



CITY OF  
**PORTLAND, OREGON**

OFFICIAL  
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **15th DAY OF JUNE, 2011** AT 9:30 A.M.

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

Mayor Adams arrived at 9:40 a.m. and left at 11:00 a.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Pat Kelley, Sergeant at Arms.

Item No. 602 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

		<b>Disposition:</b>
<b>COMMUNICATIONS</b>		
<b>585</b>	Request of Michele J. Fiasca to address Council regarding Seniors Homing Together (Communication)	<b>PLACED ON FILE</b>
<b>586</b>	Request of Mike O'Callaghan to address Council regarding homelessness, shelterlessness, Seattle solution and permit camping (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		
<b>587</b>	<b>TIME CERTAIN: 9:30 AM</b> – Summer Free for All Sponsorship (Presentation introduced by Commissioner Fish) 30 minutes requested	<b>PLACED ON FILE</b>
<b>588</b>	<b>TIME CERTAIN: 10:00 AM</b> – Accept the 2010 annual report of the City Auditor's Independent Police Review division (Report introduced by Auditor Griffin-Valade) 30 minutes requested  (Y-5)	<b>ACCEPTED</b>
<b>*589</b>	<b>TIME CERTAIN: 10:30 AM</b> – Adopt and authorize the submission of the 2011-2016 Consolidated Plan, the FY 2011-2012 Action Plan application, for the Community Development Block Grant, HOME Investment Partnership, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS Programs, and the 2011 Analysis of Impediments to Fair Housing Choice to the U.S. Department of Housing and Urban Development (Ordinance introduced by Commissioner Fish) 30 minutes requested  (Y-4; Adams absent)	<b>184672</b>

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<b>CONSENT AGENDA – NO DISCUSSION</b>		
<b>590</b> Appoint Nicholas Johnson, Chris Logan, Dan Pierce, Sophie Goddyn and Peter Bale to the Portland Commission on Disability for terms to expire July 1, 2013 (Report introduced by Mayor Adams and Commissioner Fritz)  (Y-5)		<b>CONFIRMED</b>
<b>Mayor Sam Adams</b>		
<b>591</b> Reappoint Keith Pitt to the Civil Service Board for a term to expire December 20, 2013 (Report)  (Y-5)		<b>CONFIRMED</b>
<b>592</b> Reappoint Steve Houston, Gary Toole, Roy Moore and appoint Dale Lovett and Jonathan Gray to the Plumbing Code Board of Appeal for reappointed partial terms to expire December 31, 2013 and appointed 3-year terms to expire June 7, 2014 (Report)  (Y-5)		<b>CONFIRMED</b>
<b>Bureau of Planning &amp; Sustainability</b>		
<b>593</b> Authorize a three-year Intergovernmental Agreement with Portland State University in the amount of \$120,000 to execute the Multifamily Recycling Project (Ordinance)		<b>PASSED TO SECOND READING JUNE 22, 2011 AT 9:30 AM</b>
<b>Bureau of Police</b>		
<b>*594</b> Authorization application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for a grant in the amount of \$31,448 for the FY11 Bulletproof Vest Partnership/Body Armor Safety Initiative for bulletproof vests (Ordinance)  (Y-5)		<b>184660</b>
<b>Bureau of Transportation</b>		
<b>*595</b> Amend contract with the Alliance for Community Traffic Safety for provision of child safety seat fitting station services through June 30, 2012 and increase by \$14,000 (Ordinance; amend Contract No. 30000065)  (Y-5)		<b>184661</b>
<b>*596</b> Amend contract with the Alliance for Community Traffic Safety for provision of child safety seat assembly services through June 30, 2012 and increase by \$8,000 (Ordinance; amend Contract No. 30000066)  (Y-5)		<b>184662</b>
<b>Office of Emergency Management</b>		
<b>*597</b> Approve an Intergovernmental Agreement with Columbia County for the distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant funds (Ordinance)  (Y-5)		<b>184663</b>
<b>Office of Management and Finance</b>		

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<p><b>*598</b> Authorize acquisition of a vehicle for use by Portland Police Bureau (Ordinance) (Y-5)</p>	<p align="center"><b>184664</b></p>
<p><b>599</b> Accept bid of Emery &amp; Sons Construction, Inc. for the Burlingame Trunk Sewer Improvement Project for \$4,864,731 (Procurement Report – Bid No. 112818) (Y-5)</p>	<p align="center"><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>600</b> Accept bid of Brant Construction, Inc. for the Wellhead Sump Retrofit Phase 2 – Stormwater Treatment Facilities for \$605,628 (Procurement Report – Bid No. 112850) (Y-5)</p>	<p align="center"><b>ACCEPTED PREPARE CONTRACT</b></p>
<p><b>601</b> Accept bid of Henderson Land Services LLC for the Mason Flats Wetland Enhancement Project for \$657,970 (Procurement Report – Bid No. 112940) (Y-5)</p>	<p align="center"><b>ACCEPTED PREPARE CONTRACT</b></p>
<p align="center"><b>Commissioner Nick Fish Position No. 2</b></p> <p align="center"><b>Portland Housing Bureau</b></p> <p><b>*602</b> Amend subrecipient contract with REACH Community Development Corporation to increase funding in the amount of \$15,600 to implement HUD Healthy Homes Production Grant (Ordinance; amend Contract No. 32000428) <b>Motion to amend Financial Impact Statement:</b> Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-4; Adams absent) (Y-4; Adams Absent)</p>	
<p align="center"><b>Portland Parks &amp; Recreation</b></p> <p><b>*603</b> Amend Chart House parking lot lease with Landry's Restaurants to change maintenance responsibilities (Ordinance; amend Contract No. 22982) (Y-5)</p>	<p align="center"><b>184673</b> AS AMENDED</p> <p align="center"><b>184665</b></p>
<p align="center"><b>Commissioner Dan Saltzman Position No. 3</b></p> <p><b>*604</b> Approve an Intergovernmental Agreement Grant with Portland State University to provide program evaluation for the Gateway Center for Domestic Violence Services (Ordinance) (Y-5)</p>	
<p align="center"><b>Bureau of Development Services</b></p>	

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<p><b>*605</b> Extend contract with Bryan Higgins through June 30, 2011 for \$642 to provide additional payment for the cost of fees due each time the City issues a permit which uses his permit-ready design service (Ordinance; amend Contract No. 36013)</p> <p>(Y-5)</p>	<p><b>184667</b></p>
<p><b>Bureau of Environmental Services</b></p>	
<p><b>606</b> Amend contract with Moore Excavation, Inc. for additional work and compensation for the Fanno Basin Pump Station Force Main: Multnomah Section Project No. E08294 (Second Reading Agenda 571; amend Contract No. 30001048)</p> <p>(Y-5)</p>	<p><b>184668</b></p>
<p><b>607</b> Authorize contract with KPFF Consulting Engineers and provide for payment for the design and implementation of the SE Clay Green Street - 10th to Water Avenues Project No. E10007 (Second Reading Agenda 573)</p> <p>(Y-5)</p>	<p><b>184669</b></p>
<p><b>Commissioner Randy Leonard Position No. 4</b></p>	
<p><b>Bureau of Water</b></p>	
<p><b>*608</b> Certify and transfer delinquent sewer system user fees to the Multnomah County Assessor for collection pursuant to ORS Section 454.225 (Ordinance)</p> <p>(Y-5)</p>	<p><b>184670</b></p>
<p><b>609</b> Amend contract with Moore Excavation, Inc. to increase compensation and scope of work for Walker Creek Culvert Replacement (Ordinance; amend Contract No. 30001196)</p>	<p><b>PASSED TO SECOND READING JUNE 22, 2011 AT 9:30 AM</b></p>
<p><b>Commissioner Amanda Fritz Position No. 1</b></p>	
<p><b>Office of Neighborhood Involvement</b></p>	
<p><b>*610</b> Authorize \$64,000 for eight grant agreements for the East Portland Neighborhood Office East Portland Action Plan 2011-2012 Civic Engagement Grants Program (Ordinance)</p> <p>(Y-5)</p>	<p><b>184671</b></p>
<p><b>REGULAR AGENDA</b></p>	
<p><b>Mayor Sam Adams</b></p>	
<p><b>Bureau of Transportation</b></p>	

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<p><b>611</b> Grant revocable permit to Perierra Creperie on behalf of Ankeny St businesses to close SW Ankeny St between SW 2nd Ave and SW 3rd Ave from 7:00 a.m. June 20, 2011 until 11:00 a.m. November 1, 2011 (Ordinance) 20 minutes requested</p> <p><b>Continued to June 15, 2011 at 2:00 pm.</b></p> <p><b>Roll call on emergency ordinance:</b> (Y-4; N-1 Fritz) Leonard changed vote to “no” prior to gavel: (Y-3; N-2 Fritz and Leonard) Emergency ordinance fails.</p> <p><b>Motion to reconsider the item:</b> Moved by Commissioner Leonard. (Y-4; N-1 Fritz)</p> <p><b>Motion to remove the emergency clause:</b> Moved by Commissioner Leonard and seconded by Commissioner Fish. (Y-4; N-1 Fritz)</p>	<p align="center"><b>PASSED TO SECOND READING AS AMENDED JUNE 22, 2011 AT 9:30 AM</b></p>	
<p><b>612</b> Assess benefited properties for street and stormwater improvements in the NE 109th Ave Local Improvement District (Ordinance; C-10030) 10 minutes requested</p>	<p align="center"><b>PASSED TO SECOND READING JUNE 22, 2011 AT 9:30 AM</b></p>	
<p align="center"><b>Commissioner Nick Fish Position No. 2</b></p>		
<p align="center"><b>Portland Housing Bureau</b></p> <p><b>*613</b> Delegate authority to charge-off housing loans originated through the Portland Development Commission and/or the Portland Housing Bureau (Ordinance)</p>		<p align="center"><b>CONTINUED TO JUNE 29, 2011 AT 9:30 AM</b></p>
<p align="center"><b>Commissioner Dan Saltzman Position No. 3</b></p>		
<p align="center"><b>Bureau of Environmental Services</b></p> <p><b>614</b> Authorize a contract with Brown and Caldwell, Inc. for professional services for the final design of the Fanno Basin Pump Station Expansion and Surge Protection Project No. E09051 (Second Reading Agenda 572) (Y-4; Adams absent)</p>		<p align="center"><b>184674</b></p>
<p align="center"><b>Office of Cable Communications and Franchise Management</b></p> <p><b>*615</b> Amend grant agreement with Portland Community Media to extend the term of the agreement through and including June 30, 2012 (Ordinance; amend Contract No. 52904) (Y-4; Adams absent)</p>		<p align="center"><b>184675</b></p>
<p align="center"><b>Commissioner Randy Leonard Position No. 4</b></p>		

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**Bureau of Water**

**616** Accept report on contract with Slayden Construction Group, Inc. for construction of the Mt. Tabor and Washington Park Interim Security and Deferred Maintenance Project as complete, authorize final payment and release retainage (Report; Contract No. 37524) 15 minutes requested

**Motion to accept the report:** Moved by Commissioner Fish and seconded by Commissioner Fritz.

(Y-4; Adams absent)

**ACCEPTED**

At 12:13 p.m., Council recessed.

**June 15, 2011**

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

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

Commissioner Fish arrived at 2:04 p.m.  
Commissioner Saltzman arrived at 2:15 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Roland Iparraguirre, Deputy City Attorney; and Pat Kelley, Sergeant at Arms.

	<b>Disposition</b>
<b>*617 TIME CERTAIN: 2:00 PM</b> – Authorize grant agreements and Intergovernmental Agreements with fifteen non-profit and public entities related to the Community Watershed Stewardship Program (Ordinance introduced by Commissioner Saltzman) 20 minutes requested  (Y-5)	<b>184676</b>

At 2:36 p.m., Council recessed.

**June 16, 2011**

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **16th DAY OF JUNE, 2011** AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:04 p.m.

OFFICERS IN ATTENDANCE: Susan Parsons, Acting Clerk of the Council; Jim Van Dyke, Chief City Attorney; and Wayne Dykes, Sergeant at Arms.

	<b>Disposition</b>
<b>618</b> <b>TIME CERTAIN: 2:00 PM</b> – Conduct a Proposed Use Hearing on State Shared Revenue (Hearing introduced by Mayor Adams) 15 minutes requested for items 618-623	<b>PLACED ON FILE</b>
<b>619</b> Certify that certain services are provided by the City to establish eligibility for State Shared Revenues (Resolution introduced by Mayor Adams) (Y-5)	<b>36866</b>
<b>*620</b> Approve accepting funds from the State of Oregon under the State Revenue Sharing Program for the fiscal year beginning July 1, 2011 and ending June 30, 2012 (Ordinance introduced by Mayor Adams) (Y-5)	<b>184677</b>
<b>*621</b> Approve closing the Campaign Finance Fund (Ordinance introduced by Mayor Adams) (Y-5)	<b>184678</b>
<b>*622</b> Adopt the annual budget of the City and establish appropriations for the fiscal year beginning July 1, 2011 and ending June 30, 2012 (Ordinance introduced by Mayor Adams) <b>Motion to adopt the budget as amended in Attachments B, C and D to the June 9 memo, “Adoption of the FY 2011-12 Budget for the City of Portland”:</b> Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-5)	<b>184679</b>
<b>*623</b> Approve levying taxes for the City for the fiscal year beginning July 1, 2011 and ending June 30, 2012 (Ordinance introduced by Mayor Adams) (Y-5)	<b>184680</b>

At 2:15 p.m., Council adjourned.

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

By Susan Parsons  
Acting Clerk of the Council

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

**June 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.

**JUNE 15, 2011            9:30 AM**

[roll call]

**Leonard:** The mayor is momentarily delayed. He'll be here any moment. We'll start with communications please.

**Item 585.**

**Leonard:** Michele?

**Michelle Fiasca:** I've never done this before.

**Leonard:** Just hand those to the clerk, please.

**Fiasca:** Sorry.

**Leonard:** Pull up a chair right in front of the mic.

**Fiasca:** Ok.

**Leonard:** And take a deep breath -- and just give us your first and last name and you have three minutes.

**Fiasca:** My name is michele fiasca, and thank you for the opportunity to share my vision. I've been in the senior housing industry for the last 14 years and I realize with budgetary cuts in government, there are problems and issues with providing affordable housing for our seniors now. Let alone the 10,000 boomers who are turning 65 every day for the next 18 years. So what if there was an opportunity where actually boomers and seniors could be -- i'm having trouble here. Create an opportunity for them to be empowered to find their own living situations that costs the government nothing. That's what seniors homing together s. We launched our website, [www.seniorshomingtogether.com](http://www.seniorshomingtogether.com) and they go online and look for seniors who are looking -- we looked at it as a financial benefit and see there's other benefits besides. Isolation and depression are big issues for seniors live ago loan. Seniors and boomers don't have to work until they drop and don't have to live with their kids. They can match their way any way they choose, whether it's like-minded seniors or maybe they want to match themselves with people who have varied skill sets. Maybe somebody enjoys cooking, somebody likes to do yardwork and somebody can do home repairs. It's a way for boomers and seniors to be able to hang on to their homes and looking to retire on a social security income. My invitation is to look through the materials and go on [www.seniorshomingtogether.com](http://www.seniorshomingtogether.com) and friend us on facebook and contact me with the information on the back of the business card to give us ideas how we can share the word. Thank you so much for your time.

**Leonard:** Thank you, michele.

**Fiasca:** May I leave these extra packets for other people?

**Leonard:** Please. Thank you. Item 586.

**Item 586.**

**Leonard:** Mike. I've never seen you dressed for a banker's interview.

**Mike O'Callaghan:** Do you like it?

**Leonard:** I do. You look very nice.

**O'Callaghan:** Thank you, thank you. I think basically a lot of it is costuming and it's good to be able to do a variety of costumes.

**Leonard:** I don't know whether to welcome you or ask for a loan.

**O'Callaghan:** Sure. Just leave me alone. [laughter]

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**Leonard:** No problem.

