your injury on the record, legally it's not a fact and that's what people have been blocked from doing, is making a legal -- putting their fact -- making a record about it. I've been trying to help them and for doing that, I've been prosecuted now twelve times, jailed 300 days, I've been violently attacked by, on orders of judges, listen to me Mayor --

Adams: Sir, I have to treat you the same as everyone else. How does it relate to the city's process? You're talking about a county process.

*****: No, I'm talking about the city process. The a – on two occasions, the Portland city police stormed my house, violently arrested me, maced me in the driveway of my home, threatened my parents with arrest, on a second occasion they violently arrested me and I said I'm a former office -

Adams: When was this?

*****: Did what?

Adams: When was this?

*****: This has been about three years ago. But I told them I'm a former district attorney, I want to see a warrant, they said - and when I reached for my office [wallet] - the officer grabbed my hand through my pants, violently handcuffed me, took me out in the car, they stormed my house with a dog, pounding on the door, driving my 90-year-old mother from the house, macing in my shower, my mother's care provider, terrified care provider and unbelievable, the heavy-handedness and then when she said she wouldn't sign the document, they said, okay you're free to go. And it's this heavy-handedness of the police officers, they used to come and sit in my office, when I was

December 14, 2011

running the district attorneys office, wanting to issue a complaint. I said, people -- if they want something, they give you notice, that's called due process if there's --

Adams: All right. Thank you sir.

*****: And that's what I'm talking about.

Adams: Your time is up. Appreciate your testimony.

*****: Thank you, mayor, for this, but I said - it's time that we -- yeah, thank you.

Adams: Thank you. Alright. For further consideration -- [applause] for those of you that arrived late, there is no clapping, no noise, if you like something --

*****: [inaudible] [applause]

Adams: Folks, this is about respecting everyone's ability to have their say. And you didn't have us up here clapping during your testimony, when your testimony - so we're now moving into deliberations and you can choose --

*****: [inaudible]

Adams: I - we gave you time for your comments.

*****: [inaudible]

Adams: So we're moving -- all right. So the first motion I'd like to make is to -- given that this has had four hearings and it's been out in various forms for over five weeks and the need to have, by the end of the year to start the New Year with these revisions, I move to add the emergency clause, to 1377.

Leonard: Second.

Adams: It's been moved and seconded. Would you please call the vote on the motion?

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

Adams: We'll now move to consideration. Is there any council -- additional council discussion on any of these items before we move to a vote first on item number 1376? This is just a resolution, right?

Moore-Love: 1376, I have that a report.

Adams: Okay, I move to accept the report.

Leonard: Second.

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

Leonard: Aye.

Fritz: Well, and I want to note that the report does go into all 41 of the recommendations from the police oversight committee, 19 of those were unanimously, both by the Mayor and the Auditor, accepted as yes, and there are reasons given for why no or maybe on the other items so it has been stated that the 41 recommendations haven't been considered and the evidence in the report says that they have. Aye.

Fish: Aye.

Adams: Aye. [gavel pounded] It's approved. Please call the vote on item 1377.

Leonard: Aye.

Fritz: This is another important step in improving our police oversight. The first step led by auditor Griffin-Valade and commissioner Leonard in March of 2010 revised the system for reporting and for -- set in motion this second process. This isn't the end of the process nor is this the only thing that is going on regarding working with our police. It was inspiring to walk past occupy Portland for five weeks and see the community and police relations going on in those encampments. To see the better relationships, and the - just the talking with each other, between citizens and police officers and with giving the notice and -- well in advance of the need to close those camps, Portland did end the occupation, in a much less violent manner than other cities have experienced [audience outcry]

December 14, 2011

Adams: Hey listen, show some respect here. We showed you respect by listening. Show the other – show another citizen respect, who happens to be speaking to us. As you might not agree with everything you hear. We might not agree with everything we hear. But show a little bit of basic courtesy.

Fritz: Thank you. So the occupation at the parks has ended, the occupy movement continues and grows and develops. And is - we welcome you here today and at the previous hearings. This is part of democracy this is what democracy looks like. This is part of what democracy looks like. There are many different ways, and in my office I have the sign that says, "this is what democracy looks like" I see that every morning when I come into my office. So it's important that you're here, it's important that we participate in these issues and it's particularly important when we're talking about public safety and police actions. I believe that the police showed during the last two months that they are a compassionate people who are working for the good of the citizens of Portland. I believe that these changes will improve the oversight system. I am – I have heard and considered especially the diligent work of the league of women voters and cop watch who have been working on these issues for 10 years or more and I met with the - with members of the citizen review committee yesterday, they will be refining these recommendations, they have a meeting tonight to continue to work on them. So we're not done here. This is a step along the way. So one of the refinements that the citizens review committee will be working on with the auditor and the independent police review director is refining those protocols for what happens and what are the details of that. The council doesn't decide that. We decide more the principles and it's very clear in this direction from both the auditor and the mayor, that we are committed to true accountability and transparent oversight by the citizen review committee. I really appreciate all of the work that volunteers are doing in the community, including the citizen review committee. Who have done some stalwart work. And I appreciate the members of the council who are also citizens of Portland, and that we care about the safety of every single person in our city. Thank you mayor Adams for your leadership on this process. Aye.

Fish: I don't remember in my three years on this council, an issue that we've spent more time talking about, thinking about, deliberating, Debbie you'll correct me if there was one, but I can't think of it. And I don't just mean just the multiple hearings we've had here, I would include the briefings we've had in our offices, the communications we've received from various interested parties and the - and I'm proud of our community for this discussion. It's an important question. It's a very important subject and I - at this stage and particularly for some of you who are new to this issue. Because there are some people in this room today I - that have not been directly engaged for a number of years but you're here now and that's wonderful and you're expressing yourself and that's great. But I want to just take a moment to reflect on the fact that an enormous amount of work has been done to get to this point and I think it is important to acknowledge that a number of my colleagues have worked diligently on this. And Debbie, I think you said it. It doesn't go as far as you'd like but there has been some progress. And I think we have to acknowledge that. We have to – and so I want to take a moment to say to commissioner Leonard and to the auditor, who took the lead, a while ago to do really some of the heavy lifting, to the IPR director, to the police chief and to the police commissioner and the mayor, one and the same, I think you have -- you have brought us through a process with honor. And this has been a very thoughtful discussion and in our democracy, it is ok to disagree, in fact, it is at the heart of our democracy that it is ok to disagree and do so in a safe and respectful way and that has been my experience throughout this process and this discussion. Now, to every one who has participated, by coming here and taking time to testify, the stakeholders who have followed it, the stakeholders like Dan Handelman who live it and others who have been engaged, thank you. Because however this

December 14, 2011

comes down, what you are done is you've created a record and a record is what you can point to at some point, if somehow you feel we don't get it right. You can come back and point to that record and say I put my concerns in writing or before you and now I'm concerned that I was right and were wrong. And in a democracy, there are no right or wrong answers. We are constantly trying to get to what we think is the best answer, but there are no right and wrong. So I have spent a lot of time listening and thinking and -- and I've -- I've considered a wide range of views and I've even taken questions and concerns that are raised to me and I've in this forum asked both sides those questions and concerns to help me clarify my thinking. Ultimately for me I think this is a case where we cannot let the pursuit of perfection prevent us from making progress towards the good. You may have disagree with that. That's ok. It is ok for us to disagree. But I believe we are making progress. I believe we have arrived at a system with these changes, and the additional amendments today, of checks and balances that has the potential to put Portland in the forefront of balancing two vitally important principles. The dual needs of community safety and public oversight of law enforcement. Today in voting yes, I do so with my hope and frankly with the assurances that we've had through this process that the council will exercise its ultimate oversight power to assure the success of our hard-won progress. Aye.

Adams: I want to thank everyone who testified, especially the citizen review committee through it's parc report. I want to thank Albina ministerial alliance, police oversight committee, copwatch, the Oregon league of women voters who have for years invested in constantly improving the transparency and accountability of keeping the peace. Just to have the legislative record clear from my point of view, amendment 3, contrary to some of the testimony, clearly is written in a manor as intended in which new evidence is allowed. Unlike some other Council processes, as land use process, you are not limited to just the record. There is no limit on what you can say, new information can be brought before the crc. And that can and should be -- I mean, that's an important platform that is an important point for people to say whatever they want. And as part of these changes, that is then now, for the first time, very, very clear that is something that if appealed to the city council is part of what the city council can consider as well. And just to note that any supporting evidence, it isn't just -- it says clearly that the council can ask for and receive any supporting evidence regarding this matter. And in terms of the two additional voting members, it's the protocol as I understand it, of the crc that previous crc members because of their experience in what can be a lot of -- requires a lot of depth and commitment and time, to sort of really get -- I think a good feel for the process, that if there are vacancies or if there's a need for members of the crc spot to be filled they can rely on previous members of the crc so that was a concern that was raised. Um -- the last thing I would say is that this is one of the most robust and aggressive systems of police oversight in the united states. It emanates from an independently elected official, who is not beholden to us. An independently elected auditor who hires and fires, in this case, her staff, experts, based on what she thinks is the best expertise to handle this independent oversight. That expertise is appealable to a citizen review body that can recommend -- that the work of the independent auditor's staff and work of the police bureau, they can say the record, the process, the conculsions-- the way that the allegations are framed are wrong and need more work. And if you don't like -- if we as Portlanders don't like the way that the huge part of oversight system is working with the auditor, she has to stand for reelection and i'm not aware of an independent police review process where the person in charge stands for election. As police commissioner, I have to stand for election as well. We have made significant changes two years ago in march. Significant improvements. And I think that they are bearing fruit. But as my colleagues have said, this is about a process of continuous improvement and transparency and training and accountability and we remain committed to it. Thank you all. I would like to thank clay neal and my staff in addition

December 14, 2011

to the auditor's staff for the great work and folks in the bureau as well. Aye. [gavel pounded] we're adjourned.

At 4:57, Council recessed.

December 15, 2011

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.

DECEMBER 15, 2011 2:00 PM

Adams: It is thursday, december 15th, 2011. It is 2:00 p.m. And the city council has come to order. How are you, sue?

Parsons: Very well, thank you.

Adams: Staying warm?

Parsons: Yes.

Adams: Reasonably so. Will you please call the roll? [roll call]

Adams: Quorum is present. We shall proceed. We have two related items and a 3:00 time certain. Can you please read the titles for 1378 and 1379.

Items 1378 and 1379.

Kathryn Beaumont, Chief Deputy City Attorney: Good afternoon. I have several announcements I need to make before we begin the hearing. These are a announcements that are required by state law and our city code. First, as to the kind of hearing we're having today, it is an evidentiary hearing. This means you may submit new evidence to the council in support of your argument. Next, concerning the order of testimony. What's before the council is the hearings officer's recommendation on the proposed comprehensive plan map amendment and zone change. Testimony concerning this recommendation will be heard in the following order. The council will begin with the staff report by bds staff, following the staff report the city council will hear from interested persons in the following order -- the applicant will go first and will have 15 minutes to address council. After the applicant, the council will hear from individuals or organizations who support the applicant's proposal. And each person will have three minutes to speak. Next the council will hear from any persons or organizations who oppose the applicant's proposal, and again, each person will have three minutes. If there was testimony in opposition to the applicant's proposal, the applicant will have five additional minutes to rebut testimony given in opposition to the proposal. The council may then close the hearing and deliberate. The council may vote today on the hearings officer's recommendations. If the vote is a tentative vote the council will set a future date for the adoption of findings and a final vote on the hearings officer's recommendation. If the council takes a final vote on the findings and recommendations today, that will conclude the matter before the council. And again, the hearings officer's recommendation is embodied in two documents, one a set of findings in a written decision, and the second, an emergency ordinance. Finally, i'd like to announce several guidelines for those who will be addressing city council today. First, any letters or documents you wish to become part of the record should be given to the clerk after you testify. Similarly, the original or copy of any slides, photographs, drawings, maps, I have rose quarter, or other items you show to the council during your testimony, including power point presentations, should be given to the council clerk to make sure they become part of the record. Second, any testimony and arguments and evidence you present must be directed toward the applicable approval criteria for this review, or other criteria in the city's comprehensive plan or zoning code that you believe applies to the decision. Bds staff will identify the criteria as part of

December 15, 2011

their staff report to the council. Third, you must raise any -- an issue clearly enough to get the council and the parties an opportunity to understand and respond to the issue. If you don't, you'll be precluded from appealing to the land use board of appeals based on that issue. Finally, if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the council to respond, the applicant will be precluded from bringing in actions or damages in circuit court to challenges the conditions of approval. That concludes the opening announcements I need to make.

Adams: I have three questions for the city council. Do any members of the city council wish to declare conflict of interest? Hearing none. Do any member of the council have ex parte contacts regarding this matter to declare or information gathered outside this hearing to disclose? Hearing none, is there any reason any member of the city council needs to raise before we get into the hearing? I hear none. All right. First we'll hear from staff. And feel free to be brief.