**O'Callaghan:** O.K. anyway, for those who don't know, I advocate for those without shelter. Probably between 2,000 to 5,000 in the city are living outside. I'm not safe, they are not safe. We're not safe. I've had police enter private property six times in the last month with no probable cause. I'm not safe, we are not safe. The seven-year plan -- the 10-year plan to end homelessness is seven years into it and no dent. Really. I'm not homeless, i'm shelterless. We have nowhere to do. Nowhere to go. The anti-camping ordinance allows illegal theft of our property without due process of law. Unfortunate. We have nowhere to go. Your laws make all of us criminals. We're criminals subject to police harassment at any time. This is the first article of the Oregon constitution. Dot, dot, dot, governments are founded on their authority and instituted for their, i.e., the people's, peace, safety and happiness. We're not at peace, we're not safe. They are not safe. We are not happy. It is inappropriate of this governmental body to ignore the needs of these people. Gorillalove.org, the mayor of nevada city, lined up 140 people and built 40 shelters on wheels like you saw I had out there. Different design, same thing. Check it out. In seattle, they have three self-governing places with 100 people in each one. Come on: Let's do something: I realize it's out of all of your bailiwicks. And in this council, everybody gets to contribute, but the mayor of nevada city got volunteers together. Because they saw government funding is being cut back. That channel isn't going to be available for solutions. And I thank you for listening.

**Adams:** Thank you, sir. Appreciate it. That gets us through communications, that right? So we have a special presentation. This morning. What is the run of show? Where's a member of my staff? Do I read the presentation first or -- is sara here? Hi, sara. You're doing some performance, right? You're not doing a performance. [laughter] please come forward, sara. I apologize let me read this proclamation, actually, please sit down.

**Sara Slipper:** Want me to sit?

**Adams:** Yeah, and introduce yourself and tell us about the northwest dance project.

**Slipper:** Hello, everyone. I'm sara, the artistic director of the northwest dance project. It is a real pleasure and honor to be here today. Thank you, sam. We, we, I want to mention that was company just got back from a performance in hanover, germany, last month, and a big 25th international correspond graphic festival there, biggest in -- choreographic festival and the biggest in Oregon and we won the audience prize, a huge honor for us and represented Portland extremely well. The company is made up of 10 dancers, we do all original, all work made specifically for us, and in -- since 2004, we have over 100 works in the repertoire from choreographers from around the world and nationally and locally. And we love Portland and hope we'll be more cultural ambassadors for you in the future.

**Adams:** It's my honor to proclaim. Whereas, sara, an award-winning choreographer, founded the contemporary ballet company in 2004 with the dedication of bold new dance works and inspired new dance works, crafted and performed in Portland and furthered Portland's reputation as a destination point for dance and the arts and whereas, the most talented choreographers have come to the northwest dance project to create more than 100 new works with complete artistic freedom and whereas, andrea parson, a leading dancer in the talented company is a current princess grace, and selected to perform at the most recent 25th annual hanover festival in germany, one of the largest dance events in europe and the performance at the festival won the coveted audience award. I, sam Adams, the mayor of the city of roses, do hereby proclaim june 15th, 2011, to be a day of recognition for the northwest dance project. Congratulations. [applause]

**Slipper:** Thank you.

**Adams:** Good work.

**Slipper:** Thank you.

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**Fish:** Mayor Adams, the next item is going to be on the summer free for all. Since northwest dance project is here, let's put on a plug for the Friday August 12, the northwest dance project and the blue cranes performing in Washington park free. Hope everyone can come out and celebrate.

**Adams:** Fantastic. Thank you for being here. [applause] we're very proud of you. You do not have to stay, though, we'll not be offended if you get up now and go, or if you want to watch democracy in action, you can stay.

**Adams:** You better get out of here. Thank you for being here. We'll consider the consent items. Does anyone have anything they want to pull.

**Fritz:** I'd like to hold 602.

**Adams:** Ok, 602 has been pulled to be considered later. All right, Sue, good morning, how are you.

**Parsons:** Good morning, just fine. Thanks.

**Adams:** Please call the vote on the consent agenda.

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

**Adams:** Aye. [gavel pounded] consent agenda's approved. Please read time certain presentation, item number 587.

**Item 587.**

**Adams:** Commissioner Nick Fish.

**Fish:** Thank you, Mayor, I'd like to invite Zari Santner and Nick, the new director of the Parks Foundation to come forward. Today is the first day of summer for most students in Portland. To the children on free and reduced lunch, this presents a serious problem, one less healthy meal a day. For the last 100 years, Portland Parks & Rec has run a popular playground program. Offered young people throughout the city, healthy and supervised activity and last year, served over 80,000 healthy meals. The playground program is what we call summer free for all. This year's lineup includes movies and neighborhood concerts and playground programs and the Washington Park Festival. It's all free. It takes nearly \$1 million to run these programs, about \$600,000 in public and private support, and the rest in kind contribution. And here's the great news. For every dollar of public investment, we're able to leverage over \$4 of private investment. And today, we're here to thank our partners. Joining us today are two of our best. Daimler and the Portland Parks Foundation. We're thrilled to have Daimler back as the lead sponsor for the Washington Parks Festival. They literally rescued it a couple years ago and continue to step up and underwrite it. Frankly, without good corporate citizens like Daimler, there would be no summer free for all. We can't thank you enough. And I want to acknowledge partners that make the summer free for all go. Briefly. The Portland Parks Foundation, participates for a hunger free Oregon. The Katie Durant Foundation. The Children's Hospital at Legacy Emanuel. Fashion Parks Association. In Focus, Safeway, Multnomah County, Pacific Power, Northwest Natural, Key Bank, the list goes on and on. So I'd like to welcome our guests and Zari, are you going to tee up first? First the distinguished director of Portland Parks and Recreation, Zari Santner.

**Zari Santner, Director Bureau of Parks and Recreation:** Good morning, Zari Santner we're here to request that you us in acknowledging many Portlanders who have contributed to continuing this very, very successful program. Each -- these include individuals, neighborhood associations, businesses large and small and then we have the stars here that are Daimler as well as the Portland Parks Foundation. I want to take a few minutes to explain what the summer free for all is. We have a variety of activities throughout our system that are free hours for swimming, a variety of activities but the highlight and centerpiece of the program are three. One is our summer playground program. As the commissioner mentioned, it's over 100 years old and provides constructive and structured and supervised activities in 23 of our parks in a very safety environment for children to engage in. This program last year was provided in 23 parks and will continue again this year. \$162,000 was raised this year to fund that program and in some of the site where is the need is the greatest, we provide free lunches and we're very, very pleased that we have this year Parkrose, David Douglas

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and centennial schools have joined us in providing those free lunches. Last year, we served nearly 80,000 free lunches and we expect that to increase by 100,000. The next most popular programs are movies and concerts in our parks and many individuals, community member, neighborhood associations and small businesses sponsor these programs. Movies in the park, when we started in 2007, we had 13 movies throughout the summer. That program has expanded to 47. One of the largest movies in the parks program in the nation. And the concerts are very much loved in our neighborhood parks. Draws families and neighbors to come together and hear good local talent that are performing in these programs. Obviously, the centerpiece of the program is the summer festival in Washington park. This year, again, it's coming back for a 10-day event and draws topnotch performers, as you learned today. Northwest dance program will be performing there. And we couldn't do that without the premiere, our premiere sponsor, daimler. I want to thank dave for his personal interest and enthusiasm for the program and invite him to say a few words.

**Adams:** Dave, welcome.

**Dave Wiederrich:** Thank you, thank you, zari. Mr. Mayor, commissioners. Our president and ceo couldn't be here but sends his regards, it's important for him and all of us at daimler to support the communities in which we have operations and certainly with the headquarters in one of our manufacturing operations here in Portland, it's a significant operation. The add duty here is that by having this being our sixth year of support, it's certainly a very strong relationship that we have, many thanks to commissioner Fish for his continuing attitude toward this partnership and that's what it is, a partnership. And although there's changes recently and some coming up, the relationship is quite strong and it has to do with the leadership from commissioner Fish and certainly all of his parks team, that's something that we just simply continue along this year in spite of the changes. One thing i'd like to mention briefly, if I could, many of you probably know that daimler trucks north america, we have -- we love our children the same, last year, commissioner Fish was involved with our starlight parade float. Walked with us and wore the freightliner cap I gave to him and there might be another in the future.

**Fish:** And that was powered by.

**Wiederrich:** A compressed natural gas freightliner and appropriate for a parks environment. With the more recent news, the business is doing reasonably well and we're hiring this our operations and over 150 jobs coming to our manufacturing facility down in swan island and that's where we build the extreme duty brand for the family and i'm hoping to have a western star on display at one of the performances at Washington park this year. Thank you for this recognition, if I might, i'd like to give commissioner Fish a new hat. He's been quite the ambassador for the freightliner brand. And we love our children the same. And hopefully, i'd like him to accept the western star hat. And hopefully he'll accept the new position.

**Fish:** Thank you very much. [applause] we couldn't do it without you and daimler, thrilled you're adding new jobs and honored your headquartered here in Portland. Next I want to introduce nick, he's the new executive director of the Portland parks foundation. They had a national search and he was selected from an outstanding group of finalists and relocated from alaska and he's ready to take the reins of the -- the reins of the foundation and is our partner in the fundraising and work we do. This is his first official appearance before council. Welcome.

**Nick Carty:** Thank you very much. It's an honor to be here and it's an honor to serve the Portland parks foundation. For 10 years, we've been pleased to be the nonprofit funder -- fundraiser partner for Portland parks and recreation and as you know, government can't do it all and Portland parks and recreation can't do it all. There's continuing pressure on the budget and the need for new solutions and we're pleased to help provide those solutions, especially when we can raise money for an important program like summer free for all. So this is our continuing lead sponsorship and we hope it continues for many years into the future. And that, along with the other services we provide, will only get stronger in Portland's future. So thank you very much u thank you very

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much. Thank you to dave and daimler and thank you also to zari and Portland parks and recreation for their excellence, we hope this role just grows and the support for affordable or free programs for all of Portland's citizens will continue.

**Fish:** Nick, thanks very much. If I could make a couple other remarks. Anyone watching that wants to see what the full schedule is, go to [Portlandparks.org](http://Portlandparks.org) and we've listed the complete schedule and we have a paper version you'll find in the "the Oregonian" and we have here. And mayor, we're pleased to co-brand with Portland fun ways. And we like the collaboration. [Portlandparks.org](http://Portlandparks.org) is where you can go to get daily information about the activities system wide. I wanted to mention -- I mentioned there was public support that leveraged a lot of private support. I want to thank the mayor and my colleagues for the public u public support. The mayor has shifted, I believe close to \$150,000 into ongoing funding because of his commitment to sustain the playground program and his particular interest in making sure there was a meal program attached to the playground program and given us additional funds to make sure there's no gap between the end of our program and the beginning of the school year. That's the strong support we enjoy from the mayor and my colleagues and we thank you for that. There's a lot of others working behind the scenes to make this happen. This is an enormous undertaking with the amount of money, logistics and signing up talent. I want to thank emily hicks in my office and natalie and karen and jeff and kelly, matt sinclair, our new head of community partnerships and the team that's been working tirelessly at the bureau to make this happen. We believe this platform of summer free for all is important in good times and we believe it's vital during tough times and we're proud to be the host of tens of thousands of families summer wide. And one other detail. As part of our healthy Portland initiative, you'll see with greater frequency healthier options for eating at our events. And that starts at the Washington park summer festival and we're trying to put our values into action through our programs and thanks to everyone who make this is happen and mayor, thank you.

**Adams:** You got it. Thanks for your great leadership. Welcome aboard. When's your last day?

**Santner:** July 1.

**Adams:** Well, we're going to miss you. Thank you for your work and leadership. It's truly amazing. And thank you for adding jobs and thank you also for hosting a group of us that went back to the headquarters in germany to make sure they knew we really appreciate the presence of daimler here.

**Dave:** Sounds like it was a successful trip.

**Adams:** It was. Thank you for being a good civic partner on everything.

**Dave:** You're welcome.

**Adams:** Great. We'll now move to -- can you please read the report -- title for the report, time certain, right on time, 588.

**Item 588.**

**Adams:** Auditor -- oh, hi. Ms Baptista.

**Mary Beth Baptista, Director, Independent Police Review:** How are you.

**Adams:** Auditor valade.

**Baptista:** I'm mary-beth baptista and I'm the director of Portland city Auditor's Independent Police Review division, IPR. Auditor lavonne griffin-valade is here, but asked me to do the introductions to the report. Ipr is an impartial oversight under the independently elected city auditor. And created in 2002. To improve police accountability, promote higher standards of police services and increase public confidence. Ipr has five main responsibilities. The first is to receive community members' complaints and commendations about Portland police officers and second, to conduct or oversee administrative investigations of the police officers charged with misconduct. We issue periodic reports about complaints and recommendations and recommend policy changes to reduce complaints of misconduct and observe and participate in investigations of officer-involved shootings and in-custody deaths and hire experts to review closed investigations

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and report on policy and quality of investigation issues and coordinate appeals filed by community members and officers dissatisfied with the outcome of their investigation. Additionally, ipr conducts outreach to hear community concerns and build community trust and conduct recruitment for the membership of the crc, the citizen review committee. And provide administrative and technical support for the crc. And also coordinate mediations between community members and officers. Before you today is ipr's eighth annual report. Details intake and processing data for 2010. I'm joined by derek, the ipr senior management analyst and he'll discuss the data associated with ipr and the case handling and the report details the work and accomplishments of the citizen review committee. And will provide highlights of those efforts. This report discusses major policy and program change, including most significantly, the changes to ipr governing ordinance that council unanimously passed in march 2010. This -- these revisions substantially increase ipr's oversight authority and increased transparency in the Portland police accountability process. The revised ordinance passed in 2010 strengthened ipr's oversight in three areas. One, increased ipr's authority to conduct administrative investigations. Increased ipr's role in administrative investigations conducted by the police bureau and establish aid more balances and transparent police review board to recommend findings and discipline to the chief of police. Significant strides made by the ipr community outreach, Irene konev who is on a vacation today. And builds positive relationships with the public and helps them understand the ipr's role. She coordinated outreach for the citizen review committee members and developed a cultural and competence training for ipr staff. And engaged community members and leaderships one on one. Feedback she received from that outreach included acting ipr to reduce barriers, that community members feel in filing a complaint. In response, ipr changed their procedures and she and our investigators traveled to various places within the community to interview witnesses and complainants, not forcing them to come downtown, which is uncomfortable or impossible for some community members. Before I turn it over, a major community concern was that ipr did not release timely reports on a regular basis and when released did not routinely present them to council. I responded to those concerns immediately and promptly corrected the problem. We've released four years of data and presented each of the reports to this body. Further, in -- in the past three years, annual reports were released by march of the following year. I want to acknowledge the hard work of all of the crc -- the ipr staffed that an hand in putting the report together and michael, the former chair. And now, i'll turn it over to derek to give you a overview of the data presented.