Kathleen Stokes, Bureau of Development Services: My name is kathleen stokes, i'm staff at bds for this case. Which is lu 11-138415cp zc. Applies to what was formerly referred to as the north parcel of the adventist academy campus at southeast 100th and main. The proposal is for a change in the comprehensive plan designation for this parcel from central residential to central employment. And a concurrent zoning map amendment from ird to exd. Applicant's representatives proposed the allowed buildout for uses allowed under the ex zone. Be limited to they would generate no more than 998 p.m. peak hour motor vehicle trips. A portion of these trips would be required to be retained only for residential development so that the minimum residential density requirement for the site can be retained. The approval criteria for these reviews are those for comprehensive plan map Amendments which is found in code section 33.810.050a, and for zoning map amendments in code section 33.855.050. You see here the zoning map with the northern parcel darkly crosshatched than the remaining -- what will remain as campus for the school in the south, and which would remain with the ird designation. Proposed zoning shows that again with the ex on the northern parcel. There's a conceptual site plan here with the existing development that's on the site as it sits today. There's a building that is attached to the high school that would be detached if this request is approved, and a parking -- small parking lot off 96th also serving the high school which would be removed as well. Aerial photo showing the same thing with the development on the site. Portland adventist medical center to the east, freeway to the west, to the south residential development, and a mixed assortment of various types of development to the north, including part of the adventist medical center campus and beyond that, the mall 205 shopping center. Site currently largely vacant. Development consists of an addition that I mentioned previously that extends from the main school building, some playing fields, and accessory structures associated with those and then the small parking lot that I mentioned. The site's bounded by southeast 96th and a pedestrian connection ramp crosses over the i-205 freeway on the west and the east side is bounded by southeast 100th avenue, which is the the western boundary of the adventist medical center campus. The site's currently enclosed with six-foot-tall chain link fence which goes around the entire property, so it's on all street frontages. The north side of the campus abut southeast main street. This use shows that portion of the medical center facility that I pointed out in the aerial photo and then beyond that the large building that you can see on the right side of the slide is one of the commercial buildings at mall 205, and this is just a closer view of that building. The intersection at 100th and main is the northeast corner of the site. And it's also a main entrance to the adventist medical center, which you can see with the large logo sign here. This view is of the north property line of the site looking to the east along southeast main street, and here is the same property line on the north looking to the west on main. This view is a portion of the site looking to the south from main street. And again, same -- there's a park and

December 15, 2011

ride across from the property on main street, and also a bus shelter on the north side of the street, directly across the site. To the west the intersection at southeast 96th and main with the east end of the pedestrian Ramp that crosses over the freeway. You can see there's quite -- you will see there's quite an assortment of different modes of transportation that come together at that intersection. Here's southeast 96th on the west side of the site. On the left is the embankment for the east side of the freeway, and there's also an exit ramp for the freeway there. To the north of the site along southeast 96th you can see the -- just another view of the same -- the freeway and the pedestrian bridge that crosses over the freeway, and the vehicular access to that street. Here we are back looking at the main entrance to the school currently existing main entrance to the school on 96th avenue. And the small parking lot that is currently adjacent to the school, access to the property on the site will have to be made available for the type of development that could occur under the requested e.x. designation. Currently this limited access isolates the campus from the surrounding area, so a change in zoning would encourage opening this up to become a more interactive part of the community. The requested e.x. designation also will be more likely to encourage type of development that would support the residential community, encourage growth of the commercial community, linking more closely the commercial development that exists at mall 205, and the residential community to the south. It will still be a buffer, but it will make a more fundamentally incorporated community in the area. Conditions of approval that would limit buildout so that transportation system and the sanitary sewer infrastructure will not be overburdened by the uses can be allowed under the e.x. designation. The multimodal transportation options that serve the site can be well utilized by the mixed use development. It would be allowed under the proposed designation. Redevelopment opportunities under the e.x. designation will be more likely to support the abutting light rail that you can see here in the southeast main street station area. All of the relevant approval criteria based on some of the things i've discussed here were found to be met or could be met with conditions of approval that would limit the ultimate buildout of the site, and preserve the required minimum residential density. The central employment designation equally or better meets the objectives of the city's comprehensive plan and it will encourage more commercial development that will strengthen the adjacent commercial area and support light rail, as i've already mentioned. The e.x. designation supports these goals better than the existing r.x. designation, and a condition of approval would still ensure that the minimum residential density for the site will be preserved. The e.x. designation agrees with the requested comprehensive plan designation, and preserves the existing design overlay. Allowed maximum buildout would be somewhat limited to ensure the transportation system's adequate for the amount of motor vehicle trips generated, and to ensure the capacity of the public sewers in the area. With these conditions, which are described in detail on the finding of the hearings officer's recommendation, these requested map amendments can be approved. The final slide here gives a little bit more detail on the recommended conditions of approval as I was requested to try to hurry, I think I will leave you to read those on your own or ask questions if you have them. Thank you.

Adams: Questions from the council?

Saltzman: I guess I was just curious about the constraints on our sewer system, the sanitary sewer in that area.

Stokes: I have representatives from bureau of environmental services here who can answer those questions more fully, but just briefly, the cherry park pump station has the capacity limit which could be exceeded if the maximum buildout that could be allowed under e.x. were undertaken, so therefore there was a condition that place as limit on the flow that could be likely to occur from a certain level of buildout and that -- the details of that were worked out between the engineers hired by the applicant and those of the bureau of environmental services.

December 15, 2011

Saltzman: And that's part of why one of our conditions of approval is -- a restriction on the buildout.

Stokes: That's correct.

Saltzman: Thanks.

Adams: Thank you very much. We'll now hear from the applicant. Welcome.

Fish: Mayor, do we have someone opposing this application?

Adams: Is anyone here to oppose? No.

Fish: We always like to let our applicants know we have a record that we've read and if there's no opposition, you should take that into consideration as you make your presentations.

Ryan Schera: Good afternoon. Ryan schera, we are the applicant's representative, and really we'd just like to thank staff and they've been a pleasure to work with on this project. This project actually goes back probably to july 2009 where we had initial meetings with susan anderson at commissioner Leonard's office and this is a result of those meetings. It's been two years in the works, and concurrently to this application just so you know, there's a conditional use master plan for the remaining portion of the school which is the large parcel to the south. So the school has intentions of revitalizing and being a long-term neighbor to the rest of the neighborhood, and also with that master plan to the south is a new skilled nursing facility, which also lend intern opportunities to the students at the school. That conditional use master plan is three phases over 10 years, and the reason for parceling off this north portion is it's excess land and the school kind of came up with the brilliant idea of, ok, how are we going to fund our improvements for our school to the south? Well, we're in the gateway plan district, we're across the street from light rail and we're across the street from mall 205, how about we do ground leases and the income off the ground leases can pay for our master plan upgrades over that 10-year period? So big picture, that's really what's going on here. And each of the bureaus have put limits and caps so we don't surpass any capacity in terms of transportation or sewer. So those have been vetted and really, this is actually a great project for a gateway plan district, and really the conversion from ird to exd will support a more of a mix of uses that are supportive of the gateway master plan. Thank you.

Adams: Questions from the city council. Thank you, sir. Any supporters of the applicants wish to testify? Any opponents of the applicant wish to testify? Any rebuttal perceived as necessary by the applicant? Any council discussion regarding this matter? Where does that leave us?

Leonard: Move to accept the recommendations of the hearing.

Adams: It's been moved to accept the recommendations of the hearings officer.

Fish: Second.

Adams: And it's been seconded. Unless there's additional discussion, please call the vote.

Leonard: Aye.

Fritz: This is excellent staff work and also very good work by the applicant. I'm really excited to hear that you're using this mechanism hopefully you'll get the project going soon. I encourage you to make it as intense as possible. Thank you very much for your work. Aye.

Fish: Aye.

Saltzman: I just want to thank the staff for their great work, but also thank the school for what looks like a good idea to use the -- that northern property to help finance school improvements. Great idea. Aye.

Adams: Aye. [gavel pounded] please call the vote on emergency ordinance item number 1379.

Item 1379 vote.