**Derek Reinke, Independent Police Review:** So i'm Derek Reinke, you've probably heard that a couple times by now. Analyst with the Auditors independent police review division and happy to be here to talk about the report for calendar year 2010 which we released last month. The major event in 2010 was the ordinance change last march. That led to slight changes in my job and how we present the data and account for the data. That's mostly true in the complaint categories where the focus shift add way from where a case initiates to who was affected or involved with the behavior, less distinction between bureau initiated, citizen initiated and especially cases that are initiated based on a tort review and that's largely because our authority is so similar now and the complainants' rights to appeal to the crc are more similar than they were in previous years. 385 community complaints in 2010. 5% fewer than the year before. Rude behavior is the most common allegation. Ipr referred -- dismissed two thirds of the case. There's ways in which they inform the overall oversight. For example, ipr sent one out of every six dismissals to a precinct for their attention and general trends within the areas can be tracked and also officers' histories still account for cases even if they've been dismissed. It would show on an officer's history for up to three years. Even dismissals can be a body of evidence that we do changes with. Ipr this year added a distinct category to better track the dismissal code of no misconduct or no misconduct likely. Internal affairs resolved about half of the complaints that ipr refers to it. Especially the complaints of rude behavior. A crc workgroup found a sample of those were valid in the report

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they issued this spring. In the area of use of force, overall, 42 complaints that allegations of violations of the police bureau's use of force policies. That's a drop. And four investigations contained a sustained allegation of a force allegation. There was an increase, well documented in officer-involved shootings and in the area of discipline, three officers terminated in 2010, five resigned or retired with an investigation pending and 14 suspended without pay. And one of the last areas i'll cover is time limits. Right now, we're in the final stages of preparing the additional report i've been working on that focuses specifically on case timeliness and the investigations which take the longest to go through the system. Page 33 of the annual report you'll see some of the new ways that we're beginning to look at that data with an eye toward improvement. For example, measures stated in terms of median days, and all case sites are included. When I review the measures, I see some improvement. The median days for internal affairs investigation has been around 120 days for about a five-year stretch from '03 to '08. But that's closer to 80. That's a improvement. The full investigation process dropped to under 250 days for the first time since '03. But I think overall, the performance is shy of expectation, as you'll note, that's still eight months for the investigation and that's just the median, or mid point. The time limit goes on to recommend specific steps to address time lags and tracking of cases. From time it time, there were instances when cases stalled when they left ipr or internal affairs. The detective division for waiving a separate training analysis and it was hard to tell if the case was with the commander for findings or with the commander's branch chief where the findings get reviewed. Within the next couple weeks, we'll be able to work with the police bureau and stakeholders to readdress the benchmarks.

**Baptisa:** Thank you, derek. Now we're joined with a crc member and recorder. They just had elections while I was gone, so -- and he's here to discuss the crc accomplishment in 2010.

**Jeff Bissonette:** Thank you. Mr. Mayor, for the record, i'm jeff, a member of the citizen review committee. And the recorder which means i'm in line for succession and the chair wasn't able to be here and the vice chair and you're getting a third string. We're pleased to be part of the annual report. There's a busy year for the crc, I think a couple. Things I want it take note of. We tried to amp up our outreach function, a key part of our responsibility and central part of that was starting up regular community forums to open up the doors and let the community come in and tell us what they're thinking about, what they're concerned about, happy about. Their experiences with police services in the city. Also, focused a lot on the training aspect within the bureau. You want to express -- express appreciation for what the bureau and ipr putting together a thorough, useful, multi-week training session about all sorts of different aspects of training that our police officers get. I know that was the first time we've done that. Hopefully, it will not be the last. I'll note that the crc is moving on to looking at some recruitment and retention issues this year. And we see that as directly connected to some of the training issues. And you'll be hearing more about that probably the next annual report. Finally, i'll note that the crc did release a number of reports, not the least of which was the structure review report. The police assessment resource center reports and also took part in the stakeholder review process that this council set up. And there's a lot of information, a lot of recommendations that are sort of awaiting action, frankly, they're either, you know, by the bureau or council, particularly the stakeholder report that was convened after the passage of the ipr ordinance, back in march or april of last year. And each of the committee members have been tasked to liaison with council members to underscore what recommendation -- or one review to take up some sort of workgroup process to deal with those stakeholder recommendations and also to underscore our priorities so you'll be hearing from the members soon about that, of course, you haven't already. With that, that concludes my remarks and i'm happy to take questions.

**Adams:** Just to speak to that -- oh, i'm sorry.

**Leonard:** Go ahead.

**Adams:** We've been -- before we had those recommendations, we had the requests from the -- the albina ministerial alliance on police reform -- is that the right title? Close enough? And they

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overlap. So we've been working on those and we'll get a report back to council. On that within the next couple weeks. And then we will follow up with what's left. And also confer with commissioner Leonard as we do that because he led the process. So we've got it on the to-do list and we're working through some of these, through sort of the earlier work. But we'll make sure we get them all reviewed and done. Or at least report on them.

**Leonard:** One of the more challenging things i've done in life was the work we've done with auditor lavonne griffin-valade and constantine, sitting back there and developing the language, passionate and working with the community to fine-tune what we passed on march 30th, 2010. I think we actually implemented the changes on september 1st, 2010. Is that correct or did we do it at a later date?

**Baptista:** It was basically a two prong process. Some of the processes were the very next day and then it was the police review board that -- the authority started in september. Those boards didn't convene until December because there were issues regarding the union that were resolved in December so we preceded at that time.

**Leonard:** We've had four and a half months experience.

**Baptista:** Uh-huh.

**Leonard:** Is that enough time for you to be able to say with any kind of empirical experience how the changes have actually affected your office's ability on a day-to-day basis to have a better set of tools to do what your charged with, to have this independent oversight of police actions and advocate open behalf of citizens who come to you and can you give us either some general impression how that's changed your ability to do the work or even specific example of something that may have gone through the process?

**Baptista:** Well, I think -- well, one, I think it needs to be noted that the very next day after the ordinance was changed, we get a phone call from the police bureau and, it was, ok, Let's make this happen and there was no resistance at all. Nothing but cooperation from the bureau to implement the changes, set up training, and training for the facilitators and it's been a very smooth process. Which I don't know if you can necessarily say in other places that would be the case. But I think two of the most significant changes have been -- and it's a nuanced change, in the past, if the bureau were to see there were a problem and want to open a case, if it involves a community member, they would still categorize it as a community case and that would prevent the community member from appealing and have our role be at the pleasure of the bureau. And because that's now changed, because any case involving a community member, we are at the table -- well, actually, any case at all, we're at the table. But I think the -- reducing that barrier for the community member having to have a different set of rights and have to file their own complaint, it was a confusing, cumbersome process that was a unnecessary barrier and I think that's one of the significant changes. It's clean now. If it's only bureau member, it's a bureau case. If it's community members, it's a community case. It doesn't matter which house it originates in and -- originates in and it changed the culture, there's an expectation whoever the case involves, ipr is involves. And that's a significant change. The -- being a voting mechanic the police review board, it's a different thing to be a member than an observer. But I -- I -- I really believe the parity on the board is good. It used to be three assistant chiefs and now it is just one. And also interestingly, sometimes that assist chief position is billed by -- filled by the director of services which is the director, and we end up having three civilians on the board and the civilians actually outnumber of police. It's an interesting change. The facilitator issue has had growing pains but in the end, I think it's going to be a good process. It helps to have everyone in the room feel more equal and encouraged conversation. So those are some of the highlights that I would say since the ordinance change.

**Leonard:** And then, of course, the whole point of oversight is to change the culture of a organization, that needs that happening, do you see any of those changes or is it too early to say, actually affecting the day-to-day operations of the officers on the street?

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**Baptista:** I think that being a voting member on the board, so I -- even though I probably wasn't supposed to as an observer, but now I have the authority to talk and weigh in and it's a little different. I'll tell you, it's changed the relationship I've had with the bureau officers and see us as more approachable and reasonable than maybe they did in the past. I think we're able to have more of a dialogue and I'm hoping that filters back out. I'm hoping that the sergeants go back and say, hey, I was on the board with Constantine and he really understood or I was on the board with Mary-Beth and she wasn't as scary as they said she was --

**Leonard:** Or maybe they said she was, that can sometimes help.

**Baptista:** That's true, but I think it's improved -- I think people understand IPR more and I think there's a lot of ways we can do that and one of those is having the one-on-one interaction. And the citizens, a lot of them came back and the ordinance, we changed who chose those people and we had the auditor recommend those to council to approve. And I think there were some hard feelings with some of the pool that we thought they weren't qualified or it was a problem with them, but clearly it was just a perception of fairness, council should appoint people on the board, rather than the chief and I think we've done a lot to repair that relationship, too, with the citizens in the same way we've encouraged a better relationship with the officers. It's been a good process.

**Leonard:** Good. Thank you very much.

**Adams:** Thank you.

**Baptista:** Thank you.

**Adams:** How many people signed up?

**Parsons:** We have two signed up.

**Adams:** Hi, welcome back. Mr. Handelman, do you want to begin?

**Dan Handelman:** Sure I can do that. I was wondering if I could have a minute or two of extra time since we're the only two people in the city who read this report cover to cover.

**Adams:** You can have five minutes.

**Handelman:** That's nice of you. I'm Dan Handelman, with Portland Cop Watch and looked at the IPR annual report from 2010 and in general, the report continues a neutral tone adopted in 2009 and organized itself in a slightly more logical way and includes useful examples but leaves up to the reader much the work of comparing the past and present. Changes in the chief's office and the police union and massive settlements going out to the hands of the people abused by the police -- it should be noted that the IPR opens the report touting the changes but only briefly mentions the stakeholder report and I'm glad to hear the mayor's office is looking at that because you don't mistake the lack of people being here for lack of interest in the IPR. It's 10:00 on a workday. I know there are a lot of people interested in seeing the changes going through. Particularly to the citizen review committee. So what is in the report? Last year, of course, you read it carefully, was the third year in the row and the eighth of nine years that the IPR existed that no. No disparate treatments were found. Only one in 2007. In addition, African Americans continue to make up 27% of the complainants in a city that's 6% black. Only three of the reports or 4.8% sustained. IPR and internal affairs, declined to investigate 75% of incoming complaints up 71% from last year. And internal affairs only investigated 28 community cases which is about 8% of the cases that came in. Somebody who files only has a one in 13 chance of having their complaint investigated and I should not hesitate to point out, when they get investigated, they're investigated by the police internal affairs not what they think is the independent agency that took the complaint in the first place. IPR has never done an independent investigation even though she lists that up front as one of their powers. They've never done one. IPR is dismissing a case when they believe the investigation will not lead to proof that misconduct occurred. 45% had no conduct alleged and 18%, one in five, fit the new cannot -- misconduct. That they can dismiss complaints as a form of clairvoyance. You probably heard about this from my colleagues, the opinions of users in the year data -- now they're only publishing data from the auditor's citywide survey. Only 34% said they approve IPR. And it

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seems to me you get better data from the people who use the system than the general public. The citizen review committee is -- i'm glad they were here to talk about what they did. This summary the annual report has a short listing of the things that the crc did but fails to list the important work. Which was they heard appeals, which is one the most important windows into how the bureau works. And they challenged five allegations, including one that the bureau accepted and that's a big deal. That's what the citizens of Portland count on the citizen review committee do to. To challenge the appealed complaints. Presented three -- actually, he left out and have eight workgroups functioning and do more than what you see here. And, you know, while outreach has improved from the ipr and going out and making connections with the community, I don't know that listing the names of the organizations they were working with is as important as hearing what the community was feeding back to them and that's something that they just started doing after the annual report came out. So we did bring that to their attention and the ipr was responsive and I want to give them credit for that. We have a longer version of this analysis i've hand you that's seven pages long. On our website. I've given you this short version today. If you have questions, feel free to ask.

**Adams:** Debbie?

**Debbie Aiona:** I'm debbie, aiona, representing the league of women voters of Portland. The league appreciates the ipr's commitment to producing another timely annual report informative and neutral in tone. There were a number. Changes made in 2010 to our already complicated police oversight system. The report contains a helpful accounting and stem by step description of how the complaint works its way through the system. A number of things we asked last year were included in the current report. This year's report raises issues that deserve further consideration. One the reasons ipr dismisses community complaints is the inability to identify the officer. In spite of the fact that officers now are required to hand out business cards, the rate at which cases were dismissed for this reason increased from 7% in 2009 to 12% in 2010. This may indicate a need for more raining in the business card policy. In 2010, only 19 full investigations of community complaints were completed. This is a significant drop from the four previous years when totals ranged from 36 to 59. With so few investigations completed, it's easier to understand why it has been a year since the last appeal hearing came before the crc. Chief reese's letter to the police oversight stakeholder committee state that the internal affairs findings cover sheet now includes possible additional recommendations of training, policy and/or supervision review. When authorized individuals make those recommendations they should be captured in future annual reports along side the data on findings. Furthermore, the league urges the bureau to return its official findings, unfounded, exonerated, insufficient evidence and sustained. They're the std standard in the field and better describe instances in which there's not enough evidence to determine if the incident occurred as described by the complainant. The officer-involved shootings investigations chart would be more useful in the names of individuals and more specifics about ipr involvement were included. This year, information on the satisfaction level of community members using the system was omitted. Furthermore, we learned that the last crc meeting that surveys are no longer mailed to complainants. At the same time, community complaints continue to decline and the outreach coordinator reports that some are reluctant to file a complaint because they fear police retaliation. These reasons highlight the importance of finding an acceptable method of serving complaints and those who have had police encounters but did not file a complaint. It may be necessary to hire a outside firm to conduct such surveys. The outreach coordinator reaches with the community organizations and members and ipr included a summary of public comments received in the last director's report and this information should be added to the annual report. The summary of crc workgroup activity would benefit from a short description of the findings and recommendations included it in the completed report with links to the website and we're happy to hear sounds like we're going to move

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forward on dealing with the recommendations from the stakeholder committee. Long in coming and we look forward to participating. Thank you very much.

**Adams:** Thank you, and thanks for your continued vigilance and advocacy on this issue. It's much appreciated. So it's a presentation. Do you want to accept it by council or -- so, sue, please call the vote.

**Fish:** Thank you for the excellent presentation and the testimony. And it appears to me, we're making steady progress and I know that all those working on this are conscientious and of good faith. Thank you. Aye.

**Saltzman:** Well, thank you for the good report. I'm encouraged by the trends we see about declining complaints about use of force and complaints about police officers in general. I think that's good. Our officer-involved shootings are not good. That's something we need to be working on you go, but I know the crc and ipr offices and -- our advocates out there who closely monitor this are going to help us to make sure these trends continue, except for the officer-involved shootings which we hope goes down. A appreciate the professionalism shown by the staff of the ipr and the good quality work shown in this annual report. Aye.

**Leonard:** Aye.

**Fritz:** Thank you, auditor lavonne griffin-valade and mary-beth baptista and the citizen review committee, it's appreciated and rochelle silver is my liaison and has done a amazing job of keeping me informed and up to date on the work being done. It's worth calling out that the Portland police bureau took corrective action against 29 officers as a result of complaints in 2010-- three officers fired. Five resigned or retired with an investigation pending and 13 suspended without pay. There's sometimes a myth in the community that nothing is done in response to the complaints and I think this report shows exactly what has been done and not been done. I appreciate dan handelmann, the league of women voters weighing in and giving expert advice and taking the time to look through the entire report. There were six officer-involved shootings information 2010 and most of these involved people experiencing mental illness, the mayor has assigned me to work with cascadia mental health, with the sheriff's office, with Multnomah county crisis line and various partners to look at how we can better provide mental health services in the community so that police officers aren't the first responders. It's a three-year project. We're making good progress. As evidenced by a revised police policy that encourages officers, they already respond to a sergeant when they're responding to a person in crisis, to decide what the next course of action should be when somebody is stating they want to be -- to commit suicide or be killed by police. Recently, several successes with the step-back technique. They give the person more time to be able to come to the realization they need help, rather than they need the police to take action. And so that's an example of how we're revising the whole system and indeed this, council is funding mental health crisis services through project respond so we have mental health professionals responding to people with mental illnesses on the streets rather than expecting police officers to do that job as first responders. This report isn't the only thing we're doing to improve services and ensure community safety. I need to mention the work of the police relations committee under the human rights commission that's doing good work with police officers and talking and listening to each other and figuring out how to improve ripe relationships. And in the office of human representatives working with immigrant refugee communities and this is one piece of the puzzle and I appreciate the work being done. Aye.

**Adams:** Well, I think first I want to thank director baptista and auditor griffin-valade and the team for moving forward expeditiously and the reforms proposed by commissioner Leonard and the auditor and others. The work continues and you have in the police bureau, a partner that is intent not just input action, but actually seeing the results and the reforms. So we have a number of inquiries underway, and we're making sure that, for example, the fbi civil rights inquiry, division inquiry, that commissioner Saltzman and I and the community called for, that's well coordinated as well in terms of the scope and make sure that you folks, if you haven't already, are part of the

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outreach and testimony taking from the civil rights division. So what we're working on right now is the next week or so, putting together sort of the master template of all the reforms and provide a way for the public to better keep track of the status of each of those reforms. So more work to do. Thank you. Aye. [gavel pounded] so approved. Can you please read the title for time certain -- time certain 10:30, item number -- emergency ordinance item number 589.

**Item 589.**

**Adams:** Commissioner nick Fish.

**Fish:** Thank you. Every five years, we're required to do a comprehensive plan and submit it to hud. It's a monumental undertaking. And today, director margaret van vliet will be presenting the -- margaret van vliet will be presenting the housing plan. And based on the analysis of the impediment committee. The fair housing we're submitting to hud is different from the fair housing we submitted on friday, that document, which the director and I developed based on the excellent work of analysis of the impediment committee will be coming to council in early fall for discussion and hopefully support. So margaret. I want to begin thanking you and your team for the excellent work and jenny, beth, kate and everyone who worked so tirelessly on this. Thank you, it's a wonderful document. Actually, assistant secretary Trasviña of hud was with us on friday and complementary of the work. And I want to acknowledge danielle who has done work on this and every other project.

**Margaret Van Vliet, Director, Bureau of Housing:** As commissioner Fish said, i'm here to ask your approval to adopt three plans that hud requires. There's a five-year consolidated plan. 2011 to 2016. The second is a one-year action plan and the third is this analysis of impediments to fair housing choice report. And the action you'll take today authorizes the city to apply to hud for funding sources, mostly -- and most notably, community development block grant. \$9 million. Home investment partnership grants, of \$4 million. Two smaller one, the emergency shelter grant of \$440,000. And housing opportunities for persons with aids, \$1 million. And the details of that are in your materials. And I think you know that we're notified by hud how much we're eligible to apply for and it's notable these amounts add up to about \$2.4 million less than we were able to apply for and have been expending this year. We can talk about the hud budgets another time but these are amounts are reduced and put into our budget for next year. Let me quickly give you the porn things to know about the three plans. The consolidated plan is a five-year plan, a snapshot of the community housing and community development needs and identifies local priorities and establishes the strategies that we'll use to address those priority needs. And it's developed with a lot of community process and like a lot of things, hud requires you to do some participation. We do it in the Portland style. Many stakeholder and public meetings and did this work in the process also of doing the new bureau's strategic plan. We had a lot interest and good data and good sort of anecdotal information and prioritization conversation. So I want to tell that you the priorities that are articulated in the consolidated plan line up with the priorities we established in the bureau's strategic plan. And briefly, those -- the top priority is increasing housing production. And preservation. With an emphasis on rental housing for those who face the greatest challenges finding housing in the private market. And include expenditures that identify and respond to discrimination in housing. And others, homelessness prevention, foreclosure prevention and new homeowners particularly among household of color and short term shelter and allow the funds to be used for economic opportunity programs and those are the funds we -- through our intergovernmental agreement. The other piece about the consolidated plan is -- includes five-year numeric goals and hud holds us responsible to report on them in a report called the consolidated annual performance report. Known as the capr. No e in the acronym. The second of the plans is the one-year action plan and includes how we'll spend the funds in the fiscal year. That matches up nicely with the budget that we've put together for the next year. And then the third piece is the analysis of the impediments for housing choice. Hud requires that be done on the same schedule as the

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consolidated plan. I think you've heard a fair amount about the process we use to develop the analysis of impediments and the and the robust process and stakeholder involvement that informed this year's analysis and the recommendation that is the 23-member stakeholder committee offered to us and our jurisdictional partners and commissioner Fish mentioned serves at basis for the fair housing plan we released last week. I think the other piece is, I thought I might be joined by one of our members. We have in addition to the analysis of impediments committee, you authorized the establishment of a Portland housing advisory committee a few months ago. They've been meeting now for several months and they have been deeply involved in helping us think about our planning work, our prioritization work, it's a broadly representative group of sort of housing experts and community development experts and that will form the basis of our sort of the centerpiece, if you will, of our community engage. Going forward. And help -- engagement going forward and one. Our key accountability mechanisms. I think i'll stop my presentation there, but I want to give a special kudos to the staff member whose long held this consolidated planning work. And that's beth kay. Nick mentioned the other key staff that had been working on this year feverishly. They were guided by beth kay, who is going to leave at the end of this month. But she's been a stalwart member of our team and a longstanding expert in the questions of hud and regulatory compliance and public engagement and her position was eliminated in the recent budget reductions. We're going to miss her a lot. And I want to thank you her today for her service.

**Adams:** Thanks, beth.

**Leonard:** A question.

**Saltzman:** I have a perception that single women do not have as much access to shelter. If it's a single woman with kids, there's family shelter. You know, homeless men, there's definitely emergency shelters. Can you give me a gender split on access to emergency shelters for women, versus men?

**Van Vliet:** No, it's a great question and i'm going it ask if any of my staff have the answer that are here and can address that.

**Beth Kaye, Portland Housing Bureau:** Commissioner Saltzman, members of council, I think that perhaps the best time to take that question up is going to be when the numbers come out for the homeless street and shelter counts, because then we can provide a comparison by population and by number of units or beds or hotel and model vouchers available. And that will true it up. That information is in the plan. There's a need across all categories. But I can't give you a percentage.

**Saltzman:** I'm not just talking about sort of the typical vision we have of somebody homeless and -- in old town chinatown. It's more women fleeing abusive situations. Is that captured?

**Van Vliet:** It actually is captured. Next week we'll release what's known as the street count. But again, it's another hud required exercise, but it includes people who are not permanently housed. People who are literally sleeping on the street. People in shelter, people in transitional housing and to the best of our ability to count them, folks who otherwise are doubled up or sleeping in cars or temporary requirements. We think we had a good process to capture the hidden populations and we'll release that next week.

**Fish:** It seems to me what we could do in response to the request is we could give him a snapshot based on the street count and take a look at -- pull the sections of the comp plan and what the breakdown is and ask our partner, home forward, formerly known as hap, tell us about the emergency vouchers going to victims of domestic violence with and without kids and then give him the profile how that fits within the overall system and I -- i'm going to anticipate that both commissioner Saltzman and commissioner Fritz at a minimum, are going to want to push us a little bit on what additional things we can do to align with other systems that are being enhanced to deal with them and it's a great question. Let's start by pulling the data and then the conversation about what additional tools we can bring to the table.

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**Saltzman:** My final question -- I appreciate that. Look forward to that information. You mentioned emergency shelter funding through vouchers for hotels, motels. And then commissioner Fish mentioned home forward has section 8 vouchers geared toward maybe domestic violence victims. Do the emergency shelter vouchers that you're talking about, do those also -- can those also fund the needs of domestic violence victims who want to find temporary shelters?

**Van Vliet:** Absolutely. We do this work through community-based nonprofits and there's a question of who comes in their door and how can they access something like a short-term rent assistance or model voucher. They're being served, certainly, wouldn't be turned away from the community nonprofit that is do that work on our behalf, but i'm not equipped to tell you today how many are coming through the door and how it representatives to the rest the population efficiency you can also get back to me whether the gateway center for domestic violence services which serves as a gateway for women seeking help. I know there's a nonprofit provider that has hotel vouchers and often run out quick. And the gateway center has limited vouchers.

**Van Vliet:** Right.

**Saltzman:** We'd be interested in more vouchers for women and maybe get back --

**Fish:** What we'll do, commissioner Saltzman, and we have a number of spreadsheets we've prepared and circulated. We'll pull them together and give you a briefing on the current system, who we're serving what are the tools and seek your guidance as to way he we might enhance those tools.

**Fritz:** I appreciate that discussion and commissioner Saltzman bringing this up. I'm not seeing this the fair housing assessment where it calls out the needs of single women. On page 17, there's the low income and vulnerable population, but it doesn't really talk about how specifically vulnerable population. The city did a study in 2004 on single homeless women and found, at that time, it wasn't people fleeing domestic violence, that there were a number of different needs and it was striking to me reading that study, that it's very similar today. And that we know we have a nine-week waiting list for jean's place. How do we keep women safe in the meantime? I'm wondering about this report presented to us today for adoption. But seems to me that's a -- an omission that ought to be -- is there any opportunity to amend this plan?

**Van Vliet:** There are definitely opportunities to amend the plan. Somebody is tapping me on the shoulder. Kate allen and Elisa aguilera.

**Adams:** Welcome.

**Elisa Aguilera:** I apologize for being late.

**Kate Allen, Portland Housing Bureau:** In response to commissioner Fritz's questions. The analysis of the impediments report focused on the federal and state and local protected classes, domestic violence victims as I class do not have that designation. What's important is the dialogue that happened around the analysis of the impediment committee with regard to specific actions in their recommendations about reducing barriers for women who are in that situation, when the record of police calls, because of a domestic violence situation, creates an impediment to their being able to access housing. So there is in the fair housing recommendation -- the fair housing committee recommendations and in the report in front of you, a specific recommendation about increased -- reducing barriers that are created by -- i've named one specific one, there were several that were addressed specifically to that population. Women who were -- where there was a barrier to fair housing created by that situation.

**Fritz:** Only addressing protected classes?

**Fish:** Fair housing, by definition, covers the protected classes at the fed, state and local level and women would be -- a family status is covered so a woman who is a victim of domestic violence who has children cannot be turned away from housing. But it doesn't specifically target, quote/unquote, victims of domestic violence.

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**Allen:** It does specifically protect sex or gender, as we now call it. So the women who are -- who are -- because of their life experience, putting them in a situation of having to answer for police calls that are attributable to domestic violence and the police call is used as a way to deny housing and that was what the committee specifically addressed.

**Fritz:** I'm not really on the domestic violence -- it's a bigger issue. So is gender a protected class?

**Allen:** It is.

**Fritz:** I think there needs to be more in the plan to address gender challenges. And wondering how do we amend this -- is there any possibility to amend this plan at this point?

**Allen:** Can we do this in two steps? Sit with you and -- and sort of go through where we think there are some specific protections and then get your feedback on where that can be increased?

**Fritz:** I -- a basic question. I'm being asked to adopt this today and so if I feel there's places where it could be clearer, will there be a future opportunity to amend this?

**Van Vliet:** Absolutely, yes.

**Fritz:** When would that be?

**Van Vliet:** I think we have to give public notice and we have to have some process, but we can take up amendments to our plan -- amendments to our plan any time. There's not a restriction.

**Fritz:** Thank you, that's help. And I want to emphasize, there's a good section on increasing accessibility as well as affordability and people with disabilities have a protected class and I appreciate you have folks with disabilities on the committee and particularly liked the section about increasing housing choices for people with disabilities that's in bold. I want to call out a piece not in bold. To develop a range of housing and supportive services to better match the needs of different populations living with mental illness since one size does not fit all. I like the way that's phrased. What's the significance of what's in bold and what's not? Are we going to only work on what's in bold? This is on page 15.

**Fish:** The significance of the difference between things in bold or not bold?

**Fritz:** Yes.

**Fish:** What page again?

**Fritz:** 15.

**Allen:** We can provide an answer but it might be a good opportunity for ms. Aguilera, to identify the priorities, that is, take action this year in a plan that's to serve us for the next five.

**Fritz:** Thank you.

**Saltzman:** I'd like to follow up on something you said, kate, to make sure i'm understanding it.

Women affected by domestic violence are not per se, a protected class under fair housing, but you said if there's repeated -- if they make repeated calls to police, that means there's a basis for landlords to deny them housing and, therefore, there's a protected class angle there?

**Allen:** No, I was highlighting in particular a recommendation that the committee made to get at the issue, and when a history of police calls is used -- a previous landlord might say, this resident had a history of police calls. The reason for the police calls could well be domestic violence. The committee felt it was important that we put -- we take action to clear that kind of record from preventing a woman from being able to rent without any barrier. Without that excuse from -- from a landlord to say there are police reports, therefore, we won't rent to you. What's the source of the police reports.

**Saltzman:** The evidence report?

**Allen:** Yes, that's a recommendation made by the committee.

**Saltzman:** Ok.

**Elisa Aguilera:** Although --

**Adams:** Introduce yourself.

**Aguilera:** Elisa Aguilera with the community alliance of tenants, I'm one of the co-directors there. Although domestic violence is not a protected class for housing, We have been working on it, at the

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state level, so this year, we recently passed, were able to get a piece adopted where women escaping domestic violence, who had children over 18, previously could not bring those children with them and break the lease. Which prevented folks from leaving if they couldn't bring their children with them. We've been slowly working on that and open to any feedback on being able to push over different pieces of legislation, domestic violence is one we are --

**Fish:** Let me draw a distinction. It's helpful in terms of going forward. We're required to submit these reports to hud. They address a series of questions that hud poses and limited to the legal categories we can address. The fair housing action plan that will be coming to council is our action plan on how we want it remove barriers and we define them at the front end, and on the other side of the ledger, an me to expand the supply of housing. So people can use it. At the ground level here, what we're going to -- any -- any the issues my colleagues raise today or the future about barriers or changes in the law, we can address as council, independent of the report to hud. I want to be clear. We're required to file a report to hud and address questions. For example, currently, at the federal level, sexual orientation is not a protected class. It was 23 years ago we brought families and people with disabilities into the protection of federal law. But today, sexual orientation is not protected. Interesting, mayor, the national association of realtors got behind that change. But there's not the political will yet in the senate to do that. Specific things in Portland, changes in how we spend money, prioritization, changes in the law, that's something that council can address at any time as part of our jurisdiction. This is the plan that we're submitting to hud which addresses a community process and sets broad parameters, but remember, this is a roadmap and also a regulatory compliance issue. We welcome any suggestions for what we can do differently here and nothing in these documents precludes us from doing something here that's separate and apart from what's in the plan.

**Adams:** So, mr. President, I have a prior excused absence to go to jefferson high school for an exciting announcement around education reform. So I'll turn over the gavel to you.

**Fritz:** Thank you for that explanation commissioner Fish. Could you just explain why some things are bold and some things are not bold in the document please?

**Aguilera:** Yes, let me start with the process first and I think Kate can specifically address the bold piece. It was a community driven process, I'm honored to be able to have sat in that process. CAT has previously not been able to prioritize the AI before in the past, but has provided interviews. There was a group of over twenty stake holders there at the table representing a variety of different landlord groups, there was tenant legal services, disabilities, LBGQ, your wide range of groups were represented. And we did go through a lengthy process of gathering data and hearing from different groups that collect information of these barriers to fair housing. We went into it with full intent on figuring out ways to address, meaningfully address fair housing barriers for folks. And one piece was the fair housing council's audit testing. And using that kind of data to really influence and help us decide, how do we best, as a community, think we need to address these issues for the city of Portland and for Multnomah county, as it was a Multnomah County report? There is a number of us who had very lively discussions about different issues. It's an uncomfortable topic at times to discuss when we're talking about discrimination. But we all went into it very intentionally and have all come out of it feels good about the recommendations. We went around the room at the end saying how do we feel about this and can we support this as an organization? I was a little tough on some of the php staff as coming from the community like tenants representing tenants, but also our membership is predominantly made up of color, people with disabilities, mental health and physical disabilities, so there was a number of our group who pushed staff for recommendations that were a little stronger, that were comprehensive around enforcement, education, collecting better data so we can understand how broad the problem is and then also looking at housing policies, housing choices. We need more affordable housing. When some communities are being discriminated against, it affects us all. We are all deprived of the

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richness and diversity of that. So we feel very confident. Everybody signed off very positively about backing this a.i. Report and the various pieces. There was data that we highlighted and made very important. One area is disabilities, both physical and mental health disabilities, the large area that is being denied housing or has limitations receiving adequate housing that's accessible to them.

**Fish:** When we talked to assistant secretary Trasviña on Friday, I believe he said it's the number 1 category of complaints that HUD gets nationally is around disability and increasingly we're finding that people are experiencing barriers because the smaller landlords have not brought their properties up to ADA compliance, clearly not accessible to someone that has a physical disability.

**Aguilera:** Yes. And mental health, too, is a large barrier as people don't understand how to work with folks who may have some of those challenges. It's just a different way of communicating with folks or working with folks. And so we are very proud and you should all be very proud of the report that this committee came up with. It was difficult, hard conversations, but the recommendations are meaningful and, if implemented and funded, we strongly believe will reduce housing barriers in the community.

**Fritz:** I just wanted to get the answer about bold.

**Allen:** Bold means immediate action. You will see those bold Recommendations made their way into the city's fair housing action plan that Commissioner Fish brought out last week. You will also see that those have budget allocations across from them.