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

December 15, 2011

Adams: Thanks to the staff for processing this, really appreciate it. And thanks to the applicant and your team as well. This is a fantastic project, a part of town that will benefit greatly by it. Aye. We're adjourned -- we're in recess until 3:00 p.m.

Fish: Is there any chance we could do 1381?

Leonard: I don't see the winterhawks here.

Adams: I would -- they're expecting -- we'll make 1380 as fast as possible. [recess]

Adams: It is still wednesday, no, it is not. It is still thursday. Welcome to the time warp. It's still thursday, it is december 15th, 2011. We have a 3:00 time certain and by the time we read all the preliminaries, is that clock slow? We have two minutes. So Karla, how are you?

Moore: I'm well.

Adams: Ben, how are you? Big plans for the holidays?

Ben Walters, Chief Deputy City Attorney: Yeah. My kids are going out of town so my wife and I are going to be enjoying a brief respite where all we have to do is work around the house.

Adams: Music to the employer's ears. We have to kill one more minute. Karla, what are you doing for the holidays?

Moore: I'm off all next week.

Adams: What are you going to do?

Moore: I'll be at springfield at my mom's, mostly here.

Adams: My sister cuts hair there. If you need a haircut, she's right down there on fourth street, springfield, Oregon. I probably broke a few laws on that. Kim Adams. I think it's called the fourth street salon. She's good at it. She has steady hands, unlike her brother. Older. She'll kill me. That's hopefully not on the air. I guess it is, please read the title for item 1380.

Item 1380.

Adams: Who's coming forward to provide a report? Don't be afraid. You didn't want to approach the table, did you? I'm very pleased to really provide an opportunity for the council to hear a report on what I think is one of the best community plans, neighborhood plans, and now action plans, and it really is testament to the bureau of planning and sustainability, a whole bunch of partnerships in the city, with other bureaus, but the great folks from this part of town who really have put their heart and soul not only to the plan but to make it happen.

Debbie Bischoff, Bureau of Planning and Sustainability: The cully-concordia action plan is a result after planning study that took part in 2007 and '08 that looked at the success of families with children and the broader community in part of concordia and most of the cully neighborhoods. The cully-concordia community action plan was developed and is now being implemented my city bureau and other agencies in a vast array of community stakeholders. City council approved the cully-concordia community assessment report and action plan back in november 2008, and in november 2009, you were presented the first highlights report. Two years later and now we're going to share with you the results of the activities and achievements of the last two years and also talk with you about the activities underway in this coming year. As you know, this part of northeast Portland and for those in the audience, the study area, northeast 28th to 82nd and northeast prescott to columbia boulevard, is an area where there's a lot of challenges, deficiencies, and programs facilities services such as inadequate streets, lack of developed parks, and community center, lack of neighborhood serving businesses, and school facilities that are in need of accommodating students and in need of other improvements to meet the needs of the students and family in the area. There's also areas of poverty and there's language barriers.

Adams: When was the area annexed to the city?

Bischoff: The area in the cully neighborhood was annexed in the mid 1980s. A community rich with diverse cultures and languages, active residents, business people, and community

December 15, 2011

organizations, committed educators and service providers. As you can view in exhibit 1 of your packet, there are numerous projects and activities completed underway and planned. By a variety of stake holders to improve the cully-concordia area for families and the greater community. I want to quickly highlight a few of the key city accomplishments and activities. The bureau of transportation safe routes to schools program has been active in cully-concordia schools, engineering reports have been completed for faubion, scott and now rigler and safety improvements have begun. The city has funded classes that Portland community college volunteer literacy tutoring program has administered for adult english speakers of other languages. This is really important for the adults to be able to learn english to assist their children and schools, but also for their own education and employment advancement. The bureau of planning and sustainability also convened a broad-based group of agency and organizations to complete an early childhood needs assessment to understand conditions and make recommendations to improve the lives of parents and young children 0-5 years old. And we believe this is the first needs assessment of its type in Multnomah county. Multnomah county early care and education committee has adopted the report with recommendations and is in its work program for the upcoming year. The city's funding application to the Oregon transportation and growth management program for a cully main street and local streets project was approved and \$100,000 was provided for the bureau of planning and sustainability and the bureau of transportation to complete the project. The planning effort will propose rezoning of selected properties along cully boulevard and killingsworth street area to allow more businesses in this business-deficient neighborhood. It will also develop a local street plan to improve connectivity, offer new and cost effective and green street design and funding options to Facilitate community prioritized local street improvements. Last but not least, and I know the mayor will appreciate this, the cully boulevard green street opened in may to the cheers of the community.

Adams: And it looks fantastic.

Bischoff: And it works fantastic. City-led or funded activities for the next year include the safe routes to schools program will complete safety improvements based on available funding, with the city's continued funding of the adult english for speakers of other language classes, those classes will continue and there's partnerships with hacienda community development corporation and Portland public schools, specifically rigler school, to bring about and educate more adults in this english language. The bureau of planning and sustainability and the office of transportation will develop a staff report with recommendations for the cully main street and local street plan project and will bring forward to you those recommendations forward to the commission and city council at public hearings in the spring of 2012. Portland parks and rec is busy also and they will be completing a neighborhood park master plan with the community for a park site at 52nd and alberta street. They will also continue to work with community on phased development of thomas cully park. Finally, Portland development Commission staff will continue to work with business community and the broader community in establishing neighborhood prosperity areas around cully boulevard and 42nd avenue main street. This is an exciting time for the cully concordia area as numerous initiatives all in line with the goals and objectives of the Portland plan and its equity emphasis are happening with broad-based community partnerships that are a foundation of what this community is all about. As I close my presentation, there's just a few things I want to note. Gary witnessesers from con-- withers from concordia university asked me to add one more highlight to the highlights report, and it's a concordia university accomplishment. He says concordia university has allocated 52% of the usable time on its new concordia university and community athletic complex for community use. Its partner, northeast united, is now recruiting over 50 regular school students for a new nau soccer program. And this implements action item 3f,

December 15, 2011

which speaks to creative partnerships in the provision of recreation services. I just want to let you know there's city staff in the audience if you have questions from the bureaus of transportation, parks and rec, and i'm not sure if pdc is here, to answer any questions you might have, and that of course the community partners, those who are able to attend today, there are many in the audience And some of them would like to share their thoughts. Thank you.

Adams: Thank you. Any initial discussion? All right. Principal kristie? All right. Do we have people signed up?

Moore: We have eight people signed up. The first four, please come up.

Adams: Welcome back. Glad you're here. Mr. Espana, would you like to go 1st?

Rey Espana: Mayor, thank you it's always a pleasure to be with you, commissioners, welcome. I just want to take a minute of my time and say how privileged I am to be here on behalf of naya and personally to really celebrate the work that my colleagues and I have tried to do in the community.

It's been met with great response. I think the achievements, the accomplishments that we are promoting I think is the tip of what we can do. I think the work that i'm doing more recently in the area of the neighborhood prosperity initiative has met with just great response by residents, and our local business people to take it to the next step. So I am respectful of your time and my colleagues' time, I just want to say on behalf of my staff anything naya can do we will continue to support the work of my partners in the community, we look to some innovative and creative solutions for many of the challenges that face our residents. So I just want to thank you for all your support over the years, and again, I look to you for continued leadership and support as we move forward. I appreciate your time.