**Fritz:** So if we could have some -- if you could come and brief me on that action plan and maybe have some input into it before it comes to council, I'd greatly appreciate the good work. Very well prepared. Thank you for your leadership as community alliance with tenants and all of the good work that's been done on this. One final question. Are we allowed to tie ongoing tax abatements or other financial incentives to compliance with the recommendations in this report?

**Fish:** That's a policy question. The council can confer any benefit on a policy that we adopt. For example, our partners in Oregon Opportunity Network have been talking for some time about linking tax abatements to meeting certain criteria, and one could be compliance with certain minimum standards on fair housing. That's the brilliance of the work that Elisa has identified. This is pioneering work. The city has never had a report that was this comprehensive with data this broad, grappling with it. Now we're going to have a rich body of material to make some policy choices and linking benefits that we can confer on compliance with some legal requirements. It's certainly something I'll be talking to council about.

**Leonard:** I want to make sure that I have a broader overview of the some of the issues here and give you an opportunity to clarify a point you were trying to make earlier. We are approving a five-year consolidated plan as required by the federal government to have funds dispersed to us that are used in the administration by Commissioner Fish in the construction and maintenance of housing for certain protected classes. Is that an accurate broad overview of what we're doing?

**Allen:** Yes. Consolidates all the actions we take for all qualifying households.

**Leonard:** And one of the aspects that the report requires us to address is what the federal government defines as protected classes?

**Allen:** Correct.

**Leonard:** And one of those protected classes has to do about sex. So I don't want to leave an impression, if it's not accurate, that you have not addressed the issue of women being protected for housing, and it seemed to me that you were politely trying to say you have addressed the issue, and you didn't expand on that, so I'd like to give you an opportunity to make sure that you can assure those that are watching that in fact the plan does address adequately protecting women who seek housing.

**Allen:** Thank you. I think, as Commissioner Fish said -- in the Portland way, this report could be pro forma. The report consolidated plan and the action plan could be fulfilling HUD requirements

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and going no further. Director van vliet described how we've done a purposeful job of syncing up the strategic priorities we've identified to hud with our specific Portland housing bureau strategic priorities. We do a much more diligent or detailed job of syncing up the action plan items and the specific deliverables in this year's budget with what we're telling hud. And then finally the fair housing action report, the work of that committee went significantly further than the pro forma that was required. As commissioner Fish had said, it's a valuable piece of work and stepped up a couple of notches from what we, as a community, have done before. So I think in the specifics of the report, we have gone beyond what would be required. We have specifically addressed barriers that were identified out of that process that would affect women who are experiencing domestic violence.

**Leonard:** How about just in general?

**Allen:** Just in general, yes. And we did that with -- and it wasn't just our words. It is literally the words of the community process that had community needs. A number of public hearings and then the work of the committee.

**Leonard:** You're comfortable that we've addressed the issue?

**Allen:** Yes, I am.

**Leonard:** Further questions? Thank you all for testifying. Do you have anything else? Do we have anybody to testify?

**Parsons:** No one is signed up.

**Aguilera:** Can I do a quick testimony, sorry I was a little late to sign up for it, I'll try to be brief.

**Fish:** Please State your name again.

**Aguilera:** I sure will. Elisa aguilera with the community alliance of tenants. The community alliance of tenants is Oregon's only grassroots tenant-controlled, tenant-run organization. Our renters hotline has handled over 2500 calls this year alone from residents. On almost a daily basis, we receive calls about discrimination and mistreatment. Cat has been calling out these issues for several years now on a variety of different task forces and groups that we work on. The audit results validate what we've been saying and we've been hearing on our hotline from our members and from other tenant residents. We were not surprised to hear the results but, at the same time, it was still heartbreaking, and it brought up old feelings and memories for folks. Cat prioritizes the participation -- our participation in the a.i., because it not only represents us as a voice for tenants but also for families, low-age workers, people of color, people of disabilities, immigrants as well. Our membership, our board, our staff, and our key volunteers are primarily made up of these communities. For us, we had a deeper stake in it than just the tenant side of it. We back the a.i. Report fully. We strongly feel that this is an important step for addressing housing issues, and you guys have the tenant input on that. We hope that this is a model that can be shared with other jurisdictions and can get support from the city to help other areas to learn about the model we have. It is new. It is innovative. It will make a difference if prioritized and funded. There are pieces that we have been actively working on it. We as a city here and you all as a council adopted additional funding for the neighborhood inspections program, which is one piece. Fair housing is not just about denying access into housing. It's dealing with folks when they're in housing and the treatment there as well and in future planning for that. I wanted to thank you for your time and being able to participate and share in that.

**Leonard:** Any further testimony? If not, please call the roll.

**Fish:** This is a monumental undertaking, so I want to begin by echoing what mar great van vliet said and thank beth kay for her terrific work. These documents set forth our aspirations and our roadmap for the next five years. It will not be easy for us to get to where we want to go at a time of diminishing resources and greater need and the challenges we face, but I will say the reason I have confidence is because of the team that we have put together. Margaret and kate and beth and danielle and jenny and everyone who worked on this, kim, thank you. Last friday we were joined

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by the assistant secretary Trasviña of hud and did a public forum in this room, and jenny actually served as the council clerk for that and called people forward, did a great job. We had a few hundred people, couple hundred people who showed up, and they shared their stories with the secretary. Afterwards, he said some very complimentary things about our work and about our will moving forward to address barriers and to get the job done. We know it won't be easy, but we also know in the last year we've faced incredible obstacles doing our work, and yet this team delivered bud clark commons on time and under budget. This team worked with home forward to get a hope 6 grant which brought \$18.5 million to our community. This team has been working diligently on a fair housing action plan which we'll be presenting to council shortly. This team knit together federal and local money to do a ground breaking in block 49 and on and on and on. I want to acknowledge that margaret in her leadership said, when she took the job, she was going to do it differently, more transparently, more open to doing things in a way that perhaps were that. She has fulfilled that pledge by putting together an advisory commission which gives us guidance on all we do, by putting equity at the heart of what we do every day, and by doing a comprehensive plan process that brought more stakeholders to the table and gave them a greater voice in how we are going to develop this roadmap. I'm very proud, margaret, of your work and the work of the team. Now the hard work begins. The comments from my colleagues illustrate the dilemma we have going forward. Every day someone comes to us and says there's a compelling need which we're not meeting. And certainly domestic violence would be on the top of anyone's list. Every day we have to make judgments about scarce resources and how best to invest. Every day we're confronted with 1700 people sleeping outside and 15,000 households wiped out in the market, and every day we deal with discrimination in housing which prevents too many people from exercising choice that is protected by law. These are enormous challenges. But make no mistake. This team has the demonstrated ability and will to accomplish this. Aye.

**Saltzman:** I want to start out by thanking beth kay for all her years of service to the city and passion. I'll eagerly await this information request that's promised to me, but I still hold the perception that we are not doing as much for single woman as we do for homeless men or families. Maybe when there comes a day we build -- spend \$47 million on a bud clark commons for women in terms of a domestic violence shelter, trail system/mal housing, an access center, i'll sense some of that parity there is. And maybe that's not the right solution, but i'm just saying relative to the types of public investments we're making, we're not making enough in the needs of women, particularly women who need to get out of abusive situations. Whether it's more hotel vouchers or something as grand as the bud clark commons, I don't know. This conversation has been helpful, and I will be following up on this. But this is a good report, and again thanks to all of you. Aye.

**Fritz:** I thank commissioner Fish for his leadership on this and second commissioner Saltzman's concerns and comments which we will refer to beth. Wonderful work for the bureau. Elisa, thanks for your work with the tenants. You and other stakeholders put so much time into the committee, and I agree it's definitely the Portland way of doing things. When we do things the right way, we tend to get really good results. We are all very invested in the work you do. I look forward to working with you on the action plan. I'm concerned about single women who maybe aren't involved in any kind of criminal situation, whether fleeing domestic violence or having their own criminal challenges on the streets. There's a lot of women who are living outside who don't qualify for services because they aren't in those kinds of situations. And so i'm looking forward to having those discussions. As I mentioned earlier, i'm very pleased to see the focus on people with disabilities and on accessibility. I'm interested to hear commissioner Saltzman's comments that that's one of the biggest complaints to hud. And the whole discussion really emphasizes your commitment to equity, margaret, and I appreciate that that is at the heart of everything you're doing. One of the pieces not involved in the report is about training staff, about the requirements of the ada. I remember a couple years ago a new building in south waterfront was not built ada accessible.

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It was just overlooked in the permitting. And I also remember being on the planning commission where being ada accessible was presented as a public benefit. I said, no. That's a requirement, not an additional public benefit. I think that's a discussion we need to keep having and keep highlights as we all age and we know that 20% of folks in our community are people with disabilities. So i'm very glad to be working with you on that and am very happy that we will have the office of equity that may be able to provide some of that added value to the work you're doing, maybe help with some of the education and training, although the committee didn't highlight that as a must do, that's within the city government something we need to pay attention to. We'll work with you on that. It's exciting to hear this report and see the details and to know that we are all committed to this worthy work. Aye. **Leonard:** Well, I wish I could just say I am grateful for the work you do, but in listening to some of the exchanges, I have to say I have a great deal of empathy for you. Having to interact with the population that you do which brings up the unique challenges, in my own experiences in life, and then to constantly be second-guessed then by some of us up here about whether or not you're doing something we think you should be doing has got to be tremendously frustrating. So I will just comment to you that I have a background that deals with that population on a variety of levels. I appreciate the challenges that you deal with on a daily basis. I have a great deal of empathy for where you find yourself often. I greatly appreciate the leadership and work commissioner Fish does. If he hasn't learned this by now, I am sure he is experiencing what it feels like to actually get out and try to do something different and not be comfortable in doing it the way things have been done in the past. When you do that, you obviously open yourself up for criticisms and people thinking you ought to be doing something different than what you are. From my observation, I think you're doing the best with what you have, and you have my support. Aye. Item 611. Good morning. Whoever wants to take the lead, identify yourself and explain to us what you're doing.

**Item 611.**

**Bruce Carey:** I'm working in partnership with a seattle company. Via tribunali is the name of the restaurant we're working on opening at the corner of southwest third and ankeny street. In that capacity, i'm here to represent the other restaurants and bars, the business owners on what we call the ankeny alley between southwest second and third in hope that you'll grant us an expansion of our sidewalk café, closing the streets so that workplace tables out in the street for expanded food and beverage service during a period --

**Leonard:** Is that the dan and louie's oyster bar street?

**Carey:** Dan and louie's starts at the second avenue entrance, and then third is where myby will be located. We've divided up the streets equally among the five or six participating restaurants and bars and have agreed on controlling those parameters so that we can provide expanded use of basically expanding our dining room into the outside area.

**Leonard:** And does this apply for that entire street? In other words, can I enjoy a nice plate of yaquina bay oysters on the street during those dates and times?

**Carey:** It includes service from all of the restaurants and bars between second and third, yes.

**Leonard:** That's excellent. Questions or further comments?

**Jeri Jenkins, Bureau of Transportation:** Yes. My name is jeri jenkins. I'm with the bureau of transportation. I want to thank bruce for being here to talk from the perspective of the business owners. Some time ago, the business owners came to the bureau of transportation with the idea of closing ankeny street between second and third permanently. Through the course of conversations, we determined that a pilot -- a summer pilot program -- would be a good idea to look at how that proposal may work. The first -- and in the interest of being able to diversify the area in terms of service to the business patrons, the first thing that pdot looked at was or bureau of transportation looked at was whether or not the street was needed for traffic circulation in the core area. The traffic engineer evaluated that, determined that the street was really serving as an alley and, in fact,

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as Bruce said, the businesses refer to it as the alleyway. Once we established that we didn't really need the street for circulation of traffic, we looked at other issues that may arise as a result of this request. We talked to the fire bureau about emergency access. We had conversations with the crime prevention manager and specialist for the area, and Theresa Marchetti, the liquor licensing program manager. We had conversations with the police bureau, and we received feedback from the various bureaus and entities and OLCC to add language to the ordinance and agreed this is an opportunity to have more eyes on the street and to reframe the issue now. The vision for this street is to give the businesses on Ankeny that face Ankeny an opportunity to have a sidewalk café, and in essence that's what we're asking is to take the street and close it and redefine it as a sidewalk area and give the businesses on Ankeny street the same opportunity the other businesses have in downtown Portland to have a café seating area. We will permit it as such to each business owner. It will be delineated as such, and it will serve that function for each business. In terms of actually closing the street, we'll change some signs. We will install a bike corral at the point of entry that serve a dual function of meeting a need that the businesses have sought, a bike corral area for sometime, and also serve as a barrier that Ankeny is no longer functioning as a street for vehicular traffic. Eventually people will say let's take a walk on the waterfront, and let's walk up to Ankeny and have a beverage or a doughnut or a meal. So, with that, we wholeheartedly support this closure and ask for council's approval.

**Fritz:** I have a question on that. Actually several transportation-related questions. One, as you say, people currently use that street as a cut-through back onto Third. Are you going to have a sign that tells people how to get back to Third if they won't be able to use that? My concern is that people who are currently used to going down towards Burnside, see Burnside and go down Ankeny to get back on Third to continue to look for parking. If they don't know that you can't turn left off of Burnside for 10 blocks or whatever it is, that's going to create some challenges. Are we going to have some signs to tell people to go through to Couch, to cross Burnside and go to Couch to turn to get back onto Third?

**Jenkins:** That's not in the current work order. We can add that to the current work order if we need to. The traffic engineer may be able to address that more specifically in terms of the need for that.

**Carl Snyder, Bureau of Transportation:** My name is Carl Snyder. I'm a traffic engineer for the Bureau of Transportation. We did not consider adding that type of signage when we looked at this.

**Fritz:** Did you look at the circulation and the fact that people do use that rather than crossing Burnside?

**Snyder:** Yes. We did consider that. I also checked with our data group to see how many cars use that street per day. As near as I can tell, we've never actually counted the volume of traffic on that street before, and that sort of is an indication that it's a really minor use street, and it doesn't carry a significant amount of traffic.

**Fritz:** Did we count this time?

**Snyder:** We have not counted it, no.

**Fritz:** The sidewalks are currently six feet. Right? So those are not places where another sidewalk management plan can fit on the sidewalk. But if we're going to now define the entire street as sidewalk, there would normally, in a wider sidewalk, be places for people to sit who can't afford to sit at a sidewalk café. How does this relate to that?

**Jenkins:** Well, I think that the way that we -- the sidewalks themselves will remain open and available through pedestrian passage. In regard to your question specifically, I don't think it's unlike outside of the Heathman Hotel where there are cafés that are set up. There's tables and chairs set up. They're permitted for the sole purpose of an extension of the restaurant to serve the patron. And the area that's available for pedestrians to use is six foot in width. They're able to pass through

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but would not be able to sit down there as well then. Currently, right now, because it serves -- it functions as a street --

**Fritz:** Well, we're going to define it as sidewalk, so that would then create a wide enough sidewalk that you would expect to have a furnishing zone where people could sit.

**Jenkins:** We're defining it as sidewalk for the purposes of issuing a sidewalk café permit, and then we'll issue a permit to each individual business so that the sidewalks themselves will remain the primary function of the sidewalk to carry pedestrians. And the street, which is currently used to carry vehicular traffic or store cars, would be utilized and permitted as a cafe similar to any sidewalk cafe that has an exclusive use of that permitted area for the sidewalk café.

**Fritz:** Are each of the restaurant areas going to be fenced off?

**Jenkins:** They will each delineate their space. That's a condition of the cafe permit.

**Fritz:** So when the restaurant's not open, can anybody else go sit at the tables?

**Jenkins:** The tables and chairs will be pulled back similarly to how sidewalk cafés are now and stacked in a way that the area could be utilized as a pass-through area then.

**Fritz:** We're doing this closure from 7:00 in the morning on June 20th until 11:00 on November 1st, and we're allowing alcohol in those areas. Could anybody, during the time that the restaurant's closed, come and sit in that area and have a beer?

**Jenkins:** No. We're allowing alcohol under a sidewalk café permit.

**Fritz:** So what's to stop somebody from doing that?

**Jenkins:** The alcohol is allowed for service under a café permit. I believe that it would be a similar type of situation to again a sidewalk café on a street that has been permitted to use that area for service of alcohol while the cafe is operating, and the rest of the time it's not functioning as a cafe. So it's not permitted.

**Saltzman:** Any further questions? Do we have anybody signed up to testify?

**Parsons:** Michael Moore.

**Saltzman:** You can go ahead and have a seat.

**Michael Moore:** Thank you.

**Saltzman:** Welcome. Give us your name. You have three minutes.

**Moore:** I thank you. My name is Michael Moore, and I'm on the board of directors of Sisters of the Road. Commissioner Fritz and Mayor Adams conducted last month's well-attended public forum about the new office of equity. I hope you, Commissioner Fritz, were able to convey to the other commissioners the palpable sense of frustration in the room over long-standing city policies and practices that continue to promote inequity. These policies continue to push low-income Portlanders and people of color out of their neighborhoods at an alarming rate as documented in the 2010 census and are responsible for the 17-year decline in affordable housing in the central city, a decline that even the opening of the Bud Clark Commons does not stem. Time and again at evening, one message came through loud and clear. Promoting equity starts with city government policy itself which must put equity foremost in all applicable decision making. We at Sisters do not believe that this ordinance, as currently conceived, does that. Our concern about the ordinance as proposed is that it walls off what is currently a public space while making no provision for anyone who cannot afford to patronize these businesses. We're concerned we will see the same problems here we see in Pioneer Courthouse Square, one of three locations where people experiencing poverty and homelessness most frequently for violating the sidewalk management ordinance. We're concerned because of the message the city will send when signs indicate that sitting or lying anywhere along the rest of Southwest Ankeny is forbidden while this stretch will provide relaxation only for those of economic means. We're concerned that this will be another in a growing list of ostensibly public spaces around Portland in which the equity message is lost and a different message comes through loud and clear. If you don't have money you, aren't welcome here. I'd like to quote from the conclusions of Commissioner Fritz's 2010

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report on the sharing of spaces community forum. Quote, the council cannot solve the problems alone. Multiple agencies, community partners, and individual citizens are needed to participate constructively. In fact every Portlander, every business owner and worker and every visitor must be part of the solution to support actions that allow sharing public spaces equitably, compassionately, and responsibly, unquote. We feel strongly that it is not too much to ask that the city council live up to the goals identified in that report, to support actions that allow sharing of the public spaces equitably, compassionately and responsibly we request that the council ask that a portion of the seating be made available for the use of anyone who would like to use it, even if they cannot afford a gourmet crepe, and that it suspend the sidewalk management ordinance for people using that seating as a place to rest. Thank you.

**Leonard:** Other testimony?

**Parsons:** No one else signed up.

**Fish:** Council discussion?

**Leonard:** Yes.

**Fish:** This is an emergency ordinance because it would allow this to begin June 20th. Is that correct?

**Leonard:** Correct.

**Fish:** And we would need all four votes of the council for this to pass?

**Leonard:** That's correct.

**Fish:** I would be interested in the views of my colleagues before we go to vote.

**Fritz:** I really appreciate that testimony. I heard similar concerns expressed at our sharing public spaces advisory committee last week. And this is right around the corner from the union gospel mission. It's in an area where people need to be able to get to and fro and where many would like to be able to sit. I really appreciate that constructive suggestion to have a table or tables where people who are not purchasing from the restaurants would be able to sit if tired and if not wanting to get cited under the sidewalks ordinance because, as I mentioned, the other question I have -- maybe Jeri could answer this -- is if we're going to have some people sitting on the floor, would it be legal for them to sit on southwest second avenue in front of the bicycle corral?

**Jenkins:** That would actually end up being in a travel -- pretty close to a travel lane. I'd have to look at the diagram to see. It would be similar to sitting, I think, adjacent to a curb, sitting on a curb, 'cause we're running it parallel to sort of what would be a parking space.

**Fritz:** Thank you for that answer. And as was mentioned, it doesn't seem equitable that some people sit on the floor and others don't in a public right-of-way. This is a public right-of-way. I'm wondering if we might delay this for a week to see if the business owners could come up with a solution. Looking at the diagram, there may even be a place where a table could be set up for people to sit who are not purchasing.

**Jenkins:** I think -- I'm going to speak on behalf of the businesses without checking with them. The goal that we had in mind was to kick this offer the first day of summer. Summer seems to be delayed anyway this year.

**Fritz:** That's what I'm thinking. That's not coming anytime soon. I'm really not comfortable voting for it now.

**Jenkins:** So if we delay it a week and redo a diagram that looks at and takes into account this testimony and bring it back, there would be a vote next week on it.

**Leonard:** But I would like to hear from the business owners here first, because we have another option and that's to take the emergency clause off it. Today would be a first hearing, first reading. Next week we would adopt it. The problem is it doesn't take effect then for 30 days after that, so I'd like to hear from --

**Carey:** I think that the business owners, if I could speak on behalf of myself and voodoo doughnuts that, we wouldn't have an issue with providing some public seating in our plan.

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**Leonard:** You do or don't?

**Carey:** I would take no issue with that whatsoever.

**Leonard:** Could we adopt that in today?

**Carey:** I was hoping that maybe just by making that note that we could expedite the process and approve the plan with the caveat.

**Leonard:** To what extent can we and an emergency ordinance and vote on it today? So could we add language that would create public seating in the area between second and third on Ankeny?

**Jenkins:** Yes. Do I go back and add that language?

**Leonard:** Well, we've got to do it right now. Ben, do you have a suggestion? Why don't we skip over this and come back to it in a second after our esteemed attorney develops the appropriate language. You might want to consult with him over there as well to make sure he drafts the intent and drafts the appropriate language. So can we go to item 612?

**Item 612.**

**Andrew Aebi, Bureau of Transportation:** Good morning, commissioners. I'm Andrew Aebi, local improvement district administrator. We received no objection for final assessment for this lid, and the project came in 39% below budget. I'd be happy to answer any questions you might have.

**Fritz:** As usual, Andrew, you have answered all my staff questions ahead of time.

**Leonard:** Any testimony from the public? If not, this goes to a second reading. Next item 613, and I think Commissioner Fish has asked to read 602 along with it.

**Fish:** If we could, Mr. President, take 602, which was on consent and pulled, I have an amendment to that which I think will allow us to vote on it. If the council doesn't mind taking it out of order, I would move that.

**Leonard:** Please read 602 first.

**Item 602**

**Fish:** I would move an amended financial impact statement under paragraph 4 labeled expenses. Language as from another statement was transposed incorrectly, and I appreciate Commissioner Fritz's office catching that. Before you is the amended financial impact please state your name for the record with the correct language under paragraph 4 and I move that now.

**Fritz:** Seconded.

**Leonard:** Call the roll on the amendment.

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

**Fish:** We now would move the ordinance.

**Leonard:** Is it an emergency ordinance?

**Fish:** Yes.

**Leonard:** Call the roll please.

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

**Leonard:** Aye. Item 613.

**Item 613.**

**Margaret Van Vliet, Director, Portland Housing Bureau:** I'm Margaret van Vliet.

Commissioners this, item is a business item that allows the housing bureau to manage a large loan portfolio with a standard practice and pick up where the Portland Development Commission left off as they transferred this portfolio over to the city last year. A year ago, when we brought the portfolio and the business and the housing department over, you authorized us to make loans under certain guidelines and following certain protocols. There was a step we should have taken at the same time either through a similar mechanism or perhaps in one of the IGAs, and we didn't. And now, with our CFO's help, we are here to explicitly clean that up and get your authorization to, from time to time, write off loans when payment is deemed to be very unlikely. That would go through the committee we established at your direction last year, and we would look at transaction by transaction at the likelihood of repayment and then go through the formal process to write them off

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and correct, if you will, the city's balance sheet to reflect a bad asset that is no longer collectible. I should say that this is -- in this regard, we act a little bit like a bank. We make a loan. We book it on the balance sheet, if you will, of the city. And then we -- reserve against the potential for losses but, unlike a bank, we make much riskier loans. We invest through gap financing and different types of mechanisms. Sometimes single family, mostly multifamily in projects, and we are the last piece of the financing very often. And so we know we're taking a risk, and our return is more often social in nature, if you will, than financial. So, in other words, just like the bud clark commons or block 49 or any number of other deals that you're familiar with, we don't expect to get full repayment. We want the possibility of getting fully repaid if the project exceeds cash flow expectations or, if something goes wrong with the property, we want to be in line, if you will, to collect repayment on those loans. But more often than not, our investment is viewed to be a permanent investment, and what we're buying is the housing stock that's serving vulnerable people that we've identified as a priority. So this looks a little scary. I want to assure you we're doing this in the way that pdc has long done this, and this is a process that we do need your approval for. I understand there may well be questions. With me is our cfo, and then you know rich gower, the city cfo.

**Leonard:** I guess I would ask, after you make a loan and before you get to the point in the process where you are willing to write off a loan, what do you do in between there to collect?

**Van Vliet:** We do a lot actually. We have an active asset management and loan servicing staff. On loans where a regular monthly payment is expected, we do what normal loan servicers do, follow up, try to understand the borrower's situation and work to see if there's a resolution that would result in the city being paid.

**Leonard:** What does that include?

**Van Vliet:** It depends on some degree --

**Leonard:** Somebody's just not making their payment? They're not making their payment and they say they can't afford to, do you take them at their word, find out if they have a job, get bank records, do typically what a lending entity would do to verify the information given to you before you consider the next step?

**Van Vliet:** It depends on if it's a single family loan, which is kind of, I think, the scenario you're talking about. What I'm looking for is the piece of paper that tells me the situation of the single individuals and the single family home. In some cases, there was a death in the ones we've done in the last year. We've done handful in the last year, about 10 or 11. And on the single family side, those added up to \$218,000. There were a few foreclosures and, in those cases, if we're in second position behind a first mortgage lender, our position might get wiped out. And so the loan is still sitting there. We write it off.

**Leonard:** I appreciate that information, but the question I'm asking is I'm trying to get my arms around, for instance, at the water bureau, if people don't pay their bills and they call and say, I can't afford it, that's not good enough. We verify employment. We get access to their bank accounts. Ultimately, if they don't pay, we do much as collection agencies do up to and including turning off the water. I'm wondering do you use those same kinds of processes to ensure payment before you get to the place where you write off a loan?

**Alyssa Mahar:** We do, yes. We typically --

**Fish:** Excuse me, please identify yourself.

**Mahar:** I'm sorry, Alyssa mahar. We have a couple analysts that work with them directly to try to gather financial information. They sometimes will defer a payment. They'll look at modifies the payment to see if we can get something on a short-term basis before we actually take the step of going to write off the loan. We work with them, sometimes for many months, to get them to bring something to the table before we bring it to the investment committee for review.

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**Leonard:** When you write off a loan, does that mean we take the house back or we just write off the loan and they don't owe us money more?

**Van Vliet:** We are rarely in first position, and so we do not take the house back in most cases. I don't know that, in the year that we've had this portfolio -- I don't know that there are any that have - - well, we haven't taken any back, so I don't know.

**Mahar:** No.

**Leonard:** I don't know how the rest of the council feels, if the council is at all interested in, before we accept this solution, maybe taking you up with other entities in the city that have -- I don't want to use the term more aggressive but probably more experience in collecting bad loans to see if there's something we could do before we get to the point where we just write off a loan without making sure that we have done all the things people in the industry are more familiar with requiring to be done before they get to the place to write off the loan.

**Fish:** Mr. Leonard, if I could engage that concept. The underlying concept here is a technical legal requirement that the city now stand in the shoes of pdc in performing a function that pdc used to do without any council oversight.

**Leonard:** Right.

**Fish:** We are very interested in having clear protocols, transparent protocols. Commissioner Fritz has proposed, for example, a friendly amendment which would provide for an annual report to council. We're also open to looking at the guidelines very carefully the committee would be evaluating. This is also, to my knowledge, not really that time sensitive. If the council wants to go deeper in this -- 'cause what we're asking for is a delegation of the authority to the city equivalent of what Dc has. I can also understand the council may want to have more information and a deeper understanding of what the protocol is. The way to satisfy that -- we've had informal discussions before this hearing -- is to set this over, have those discussions, which we'd be very pleased to do, and then come back with a clearer understanding by my colleagues of what our protocols are, what would trigger either a council member's vacation or review, and I think that's actually wise based on some of the conversations we've had.

**Leonard:** I appreciate that, and I would specifically call out two names. Thomas Lannom, who is at the revenue bureau, who is skilled in these kind of processes and Kathy Koch at the water bureau who is the manager in charge of the section that actually has to bill. I would encourage you to have your staff at least talk to them and say, what kind of processes do you use to collect payments? 'Cause it sounds like maybe I'm not opposed to this, but I think there might be some processes in between that might allow to us collect more money than we otherwise might.

**Fish:** Mr. President, not foreclosing other questions, I'm going to probably check with Margaret, if we set this over for two weeks, to allow me to participate before I'm on vacation, would that work with your timeline?

**Van Vliet:** Yes.

**Fish:** We can take any other questions or comments, but I think what we want to do is senior staff briefing and then also just we'll go office to office to make sure people understand what pdc used to do and what we're assuming and then what additional protections people will like us to build in.

**Leonard:** I will forewarn you that using as evidence what PDC used to do will not necessarily be persuasive to me.

**Fish:** I understand, But we have a whole different internal set is why I'm asking. These are good questions, and I'd rather have that conversation with my colleagues before we ask for your support in the overall plan.

**Saltzman:** I would like more of a rationale of why the housing investment committee would be involved in making decisions about something that seems very senior level, very much to do with the city's fiduciary responsibility as opposed to policy. This is kind of black and white stuff. I

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guess I would suggest a citizen body not be involved with closures or not. Citizen bodies can be more leaning towards forgiving loans.

**Van Vliet:** Let me clarify. The housing investment committee is not the citizen commission. It's an internal committee that is senior staff and includes somebody from omf and debt management, the cfo of pdx.

**Fish:** Ok.

**Van Vliet:** It's my internal loan committee that makes investment decisions.

**Fish:** But I think the question underscores the value of having -- going a little deeper with my colleagues on this before we come back. I would ask that this be set over two weeks.

**Leonard:** That sounds great. If there's no objection, so ordered. We'll go back to 611. Apparently there's not a consensus at this point. The mayor's office has contacted me and actually requests of me, if there isn't a consensus to, set it over to this afternoon. So after the mayor's -- that may actually give you the opportunity to go and talk to whoever you need to talk to, by 2:00, and come back. If that's the case, great. We can take action on it then. But i'm going to ask that we set this over until this afternoon's hearing for further consideration on item 610 if there's no objection. So ordered. Item 614.

**Item 614.**

**Fritz:** If you can get it done by this afternoon. Thank you.

**Leonard:** 614, sue.

**Parsons:** Second reading.

**Leonard:** Call the roll, sue.

**Fritz:** Second reading on 614.

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

**Leonard:** Aye. 615. Commissioner Saltzman?

**Item 615.**

**Saltzman:** Thank you, mr. President. This extension with Portland community media allows Portland community media to continue to provide services that are funded through the public educational and governmental fees or peg fees that are on our bills or comcast, and we're still in negotiations with comcast, regarding the franchise, and we need to extend our agreement with Portland community media until that franchise application is completed. Any questions?

**Leonard:** Questions for david? If not, is there anybody that wants to testify on item 615? Please call the roll.

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

**Fritz:** Well, in the over two years that I did have the honor of serving as the commissioner in charge, I came to greatly appreciate the diligence of the eight staff in the office there. Or is it nine now? Very small staff in the office but such diligent work. Thank you very much. Aye.