Adams: Thank you, sir. Hi. Welcome.

David McKenzie: Thank you. David mckenzie with pcc, the volunteer literacy tutor program. I'd like to extend our thanks for supporting our program and helping us. I would just like to update you briefly. We have just in terms of numbers we have 42 students signed up at rigler school and salon, we partner with Portland public schools and hacienda, and for a total of 600 hours so far, we have eight volunteer tutors, and i'm quite staggered at the support we get in the community. So I would just like to thank you on behalf of the tutors and the students. I'd also like to mention that we are actually opening another site at the pcc metro work force center, so we'll be partnering with the state they have a presence at that site as well with a view to increasing work skills and so on and so forth. And the other thing I wanted to say is -- I wanted to echo, I just met ray outside, so there was one other thing I didn't write it down. [laughter]

Adams: Welcome to our life. [laughter] thank you for leveraging very modest amount of staff availability and your own extra efforts to leverage all the Volunteer help. We appreciate it.

McKenzie: Thank you.

Fritz: When it comes back to you, just email us.

Adams: Raise your hand, we'll call on you. Sir.

Nathan Teske: Yes. My name is nathan teske, the director of community economic development at hacienda cdc. Our director sends his regrets. Hacienda owns 300 units of affordable housing in the cully neighborhood. We have -- and we also own the ortiz community center that probably many of you are familiar with on killingsworth. We have been involved in many of the projects that debbie has worked on, kudos to debbie, you have a excellent staff person in debbie bischof. For your information, besides affordable housing development we have programs and services in the areas of youth and family services that focus primarily on the neighborhoods where we have housing. In the cully neighborhood and a small property in st. Johns. We also have a homeowner ownership and foreclosure prevention program and have participated in the mortgage payment assistance program for all of Multnomah county, and my department community economic

December 15, 2011

development, which includes adult education including the esl classes david mentioned, spanish language, adult education programming, so that spanish speaking immigrants can obtain their degrees, we have over 70 graduates in that program, including some folks Over the age of 60 who have obtained their primary school education in their native language of spanish. We have work force development programming in the area of green jobs, green technology, and we have a microenterprise development program made famous perhaps by -- most famous by our tamales and the program that sells in 11 farmers' markets, and uses the commercial kitchen that hacienda owns in the community center. The energy that has developed out of our microenterprise training and working in the latino community where starting a business is almost second nature to a lot of folks who are -- who live in the u.s., but in their home countries often aren't able to get jobs, and starting a business is in their blood, we have convened a group of about 35 latino entrepreneurs, far and beyond the cully neighborhood, indeed the entire Portland metro area. Most of whom have come to our training around the idea of developing a latino public market. We have prioritized cully and concordia as our first choice, but if it's not available, we are look at other sites in Portland as well. We met with the mayor back in july, thank you mr. Mayor for that meeting, and we are looking for support for what we think is a true community-led economic development project that would be transformative, we believe, to the latino community not just in Portland but the metro region. So I would be happy to speak to Any of the other commissioners about this project. I know commissioner Fish know as little more about us, he's been out at our properties and seen a little more of our programs in action, but we are very excited about this project, and hoping to meet with anyone who wants to hear more about it.

Adams: It's a really great project, and we continue to do -- looking for opportunities to participate with you on our side, so we're probably the end of january we'll be able to get back together -- welcome.

Laura Young: My name is laura young, the transportation chair for the cully association of neighbors. And i've lived in cully since 2004. I'm here today on behalf of the cully community to thank you and to thank the city planning staff, pbot and the bureau of transportation for their exemplary work. They have done to identify unmet needs in cully and prioritizing and implementing select actions across diverse range of areas identified by the community. The support and guidance provided by the city planning staff and the development of the cully concordia action plan has fostered an unprecedented level of communication, cooperation, and unified commitment among our many and diverse community partners, organizations, and individuals, and it is an effort which I am proud to be a part. Cully has experienced a great many successes, and community improvement since the implementation of community action plan, and we look forward To continuing improvement as our goals become realized this coming year. I would also like to thank the council for their ongoing support in this endeavor, in particular, mayor Adams and commissioner Fritz, for their tremendous support and advocacy creating social and economic equity in all the communities to which you have given a voice. And the rest I will leave to people who are a little more skilled since they are all here.

Adams: You're very kind. Thank you all for your great work. We really appreciate it very much. Next three? Four?

Adams: When you look at annexation map, this part of Portland was annexed between 1981 and 1990. So we have between 130 and 120 years to make up. And thanks to you we're getting there.

Evans Martin: My name was evans martin, i'm the vice chair and land use representative for the cully neighborhood association of neighbors. I would just like to say we're thrilled at the opportunity to address long stand economic development needs through providing funding and

December 15, 2011

support through pdc, i'm talking about the mpi, sorry. For the community come together and develop its own economic development strategy. Locally raised funds through commitment funds and tiff financing are given the opportunity to shape what the economic district will look like and how it will best serve the community. There's an electricity in the air in cully, a synergy happening between city initiatives such as the cully-concordia action plan, the main street initiative, cully green street, the mpi district of 42nd avenue and cully boulevard and the comp plan update and all the hard work of nonprofits like naya, hacienda, verde's championship, and the 42nd avenue business district main street initiative. Central northeast neighbors small grant program has made a lot of smaller projects that wouldn't have been funded happen. Years and years of hard work from these various sectors are culminating? What feels like a welcome cascade of change. Repellants and stakeholders have a great appreciation for all of this investment and faith that will continue to develop. It has taken a long time and a lot of patience and we're starting to say the payoff of all the work that's made possible to truly innovative initiatives like the mpi and exciting partnerships like verde's work with Portland park. I am excited to see all the goals of the action plan coming to fruition, and especially how the mpi can take that to the next level. And in particular, we would like to thank you, mayor Adams, for your commitment towards helping the neighborhood combat the challenges at the current economic climate has brought. We spoke and you were obviously listening. We would also like to thank can Debbie bischoff and her team for their dedication and unwavering commitment for creating the -- action plan to succeed. I cannot tell you the number of times i've seen them hard at work in the neighborhood on the weekend, into the night. It never stops. Also you can reach them any time for email, they can give you all the files you need, they're never grumpy, it's amazing. We're hopeful that the future that in the future the city will find a way to provide bus service along cully boulevard that connects residents to local neighborhood staples, but we also look forward to continuing our work with the city. We are beginning to see the payoff from all of the collective work, but we are a long way from the finish line and we're assured this long-term success will be continued to see to fruition with these partnerships with the city. Thank you guys so much.

Adams: Thanks for all your work. Appreciate it. Welcome.