**Leonard:** Aye. 616.

**Item 616.**

**David Shaff, Director, Water Bureau:** Good morning. I'm david schaff, the director of the Portland water bureau. With me is theresa elliott and michelle lostra, the construction manager for the mount tabor and Washington park interim security and deferred maintenance project. We're here to present the report on the project and ask you to accept the contract, authorize the fine that will payment, then release the retainage. I have a very short formal presentation to make, and obviously i'm here to answer questions as are michelle and terese, and then i'm going to provide you with a recent example of the value of this project. Back in 2007, the city council authorized the water bureau to enter into a cmgc construction manager general contractor contract with sladen construction group for securing the open reservoirs both at tabor and Washington park. Improvements to secure buildings, permit the isolation of the reservoirs with remotely controllable valves and bypass piping, remodel of the gate house 5 at reservoir 5, which is now our security

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center, fence and gate improvements, access controls for vehicles and other maintenance items. As of April of 2011, all of the work on the contract was satisfactorily completed. The guaranteed -- the original guaranteed maximum price turned out to be the final guaranteed maximum price. There were five no-cost change orders. Over 50 valves at Mount Tabor and Washington Park were added or replaced as part of this project. It's estimated about 11 of those valves, one flow meter and 260 feet of pipe thumbing project will not be necessary. The remainder of those are still infrastructure that will be required no matter what happens with those barriers. Any option we've been looking at for the next decade are all things that this project benefited. Our conclusions were based on the review panel recommendations to city council. The water bureau opted to perform work on the deferred maintenance activities and security items that would still be useful to the sites regardless of the outcome of the final It-2 rules. The original scope of work was about \$40 million in deferred maintenance, which included complete replacing of piping on-site, although the piping is in need of replacement, we've decided it's not feasible to replace that piping until we know for absolutely certain which direction we will be going with the open reservoirs. So as to minimize the cost and impact to Portland water bureau users or rate payers. We opted to proceed with the smaller improvements that will help operate the system more effectively and remotely in the interim. How did the process work and was it successful? I think this was one of our first cmc projects. Correct?

**Shaff:** No. Actually we've done several of those. For this dollar amount, yes.

**Leonard:** You clearly don't rehearse your testimony.

**Shaff:** Not that part. The majority of the project was within a historic landmark, heavily traveled roadway and utility corridor, having significant impact to the accessibility to the residents of their homes primarily on 59th Avenue. Work would require shutdown of our facilities which could have adversely affected water quality for our customers. The contractor was able to participate in early and ongoing constructability reviews, production items which resulted in significant time and cost savings to the project. The involvement helped to immediate the needs of the security of the facility and permitting requirements as well as the neighborhood. The contractor provided site fencing and on-site security personnel to keep the work site secured where applicable, developed a means to ensure documents for the security elements are distributed only to select people. They worked to explain methods needed to meet the permit requirements. The neighbors benefited from having a specific go-to person to communicate their concerns, and this allowed the contractor to take quick action to modify site access, site security or traffic control as needed. I think Randy would probably remember the work that we did on trying to improve our traffic control and making adjustments during the project because a number of people were cutting through the neighborhood. So we did a lot of work with the contractor on rerouting and creating detour opportunities with special signage just for this project. The contractor was able to be selective in the work to be subcontracted and determine the list of qualified contractors to perform the work. The contractor developed a plan that utilized mwsb firms to help the city workforce -- to meet the city's workforce and training requirements while utilizing the most qualified contractors for the work and providing needed security of our facilities while under construction. The contractor utilized mwsb firms to help meet our city workforce training and hiring requirements, resulting in a 35.7% participation which is I think a pretty outstanding result. Overall the process was successful. The residents were very satisfied with the outcome of the project and expressed their appreciation for the time spent to minimize impact to the neighborhood. The project was completed with no reported accidents or incidents. That concludes my formal presentation, that Teresa and Michelle prepared for me. I mentioned that I was going to share with you a recent example of the value of this project. I'm sure you know there are five open reservoirs, three routes at Mount Tabor and two at Washington Park. I have a staff of 20 security officers who provide security coverage seven days a week, 365 days a year. One is assigned to Bull Run, and the remainder are split up over those seven days to work dispatch, in town patrol, and focused at Mount Tabor and Washington Park. These upgrades we've

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just completed, provide the officers with the tools they need to protect the water and infrastructure valued in the billions of dollars. As of midnight last night, reservoir 1, which is the little tiny one up at mount tabor around the corner on the northeast side, stored about 8 million gallons of finished drinking water, that is water that was going to be delivered to our customers with no further treatment by us. At approximately 1:30 in the morning, the security officer stationed at mount tabor was performing what we call a camera patrol from the new security gate house located at reservoir 5. He observed five people and a dog gathered at the west side of reservoir 1. He notified dispatch of his observation, and he zoomed in on the group with one of the new cameras. He observed one person drinking what was later to be determined alcohol while other members of the group were throwing unknown objects into the reservoir. One of the subjects then walked up to the reservoir fencing and peed into the reservoir.

**Leonard:** Hm.

**Shaff:** I'm just so annoyed that it's hard to get it out. The officer notified dispatch what had occurred, requested police presence. The bureau's drc, direct responsible charge, the person responsible for operation of the bureau when the bureau is closed, so in the middle of the night and on the weekends -- and our water control center operator were notified. The operator was then able to remotely operate valves from the water control center that enable us to isolate reservoir 1 so that no customers receive contaminated water. Security, my security staff, and a Portland police officer were able to contact three of the five individuals. Two of them had split off. Including the one who urinated into the reservoir. These individuals were excluded from the park. A citation will be issued after we have the opportunity to consult with the district attorney about what criminal charges will be appropriate. This morning, we contacted the bureau of environmental services to begin the process of obtaining what's called a batch discharge permit so that we can immediately begin draining reservoir 1, and we will clean it. We will refill it and put it back online. So obviously this story is still evolving, but it's clear that the project we just completed was critical to our success in observing this incident, catching the people involved, isolating the reservoir immediately in order to protect our customers from the contaminants that were either thrown or from the urination into the reservoir last night. Teresa, michelle, and I are available to answer any questions you might have.

**Saltzman:** So you had to dump 8 million gallons.

**Shaff:** We are going to be dumping 8 million gallons.

**Fritz:** What's the estimated cost of that act of vandalism?

**Shaff:** At the retail rate of three gallons for a penny, it's around, I think I calculated, six hundred thousand dollars. Then the batch discharge is in the tens of thousands of dollars. [Total amount later corrected by Shaff to \$36,000 per Oregonian.] And then the labor involved in cleaning and putting the reservoir back in line will be several thousand dollars. So i'd love to figure out a way to give these clowns a bill for a million dollars. I probably won't be able to do that. But we are going to do what we can to recover as much of our costs from them.

**Fritz:** I really appreciate your diligence in sharing that example. I also appreciate the level of minority women and small business in this. That's 37% of the subcontractors or 37% overall?

**Shaff:** You caught us.

**\*\*\*\*\*:** Either way it's 35% of the subcontracting.

**Fritz:** Either way, that's tremendous.

**Shaff:** We were very pleased with it.

**Fritz:** I just wanted to call that out and say "thank you" very much.

**Leonard:** Further questions? Thank you very much. Anybody want to testify? This passes to a second reading.

**Parsons:** It's a report.

**Leonard:** I apologize. Please call the roll.

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**Fish:** Aye.

**Saltzman:** Aye.

**Fritz:** Director shaff, i've particularly appreciated your comment about not replacing some of the pipes pending the decision on what's going to happen to the reservoirs. You've received a lot of challenges from the community saying that everything's a done deal, and that and the work that you and commissioner Leonard have done in requesting information for this state for both the variances is evidence that indeed, no, we are looking for ways to save money, and I appreciate you putting that piece into this presentation. Aye.

**Leonard:** Aye. Now council is in recess until 2:00p.m.

At 12:13 p.m., Council recessed.

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

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

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

**JUNE 15, 2011      2:00 PM**

**Adams:** A quorum is present. We will proceed with the hearings. At least taking testimony, it will take more people here to vote on things, but can you please read the title for time certain emergency ordinance item number 617.

**Item 617.**

**Saltzman:** The bureau of environmental services developed the community watershed stewardship program in 1995 to encourage community projects that protect and enhance our watershed. It's not enough, however, to ask only about the environmental benefit, now we're also asking about the social benefit, particularly to underserved communities. Two years ago I directed the bureau of environmental services to include equity considerations into the program and i'm very pleased by the progress which you'll see shortly. Here to tell us more are jennifer devlin, of the bureau, a psu graduate student and garrett phillips, also a graduate student. I think they're both in the masters of regional planning. Come on up.

**Jennifer Devlin, Bureau of Environmental Services:** Good afternoon mayor Adams and commissioner Saltzman. And commissioner Fish. Fritz. Wherever you are. I know you know all about this too, so that's great. My name is jennifer devlin, i'm staff with bureau of environmental services, and next to me is garrett phillips, our incoming student, and bridger wineman, who is completing a two-year stint as our grounds coordinator. So as you know, this is a partnership between the city of Portland environmental services and psu and the community is large and broad as you can imagine there. Together we involve community members and students in watershed improvement projects. We offer grants which you'll hear about today, but we also offer technical assistance and other resources through our bureau and other bureaus and through the different programs at psu to help community groups find the resources they need to make their watershed improvement dreams happen. So most of you are pretty familiar with our program, so i've just put up some of the types of things that we fund. But what I really want to talk about today before I turn it over to garrett and bridger is capacity building and the community. And I just wanted to do that by telling you one tiny story I heard, we had an Oregonian reporter who wanted to interview a grantee for an article he was doing, and so I would call around and sow who wants to talk to a reporter, and I talked to pastor linda at colonial heights church on southeast 28th, and she was pretty chatty. Of course she wanted to talk to the reporter about her rain garden project. But what she really wanted to talk to me about is how that project happened and how her grant got written in the first place. As a pastor at a christian church, the busiest time of year is easter, and that happened to coincide when our grants were due the year before, so she looked at her project and our grants, and says there's no way. This is my busiest season. So she turns to her intern who was finishing her one-year mission at her church, and she said, is there any way could you possibly figure out how to write this grant? And this young person working for her said well, yes, of course. 10 years ago the church where I grew up got a community watershed stewardship grant and we built a bioswell and restored a stream at saint andrews church, and of course I can write that grant. The end of the story is that student wrote the grant and colonial heights got that, and it's that kind of capacity building that you start seeing in the community, and we don't have a way to track that and report that to you, but what we really want to do with our equity work, we want to take some of that capacity that's

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been built in the community and move that around and encourage the people who had some experience to know what they're doing to move that to other neighborhoods and other groups and include other types of groups. That's really the work we're going to be covering with you Today. So the third slide has our numbers. And it's impressive, but it's been 15 years, these are the types of outcomes we're getting. I want to just say when people write a grant to us, we don't have a matching requirement. We like to see match because it shows there's partnerships there, but our experience is that most community members underestimate the assets they really bring to the table anyway. And so you can see our match numbers are really high. It's more than 3-1 for our dollars spent matched by the community. And it just really underscores how much the community brings to the projects that they do. So i'm going to turn it over to garrett.

**Bridger Wineman, Bureau of Environmental Services:** I'm bridger wineman, and so the slide you see here is a map of all of the projects that we've funded over the last few years, ending with the projects just finishing up right now, and some of the projects that have been developed over the years, apart from your bread and butter restoration work, have capitalized on the innovation of Portlanders and kind of the community spirit of doing new and innovative things, and that's let us partner with groups doing things in the neighborhoods where there aren't open water bodies, necessarily accessible or natural areas. So they're doing things like building community gardens, removing pavement, building storm water features and eeroofs. And that's a really great opportunity for this program to excess -- access new communities that's been developed over the last 15 years. As you look at the map you can see there are some parts of Portland we haven't forged very many partnerships with, especially east Portland. East of 205. And just visually when you see the geographic distribution you can see that's the case. For us that's an opportunity and a challenge. How do we reach these people that aren't engaged with stewardship through our program and how can we have the resources that are available and will partnerships we can help develop accessible to them as well? So there's lots of different ways we can look at equity. We often in this program -- look at the city through the lens of watershed. We try to be deliberate about granting money to all of Portland's water sheds. We look at the neighborhoods that have projects in them, and the ones that don't, and that's a good way for us to seek out leaders in those areas. And try to plant the seed for future stewardship projects. And then we can use resources at psu to do analytical exercises. This one, for example, we looked at access to open space and historic cwsp grant sites and created these targeted areas where there was a lack of access to both of those where we could apply extra energy in our outreach efforts. So all this has been developing, But really a turning point was in 2009 and '10 when the program started working directly with commissioner Saltzman's office to develop acts for equity. This works in two ways. We're asking the applicants to start describing how their projects serve underserved communities, and then on the other end is we evaluate the proposals that come in from the community. We're having the grant selection committee incorporate equity measures into the selection process. So this has been going on now for a couple years. And we want to talk about how that's developed and what the next steps are. So these are the projects that you approved last year, and the ones that rose festival foundation highlighted, there's 15, the ones highlighted in blue are proposals where the applicant called out specifically how their project served engine derr served communities. That's about a third of the projects. There's a couple that we'd like to highlight for you. This is the gilbert park sun school, though the gilbert park school is an elementary school in outer southeast Portland, and the sun school coordinator there wrote a grant to cwsp and part of it was, she took the kids in the sun program with the help of educators out to natural areas and you can sigh the kids there learning about the plants and bug and stuff of like a native ecosystem. Then they took what they learned And applied it at their own school, a place they had ownership owner, gilbert park, and they create add naturescaped area where the parents drive in to pick up the skids. They took out the sod and went to the native plant nursery, picked up some cool native plants that went together well and

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planted them there with interpretive signs. And now they're helping those plants grow and making sure they get well established. The cool thing is subsequently they're pretty much done with this part of the project, they took the momentum though gained from this and applied for a larger grant from east Multnomah soil and water conservation district and now they're doing a bigger project to the different part of the school to remove invasive and native plants. That's a really cool things, and they're going to take what they learned to the next stages of their education. This is another cool project, in east Portland, it's in the hazelwood neighborhood on 153rd and burnside. It's the glen fair evangelical church community garden. This is an area of town that is relatively low-income, it's been changing relatively rapidly over the last 10 years, new folks moving to the neighborhood, lots of them live in apartment buildings along the transit corridor. So this church was wondering how they can reorient themselves to serve the community as it changes. And they have this great resource of a big lawn right by The max station. So some leaders there convinced the congregation it would be cool to make a community garden with that resource. They dug up the sod and they created an organic community garden. It's pretty much finished now. They started gardening last year, this year it's really -- they're going all out. Folks in the surrounding community are invited to have a plot there. They're having classes on organic gardening, they're putting up signs that will advertise it so people feel welcome to come and learn about organic gardening and to grow food there. Whether 0 a plot or a community plot that people share. So it's a really cool example of how the values of community even on that sort of the outer edges of Portland can line up to involved people, people that might not ordinarily have an opportunity to. Those are some of the projects from last year that are finishing up. Garrett is going to talk about our outreach efforts and where we're headed in the future.

**Garrett Phillips, Bureau of Environmental Services:** Thanks. My name is garrett phillips, I work with bridger and jennifer in the community watershed stewardship program. In fall 2010 we redoubled our equity efforts under the leadership and encouragement of commissioner Saltzman's office. We wanted to understand why some areas of Portland were home to fewer cwsp grantee and home to fewer applications than other Areas of Portland. So we started by meeting with neighborhood coalition leaders, and leaders from one of the watershed councils to understand that question and also to understand how some of the organizations that are already active in those areas, how their work might dovetail with watershed stewardship. So building on those conversations we decided to target our outreach, our promotions, and our project planning assistance to east Portland and the columbia slough watershed. You might have seen on the map that east Portlands has received relatively few grants in the past few years, the columbia slough watershed has received relatively few grants. So we also started a partnership with the office of human relations. We wanted to understand how watershed stewardship served the needs of underserved communities throughout Portland. So we had a series of meetings with staff from the office of human relations and a staff person from that office also sat on our selection committee this year. They provided us with advice in selecting grantee and they also are giving us feedback on the overall selection process. So this year some preliminary results from our selection process are that increasingly applicants are responding to the prompts and our application that encourage them to consider equity and they're also responding to the advice we give them on that front. Increasingly grantees are also new to the community watershed stewardship program. The selection committee is also increasingly responding to this equity agenda and they're selecting more grantees that have an equity component in their project. So if you look that the list of this year's grantees, only one of them did not try to identify some sort of equity component. We're finding there's pretty big disparities in the meaningfulness of equity that is presented in the proposals. On the one hand you can also think about an underserved group or community being a critical project planning an implementation partner on the other. That's something we need to address in the coming year.