Anne Rothert: Hi. Thank you, my name is anne rothert. I was born and raised in concordia, and I was involved in -- when 42nd avenue was a target area, so I feel like 42nd avenue is sort of the little engine that could. And we're finally really getting there. I also want to thank debbie bischoff for her work, and you, mayor Adams, for the neighborhood prosperity initiative. It's great to see things really coming to work. I also work for the child care improvement project, so am particularly interested in the education and early care piece of the plan. And one of my hats is also, i'm a member of the early education committee of the early childhood council of Multnomah county, and I am here to present a letter to you from the committee written by the two current cochairs in which they support the plan and they also -- support the idea this plan be replicated, used as a model to replicate throughout the city as other areas look at issues of child care, which is also a work development issue and a small business development issue. And one of the recommendations is to expand the availability -- eligibility capacity and affordability of preschool and child care programs in the area and to identify and create indicators to evaluate future progress. So I just would like to present copies of this letter to the council. And I want to thank you for all your support of this and just watching 42nd really come to life.

Adams: Thank you very much. Appreciate your work. Hi. Welcome.

Anya Holcomb: Hello. My name is anya holcomb, and i'm a resident of the cully neighborhood as well as a pastor at mosaic church in northeast Portland. One goal of the cully-concordia action plan, number 4c, is to build connections with faith communities and to explore partnerships

December 15, 2011

between churches and schools. Over the past few years, i've witnessed the immense value of faith communities working alongside other organizations through partnerships mosaic church has developed with schools, churches, and nonprofit organizations in the cully neighborhood. Examples of two such partnerships include mosaics relationship with harvey scott school and the northeast emergency food program. Recent outcomes of the mosaic harvey partnership include mosaic care for staff through a complete remodel of the staff lounge and monthly staff appreciation gifts. More mosaic support for students through classroom volunteers designed to teach kindness, respect, and positive leadership skills.

Adams: Where were you yesterday when people were yelling at us? We needed you here:

Holcomb: We'll bring it down here. Ongoing school yard maintenance and beautification, and an annual holiday craft fair for harvey scott families. Mosaic partners with the northeast emergency food program, nefp, located in the heart of cully by contributing food and volunteer hours. Mosaic is also collaborating with nefp to develop a program called land into food and employment. The goal of this program is to use undeveloped land in cully to offer sustainable, organic food options while providing jobs within the neighborhood. Just last week mosaic and nefp facilitated the provision of 30 food boxes for harvey scott for families in need during this holiday season. Mosaic plans to continue our role of forming partnerships that address community needs in cully. We envision a mentoring program that provides cully children with access to trustworthy, caring mentors. We envision being a resource to other faith communities who desire to establish partnerships with cully schools. We envision supporting the neighborhood prosperity initiative, cully boulevard main street development, we're thrilled cully was chosen, thank you so much to everyone from the city who played a role in this. And finally, we envision partnering with cully neighbors to support the replacement of the town plaza and its sex industry establishments located at northeast cully and killingsworth. With establishments that will promote neighborhood, health, and livability. The owners of the town plaza are currently under federal investigation for money laundering and widespread prostitution operations. A 50-page affidavit documents the interviews and eye witness accounts of illegal acts that regularly occur within these establishments. The harvey scott principal stated middle school girls had been propositioned as they wait at the bus stop directly across the street. Multiple sources including neighbors, nonprofit organizations, law enforcement, and schools have expressed a desire to see this business replaced by an establishment that will bring a positive presence to cully. In closing, our hope is that mosaic's example of community partnerships and collaboration can serve as a model for faith-based work as we continue to carry out the cully concordia action plan for the good of our neighborhoods and our cities. Thank you.

Adams: Thank you. And thanks to your organization, just absolutely fantastic. Appreciate it. Speak of fantastic organizations, athletic facility looks great.

Gary Withers: Well, gary withers from concordia university, we're extraordinarily grateful for your leadership, debbie bischof's incredibly catalytic leadership, she's a sine qua non --

Adams: What does that mean? It's a fancy private school --

Withers: That without which nothing. So she is the one.

Adams: Let the record know commissioner Saltzman knew exactly what it was.

Withers: And we are very grateful for your leadership and support, particularly the support of commissioner Fish. We received a wonderful partnership grant from the Portland timbers and that along with support from our friends at nike have played a huge role in the development of field. And I wish I could share with you a huge picture of the nike mlk community store's holiday party last week on our field at 25 degrees with about 60 kids from the elementary school all running around having a wonderful time. None of the kids wearing coats, that bothers me as a grandparent,

December 15, 2011

but other than that, everyone was having a wonderful time. When I have been here in the past, we've talked about goal 3k, which relates to library use and lack of library resources, and two years ago concordia opened the George White Library and Learning Center. We're pleased to report that nearly 2,000 free community library cards have been issued, the library is constantly filled with members of the community, over 150 different community groups have used the facility free of charge, and last week was just a prime example of that. We have five or six community groups, including about 100 members of the community there for a little symposium on closing the achievement gap. And moving forward, I want to mention three quick things. One is that Concordia remains very committed to our partnership with Faubion Elementary School. We're in discussions with Portland Public Schools hoping the next bond measure will be announced soon, looking forward to the renovation and the rebuilding of the elementary school, which should include them, we hope, and early childhood development center as well as the health clinic as well as an opportunity to have a collaborative location with our College of Education. We anticipate continuing to work with the school at a level where we're really signing on as part of the accountability equation for improving the achievement of the 425 students there. Over 200 of our students nearly every semester are there working with the students on a regular basis. Also we're pleased to announce we'll be launching a partnership with Naya Child and Family Center starting in January, focused again on academic tutoring and mentoring, and finally, we are launching a program online to start with related to homeland security and we know that presents both economic and other opportunities for public safety organizations in Portland and beyond, and we look forward to working with each and every one of you and you, Mr. Mayor, on that opportunity. Thank you for those kind words.

Adams: Absolutely. Thank you all very much.

Fritz: Before you leave, I want to have a personal thanks to Concordia University for being an exemplary part of our community you've graciously hosted the office of neighborhood involvement and other organizations I'm connected were to your facilities and you also do the volunteering in the community. Your staff and students are exemplary. Thank you.

Withers: Our pleasure. Thank you very much.

Moore: Two more have requested to speak.

Adams: I want folks to know city-county partnership on the MPI. Welcome. Glad you're here. Would you like -- why don't you begin.

Tony Defalco: Thanks. Hi. Tony Defalco, the coordinator of the Let Us Build Cully Park Coalition. This is a coalition of 17 community serving organizations in the Cully neighborhood. Including Verde, Naya, Hacienda, Rigler School, Scott School, PCRI, and many others. Wanted to report to you some excellent progress we've made over the last year to bring Cully Park to life. Cully Park as you know is a closed and capped 25 acre landfill in the neighborhood. We've done a lot of work in terms of addressing the predevelopment activity necessary to building the park, including soil assessment, public community garden site. And for that we want to thank the Bureau of Environmental Services and the Portland Brownfield Services Program for championing the effort and bringing resources to the table to make that happen. We want to thank Commissioner Fish and Parks Bureau for their support in bringing the park to life and helping us address the issues in order to build the park. We want to specifically identify the catalytic effect that this park can have on the community. This is one of the most park deficient neighborhoods in Portland, 13,300 people in the neighborhood. One 4.6 acre park with no developed facilities on it for children to play. So you need to access places to play soccer, football, things like that. In addition to providing park amenities, it provides an economic opportunity. Full buildout of the park is \$18 million. We've created a phase one design that's around \$2-3 million and our goal is to create opportunities for

December 15, 2011

local residents who are experiencing high levels of poverty to be able to access those economic opportunities in terms of job training as well as job opportunities to build the park. So it's a win-win. Creates jobs and park amenities—exercise, outdoor experience. Thanks to Debbie and bureau of planning and sustainability for highlighting areas of lack of access for young kids to be able to play outside in a safe space and assisting us and bringing that to life, so thank you.

Adams: And when you are not doing this kind of volunteer work, what do you do?

Defalco: I'm being paid part-time to do this work by verde. I'm housed at naya currently.

Adams: Thank you. Thank you for your work.

Adams: Welcome.

Kristie Cunin: I'm the principal at rigler, and I am one of the larger schools. And I was interested to know that faubion got hooked up with concordia, and I want everybody to know that we are available, and we would love to have a partner. [laughter]

Adams: There, we just made a connection.

Cunin: I will be talking to you, and thanks for having us. Debbie has been phenomenal in working with our community to highlight some of our needs, and help us advocated for ourselves. We're isolated out there, in the east part of the city, and it has been great to see the improvements. I wanted to give you a pit of the school perspective and how the improvements affect us, and to give you an idea of the needs that we still have and ways that we think that we could affect the community, particularly, referencing goal number one, the multi-purpose centers as a community and wanting to offer our school as a way to get that need met. And three out of every 10 persons is a child, wherein the rest of the city, it's one out of every 10 people. So we have a huge number of small kids coming to school. You may have kept up with the news about the enrollment balancing and pps and know that our school, after the many trials and tribulations, has been determined to be too small to house all of our kids. But once and for all, just like we said, too small, so our kids last year got moved to vernon, this year, we are k-6, the only one in the district. But we fit. And next year, it looks as if we'll be a k-5, and our middle schoolers will have to move once again. My middle school kids have been moved eight times in the last 10 years. So my kids need a home. My families need to know that their kids are safe and where they are going to go from year-to-year, and so do the kids. Our families come with lots of skills and lots of opportunities. Lots of rich cultural and linguistic diversity, but they are lacking a lot of services, and while the neighborhood is getting developed and things are happening, we still need sidewalks. We need buses. And we need health care. We need businesses that provide services to families beyond the auto zone and the couple of things that are out there. We would love to a better facilities to open our library for the community.

We would like to have sports facilities that could be open for the community on weekends. We have talked a lot about adding to our campus. We have a huge campus that's nearly 10 acres. Much of it unused during the school day because we cannot supervise that many children on 10 acres. We don't have enough staff to do that. And to put other buildings on that might house mental, dental, mental health services that might have meeting spaces for, for learning for parents for students, faculty, small business. The movement starting in the neighborhood that's powerful, and we would like to assist parents by providing a space for that to happen. So, to give you some ideas, we are ready. We have a two-way spanish immersion program that meets the needs of our kids because half our kids are coming to school with native speakers of spanish. Very successful program, so we're really incorporating that aspect of the community, and am I out of time?

Anyway, we're open. We want to collaborate with the city, and we thank you for what you have done so far.

December 15, 2011

Adams: Thank you to you and your staff. We really appreciate it, and don't let that guy with the green bow tie out of your sight. He's from Portland community college and looking for a dance partner.

Cunin: All right.

Adams: So, the council might know this by a different name, which is the microuras. It is a project of the city and the county, of chair cogan and myself, and we picked five main streets in the city that showed great promise, but needed some, some help to get going. And we announced that the, what do we call it, the five potential main streets, and they each had to raise a certain amount of money to qualify. They all have, and it's very exciting, but it is a city and county initiative. A chair mayor's initiative, and there is a county piece, as well, that applies to the entire county, so I wanted more, I wanted to recognize it's a city and county effort to give you a chance to talk about the other complimentary part of the program.

Warren Fish: Thank you, mr. Mayor, and commissioners. Warren Fish, senior policy advisor to Multnomah county chair cogan. I've got to be careful when I come to watch great things at city council, and get called up to speak. Didn't really prepare for that, but I really just want to thank you all and applaud the city, and council and the mayor for your leadership on this incredibly important part of our city, and the leadership of debbie through the bureau of planning and sustainability. But, this really is an effort. We're all hands are on deck, it appears, with the Portland development commission and the neighborhood economic development initiative, which we're partnering, you know, to support through our micro lending program. Transportation with safe routes to school, and the schools are terrific schools that volunteered in a couple of them, and just a ton of potential up here, and in these schools. And glad to see the, the park piece moving along, but it's a really -- it's a dynamic part of the city, and, you know, dangerous intersections, there is a lot of work to be done, and, you know, like was mentioned, there hasn't been a long history of city infrastructure here. There has been elsewhere, but, with all that said, to speak specifically to the microlending program that the county is involved in, we aim to help emerging and very small businesses, many of whom, many of which are owned by people in poverty, with small loans and, and we're partnering on that with, with two existing microlending institutions here active locally in these populations. Microenterprise services of Oregon and mercy corps northwest, and that's really the front door for the program. The team supports the efforts of the neighborhood economic development initiative, and the five key areas of the city and the county that there is enormous opportunity and potential in. But, we have a lot of work ahead, and I just applaud the progress being made, and great to be, to be a witness to the good work of so many people in the room.

Adams: Thanks to the chair and the commission.

W. Fish: We'll do.

Adams: And thanks for your efforts. All right, is that everybody? This is a report of I move to accept.

Fish: Second.

Adams: Moved and seconded. Karla, can you please call the vote on the motion to accept the report?

Leonard: It's a pleasure to vote on something so positive, and just not to be overly repetitive, but I have observed from sitting here since I have arrived Debbie Bischoff's work in concordia is amongst the best of staff's work in the city, and I have always been impressed with that. So, that's excellent, and concordia college has been a gem hidden in northeast Portland for as long as I remember. The first house I bought was in concordia back in the early 1970s, and concordia college was a place that even though I had grown up in the area, I had not really known well, but

December 15, 2011

got to know very well, and appreciate it from then until now, and if anything had gotten much better, over the cascades, and opening yourselves up to the community, and it's greatly appreciated. So it's wonderful to see the neighbors working together, come together with a plan that all of us can, can rally around. Thank you. Aye.

Fritz: Sharing the map of when the neighborhoods were annexed -- really, you are doing remarkable work with this, catching up on 150 years of not having city services, my neighborhood in southwest was in 1979, so I share many of the challenges, and so I applaud you as citizen activists. I have to mention kathi furstenau, a great leader of the cully association of neighbors who I got to know when they were working on the sacajawea park. At that point there wasn't a robust neighborhood association, and she informed people of what was going on and why it mattered, and, and now, every time I visit cully, which I am happy to do every year, 40, 50, more people, enjoying each other's company and working hard on a lot of issues. When you add a planner like debbie to that mix, and then a great partner neighborhood like concordia that has had more of a history of activism, and both long-term neighborhood stalwarts and fresh energy coming in, and the schools and all the other partners and concordia university, as much I got to know concordia when my sons were playing basketball, and your great coach was an ambassador to southwest portland, and your gym welcomes kids from all over the city, helping them to understand that this college could be part of their dream, too. So, it comes together in a plan like this, which then does receive the funding, and the, the leadership of mayor Adams to look at the complete package. How do you leverage the volunteer hours and put in pdc resources and other effort through the districts, and how do you get everybody working together, and it's a tribute to everybody. It's one of those things that each one of you could say, I helped that. That happened and it would not have happened without me, but without each one of you, it would not have happened, either. So, I commend you, and I thank you very much for your hard work. Keep up the good work. Aye.

Fish: One of the criticisms of the commission's style form of government is you have five actors acting independent of each other. That's the harshest critic, criticism leveled at this form of government. I don't think that's true but there is a perception. And the purpose of a community action plan is to bring all the bureaus and all the commissioners together towards a common purpose. I think there's been a couple since i've been on the council that accomplished this. This is one, I think, this is the most conspicuous, and I join in all the praise of debbie's work and her colleagues. But, I think the east Portland action plan has also brought a focus. And what it's done is allow each of us to focus on what our part is to contributing to the successful revitalization of a community. I have the great honor of leading parks and housing, which, as I look at the goals of this plan, are really primarily focused on goals three and four. And around livability and community building. And what's happened in the last couple of years is we have forged partnerships with many of you to do some things, smaller scale, but we think significant on the impact. And I just want to call out a few, and particularly because some of my colleagues are here from parks, and a new community garden at sumner street, which is something like 15 years in the making, or something extraordinary when we christened it this fall. And that's 38 plots, and, is, has moved us towards, further towards our goal of 1,000 plots, which the climate action plan called for. The housing bureau has been a significant investor at hacienda, and in the revitalization of the villa deswenos. An important piece of property on their campus, and we are proud to have been able to provide city financing for that. Parks bureau acquired property, and as excited as I am by the vision for the let us build Thomas cully with the financial constraints we're dealing with, it probably will have to be done in a phased way as has been proposed, but there is an opportunity at 52nd and alberta, to use some other tools, including sdc money to do the master planning and a

December 15, 2011

buildout on that and maybe get a test case of how we do that working together. Gary alluded to the funds that went into the field at concordia, and that really was a tribute to the work of the mayor and commissioner Leonard when they struck the deal with mr. Paulsen. A commitment was included in that deal that \$250,000, \$50,000 a year for five years, would be invested in community-based fields. And this was selected because of the commitment, gary, that concordia made to northeast united, which is always having difficulty finding space for their kids. That commitment led to the timber's money, which the city negotiated being allocated to that, and we're very proud of that. I am going to beat the mayor to the punch on this one, but just say that, that the one way that you experience this community at its best is through the sunday parkways, and to get a sense of the vitality, and that's when we close down the streets and get on our bikes, and we get a chance to come together, and that, that, I think, is a wonderful thing. So, that's a flavor of some of the things that my bureaus are partnering with people on the ground to, to do community building, and we're just beginning, but we have high hopes. Ultimately, we'll probably need a bond measure to do the complete buildout of the park, but it is an essential component of the long-term health and viability and prosperity of that community that we deliver, and it will be a cornerstone of a bond measure that I will lead. So, to my colleagues and to all our community partners, and to my team at parks and housing, I am very proud of the progress we're making together. Aye.

Saltzman: Well, great work. This is an excellent plan with lots of details. Detailed actions, and particularly, as I have always called out, your ground-breaking early childhood assessment, and needs report. This truly is like no other neighborhood plan that we have seen, so it's nice to see a plan that integrates the human side of things with the bricks and mortar side of things, which most of our other neighborhood plans focus more on the bricks and mortar of what we need in terms of the parks, but doesn't focus on what we need in terms of the souls of the children and making sure that they are successful. Particularly struck by the principal's remark that three out of every 10 people there are children in the concordia neighborhood compared to one city-wide. I didn't know that. So, anyway, all the more reason to, to move forward on making sure that we can serve the needs of our young children in that area. And I thank debbie for being such a good leader, and all of you for being such good, good leaders, as well. Aye.

Adams: Well, I want to thank debbie for your great work, and I want to acknowledge the team you work with at the bureau of planning, sustainability, and the team in my office of lisa libby, and rahana, and johnna popas, and we'll leave it at that. I can't brown the rest of the name, sorry, johnna. And I want to thank the folks sitting here, and others that I have known for a long time, some of you, and you stuck with us. And I want to, to thank you for the perseverance. This is a great part of town. And I am happy to be part of the team up here on the city council that has put the kind of focus and effort that they have on, on making sure that, that concordia reaches its full potential. I want to thank the chair and the Multnomah county for their partnership on this, and commissioner johnson, nicholas johnson of the Portland commission on disabilities, who happens to be a resident, but I want to thank you, commissioner, for your work on advising us on street improvements. Not just in this neighborhood but across the city, and thank you for that. So, I am very pleased to vote aye, and we only just have begun. Aye. [gavel pounded]

Adams: All right, that gets us to -- you are welcome to leave. We will not be offended. Can you please read the title for 1381.

Item 1381.

Adams: What's before us is the product of, I think, a number of steps that city council, the next step in a number of steps that city council has considered in the past. There is urgency to this matter. And the urgency is we continue to get contracts back with not insignificant savings from original bid estimates, and we want to take advantage of that. In addition to the jobs that are

December 15, 2011

produced by moving swiftly now, and there are two other, other, three other reasons to move swiftly. One, is we are in the, we are in the midst of a last quarter of our work with the the Oregon department of transportation on reconfiguring i-5 in that part of the city, and we received this back, and our negotiations on the eco-district, so, being able to design, move into design and construction on veteran's memorial coliseum allows us to move that forward. In terms of moving forward in this particular form, the Portland arena corporation has a, an operating rights to the veteran's memorial coliseum until 2023, and the business partner, the winterhawks, is the only private sector entity that is investing 10 million in the project. And Portland arena management has agreed to work as, basically, the general contractor without charging project management fees. They have experience doing this kind of work, and the repeat renovation of the rose garden arena and the original construction of the rose garden arena, I am happy to answer any questions. Does anyone want to testify? Hearing none. Karla, would you please call the vote on the ordinance?

Fritz: Thank you to mayor Adams, Portland development community, the veterans community, the winterhawks for their investment, the blazers for their management project. Trimet, Neal McFarlane, assured me that early in the new year, all of the max trains will announce it's veterans memorial coliseum is the stop for the rose garden, and they are going to change the tapes in the rose garden, so I really appreciate everyone's investment, and particularly the winterhawks are investing \$10 million, and sometimes skeptical to sole-source agreements, but in this case, Portland arena management is going to be managing in conjunction with the rose garden, and that makes a lot of sense. Aye.

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

Adams: I want to thank the members of my team, peter and atha, and the former team member, skip newberry. Aye. We're adjourned.

At 3:53 p.m., Council adjourned.