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**Fritz:** That's interesting that that one that is called out was looking at freshwater mussels, at the johnson creek watershed council celebration they reported on a partnership with some underserved schools particularly marshall and alpha, studying freshwater mussels. So there's probably a connection to be made even in that one even though they didn't call it out in their grant application.

**Phillips:** Yes. Next slide, please. This is a map of the current grantees in red dots. You're seeing there that we're make some progress and extending our grants in the east Portland, and we got more back into the columbia slough this year. Five in the slew, six have not -- six east of mount tabor and four east of i-205. That also shows that there's still some pretty big geographic disparities and the applications that we received, which are the blue dots, they're primarily still in the areas that we've served traditionally. And not surprisingly there's still large gaps in where our funding is going to. I'm going to tell you about a couple of the upcoming grantees. An informal group of neighbors will be revitalizing the property near southeast woodstock and 82nd avenue. They're going to be using cwsp funds to manage over 300,000 gallons of storm water annually through new storm water management facilities and compliment refunding facilities will be taking care of a host of other revitalization efforts on the property to solve some crime issues that have been plaguing there. The xerces society -- the only grantee that didn't call out an equity component. And they're going to be leading a series of volunteer efforts to survey mussels in Portland streams and hopefully data they collect can inform watershed councils and city staffs restoration efforts. Also with this grantee is a good example of the type of work we're getting into, which is taking the grantees who we select and really trying to find good partners for them in underserved communities, in ways we can match them up and serve multiple goals at once. So going forward we're going to continue addressing geographic Intech is -- inequities by targeting our promotions, the project plan assistance we offer to underserved areas, and we're going to put extra effort into making sure that the grantees in underserved areas have extremely successful projects that can serve as models to their neighbors. We're going time prove the selection process, pyrotechnic a the bit more guidance on the equity the types of equity partnerships we're looking for. Thwart of that -- part of that means we're going to develop clear tie tier ya also. And also we're going to continue try to develop partnerships to serve multiple goals to serve the needs of underserved communities throughout Portland while serving watershed health goals. Typically that means going out and trying to understand the groups that are already active in those areas, finding ways that their work and be directed toward watershed health improvement and connecting them with veteran watershed stewardship groups. And finally we're going to continue looking for ways to help those groups get involved in watershed stewardship, whether or not it's through our grant program. So those are the end of my remarks, I think jennifer has a few comments before we're done.

**Devlin:** I just want to again thank commissioner Saltzman for working with us on this, and just to say that it's been really wonderful to have support and feedback and ongoing support there to keep this work moving. So thank you for that.

**Saltzman:** Thank you for your great work.

**Devlin:** Do you have any questions?

**Fish:** The total amount you're asking us to authorize is \$95,000?

**Devlin:** 95.5.

**Fish:** How much does that leverage in other public or private resources?

**Devlin:** We have not done that analysis.

**Fish:** This is the second year you've done a community garden, and i'm struck the second year you've identified a church. We have about 2,000 people in our community garden waiting list, and we have parks throughout the city that are trying to -- how do you -- what filter do you use to determine where you invest on the garden programs?

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**Devlin:** We received garden requests from all of our water sheds this year, and we -- there's no special category or anything, they are ranked with the other projects that come in. We do look at ones that might be serving people who are maybe underserved by the traditional plots, or the partnership brings really unusual partners to our program. For example, we funded one that was written by irco and the loaves and Fishes program at the east Portland community center. And the group that they want to serve are people from africa house, and they don't necessarily want to have traditional garden plots. It's unusual in a couple of ways. One is that it's really the community's garden and people Come there and grow food and there's not -- you don't just get your plot kind of thing. And the other thing is that the beds are raised to the height where senior citizens and those groups can garden there. So I think we're looking for something that's different, maybe that's innovative, maybe it's in parts of Portland that we haven't funded, something that ranks lie, projects that identify -- ranks high. Projects that identify how a community garden does help the watershed, so if they're committed to meaningful education pieces on organics and not using pesticides and fertilizers, if they're committed, some of them bring in native plants into their garden in some way and for some reason perhaps like a pollinator garden would raise that up a little bit more. So there's really are a lot of variables, and i'm sorry if it doesn't maybe feel like i'm exactly answering your question.

**Fish:** That's helpful. It's just a tremendous need, and we have different programs funding something and we have different criteria we've expressed to the public about how you access the money. And I actually think it would be useful to try to align the programs and even give people the opportunity to pair dollars. So something from your pocket, something from another pocket. What's the maximum amount you can get under this program?

**Devlin:** \$10,000.

**Fish:** Thank you.

**Adams:** Thank you all very much. Appreciate it. Others that wish to testify in this matter? All right. Can you please call the vote.

**Fish:** Appreciate the presentation and the discussion. Aye.

**Saltzman:** I want to thank jennifer, I want to thank bridger and garrett, and I also want to especially thank amy trieu in my office for her efforts to really help work with bes to inject more of equity considerations into our grant process. I think as you all saw from the screen it's paid dividends, whereas every grant, a third of the grants last year reflected equity considerations, all but one this year reflect equity conversations. I think we're making good progress. I want to thank the bureau and again amy true from my office. These grants are small, but they really do energize people to

**Leonard:** Aye.

**Fritz:** Thank you, commissioner Saltzman, and dean marriott for your continued leadership of this program. And I particularly want to thank associate professor of open studies and planning barry messer, who's the psu principal investigator on this program who helped initiate it all those years ago. Along with jerry blake at psu, he started the recycling program which we authorized a new today in the consent agenda this morning, and our partnership with Portland state university and with these professors is immeasurably valuable, and as one of the recipients of the very first round of grants 15 years ago, i'm living proof that this can lead to more and more involvement in civic issues. As a result of the grant that I helped markam elementary school yet we found the the tryon creek watershed council, which for the second year is getting a mentoring grant. I appreciate the focus this year not only on equity, it's really exciting to hear issue after issue coming to council talking about equity. Before we have even established our office, which is encouraging and shows that people all over Portland and it's certainly throughout the city bureaus, understand the importance of equity and that we need to focus diligently on it. It is very important to look at the mentoring aspects, and the geographic distribution, all the things you just called out are absolutely spectacular. And I appreciate your diligence. And one of my staff, cary turkon is going to be

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entering the masters in urban planning this fall, so we hope she'll be involved in this from the other side, and I thank her for her work in our office. And [inaudible] from the Tryon creek watershed stewardship program again much appreciated, and good work all around. Aye.

**Adams:** Thank you. Aye. [gavel pounded] so approved. That gets us to the holdover from this morning, is that right? Item number -- can you please read the item.

**Item 611.**

**Adams:** I'd ask mr. President if you could help facilitate.

**Leonard:** We had discussions surrounding this issue, there was interest expressed in possibly having some of the businesses dedicate some of the space in the street that they would use for their tables for public seating. In discussing that effort with ben walters, the city attorney this morning at the end of council, that's problematic on a number of levels. It would require amending other ordinances besides this to do it appropriately. In my discussions with ben my -- the conclusion I reached speaking for myself is that -- I think the business owners themselves discussed it and felt like for a variety of reasons it was an unfair request of them, and I have to say I have to agree. We have sidewalk cafes throughout downtown Portland, what makes this unique is this particular sidewalk doesn't have the ability to have chairs and tables on it without obstructing egress and so what they're asking to do is actually place these in the street where people aren't allowed to sit or lie anyway. It's for vehicular traffic. So we're really allowing the sidewalk to continue to be used as it is under current ordinance, and then simply vacating the street for a period of time through october 21st, I believe is the date october 31st. So we can have this trial period for what I want to make clear is locally owned businesses, one of which has been in that location over a hundred years, dan and louie's oyster bar, voodoo doughnuts and many local businesses, many of whom are advocates in the homeless community and do great work in the homeless community. So I hate to see this get pitted as something about them versus the homeless community, because it could be -- it is something but that. To ask of them something in this ordinance that we have asked of no other restaurant who has applied for a sidewalk permit would be unfair, they think it would be unfair, and our city attorney thinks it's unworkable. So I would ask that we just vote on it as is.

**Fish:** I'm prepared to vote on the ordinance.

**Fritz:** I'd like to have some discussion. There is a section -- we have never before to my knowledge closed an entire street for six months to allow for private uses.

**Jeri Jenkins, Office of Transportation:** Four months.

**Fritz:** And there is a section in the diagram that I was provided, there's a section in the closed area of street that is not shown as fenced off for that particular adjacent business owners and which would be suitable for having a bench or two so people who currently can use that street as the public would be continuing to be able to use that part of the street.

**Jenkins:** I think what -- after speaking with businesses, the ones that were represented here after the meeting this morning, they're not prepared to speak on behalf of all of the businesses, and what they are most comfortable with is pulling the emergency clause and having this be the first reading and coming back next week for a second reading. It was just -- there are -- I don't have all the businesses to discuss that particular plan.

**Fritz:** Thank you. There were two businesses here this morning that were interested in being able to find a solution. I thought the request made by Sisters was reasonable. So if I might offer an alternative suggestion, if we were to pull the emergency clause it wouldn't go into effect until 30 days after after next week. If we were to just hold it over as an emergency ordinance until next week so you would have time to contact businesses and see if we could come to some agreement, we could vote on it next week and it would go into effect immediately.

**Jenkins:** I think they're prepared for the 30-day --

**Leonard:** We need to clarify. Aside from the fact -- aside from whether or not is it a fact the business would or would not agree to some language to accommodate their particular use under the

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provisions of this ordinance, it's problematic from the city attorney's office point of view because it raises some other issues. Now, if there is some way we can adopt this as is and then within the boundaries of what this ordinance allows there is some extra space that doesn't impinge on what the businesses are using, i'm sure we'll try to accommodate public use wherever possible. But to add that as a condition on this, aside from what the property owners may or may not agree, really sets an unfair set of conditions on a group of business owners that we don't ask of other business owners. And i'm concerned about that as well. Equity is a two-way street. It has to work for everybody and everybody has to feel comfortable for it to be equitable, and my sense in talking to ben walters this morning was this creates a number of problems, notwithstanding what the business owners may or may not agree to.

**Fritz:** It's unfortunate that as the person who asked for it this morning that my office and I were not consulted over the lunch break so we could have had this discussion and come to some agreement ahead of time. If that's what they want to do is pull the emergency clause --

**Leonard:** I'm not asking for that to happen. I'm asking that we proceed with the vote and we'll go from there.

**Fritz:** I'm not going to vote for it as is.

**Leonard:** Let's just go from there.

**Adams:** Unless there's additional council discussion, sue, please call the vote.

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

**Fritz:** I think it's really unfortunate we have a creative solution that came up this morning that with some time and some discussion respectful discussion I think we could come to a solution that would work for everybody. I hope that still can happen over the course of next week if we can come to some agreement, we could then put the emergency clause back on next week. No.

**Adams:** Aye.

**Leonard:** Before you hit your gavel, I change my vote from aye to no for the purpose of the reconsideration.

**Adams:** So noted. Motion fails. [gavel pounded]

**Leonard:** I move to reconsider the vote by which item 611 failed.

**Adams:** Motion to reconsider which requires a majority vote to reconsider. Correct?

**Fritz:** Doesn't it have to be in the majority --

**Leonard:** I am in the majority because I changed my vote to no.

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

**Adams:** Do we have to vote on the reconsideration, or just it's automatic?

**Leonard:** We're voting on to reconsider the measure.

**Adams:** We're voting on to reconsider the measure. Sue, please call the vote.

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

**Fritz:** I have no clue what we're doing here.

**Leonard:** We're voting whether or not to have another discussion, bringing it back from the dead essentially to bring it back to the table for further consideration.

**Fritz:** Does a simple majority serve to do that?

**Leonard:** Yes.

**Fritz:** I'll vote no just to be sure.

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

**Leonard:** I'd move to remove the emergency clause from item 611.

**Fish:** Second.

**Adams:** Moved and seconded to remove the emergency clause. Sue, please call the vote.

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

**Fritz:** No.

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**Adams:** Aye. [gavel pounded] moves to second reading next week. [gavel pounded] that was it, right? We are in recess until tomorrow.

At 2:36 pm, Council recessed.

**June 16, 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.

**JUNE 16, 2011      2:00 PM**

[ roll call ]

**Leonard:** We have the mayor out of town, but is going to participate by telephone, so i'm going to make the following statement. Because of the signaling of the adoption of the fiscal year 2011-12 budget for the city of Portland, an emergency exists such that failure to allow participation of the city council members by electronic communication would jeopardize the public interest, health, safety, or welfare. As such, I hereby request that my participation, my being the mayor of sam Adams, in the june 16th, 2011, council meeting be a teleconference be permitted. Is there any objection to that request? If not, mayor Adams? [gavel pounded] are you present? Electronically?

**Adams:** Good morning. Good afternoon.

**Leonard:** Good afternoon.

**Adams:** I'm here.

**Leonard:** You can hear us?

**Adams:** Yes.

**Leonard:** There has been no objection to you participating I have a telephone, so we're going to begin with the reading of item 618.

**Item 618.**

**Leonard:** Good afternoon.

**\*\*\*\*\*:** So we're going to do a number much --

**Leonard:** It would be especially diligent in identifying yourself.

**Andrew Scott, Manager, Financial Planning:** I'm andrew scott, the city's financial planning manager. This is the budget adoption this afternoon, we're going to do a number of items, the first of which is to conduct a hearing on the use of state shared resolutions, and a resolution for ordinances that will go through in order. And so commissioner Leonard I think we need to open up the hearing on state shared revenue.

**Leonard:** We'll open the hearing on state shared revenue. Now.

**Scott:** And I think you have a statement in your -- .

**Leonard:** Do i?

**Fish:** Commissioner Leonard has served on this body for a long time. He hardly needs a statement -- [laughter]

**Leonard:** There's my statement. Thank you very much.

**Fish:** I won't stand for that. You've forgotten more about this process --

**Leonard:** I'm not sure you're helping me. This hearing is being held by the city council of Portland, Oregon, in compliance with the preponderance of evidence of the state revenue sharing regulations ors 221.770. It is to allow citizens to comment on the proposed use of these funds in conjunction with the annual budget process. As proposed for council adoption, the fiscal year 2011-12 budget anticipates receipts totaling \$12,389,324 from state revenue sharing under ors 221.770. As has been in the case for prior years, it is proposed that this revenue be allocated in equal parts to support fire prevention and police patrol services. Is there anyone here today who wishes to be heard on this subject? If not, I am now closing this hearing to discuss proposed uses of state revenue sharing. Go ahead.

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**Scott:** Now I think we can move on to 619.

**Item 619.**

**Scott:** This resolution again just establishes that we do provide the services that state law requires that we provide in order to receive state shared revenues.

**Leonard:** Ok. Do we need to vote on this now? Is there anybody who wants to testify on resolution 619 if not, sue, please call the roll.

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

**Leonard:** 619 is adopted. 620.

**Item 620.**

**Scott:** This again just approves accepting the state shared revenues. There are three actions we need. This is the third to get the \$12 million.

**Leonard:** Is there anybody who wants to testify on item 620? If not, sue, please call the roll.

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

**Fritz:** Thank you to the taxpayers of Oregon. Aye.

**Adams:** Aye.

**Leonard:** 620 is adopted. 621.

**Item 621.**

**Scott:** Every year when we do budget adoption, we do both opening of new funds and closing of old funds that are no longer in use. This is the only fund we're making a change to, and it's object russy -- obviously the campaign change fund, this is the final action to close the fund at the end of this fiscal year.

**Leonard:** Does anyone want to testify on 621?

**Fritz:** Can you specify where the money goes to as we close the fund?

**Scott:** The money that was in the fund came originally from bureaus. There was an allocation when this was passed a few years back, and the bureaus have been paying it over time. So we use the same allocation to look at the remaining funds that were there and redistribute those out. That was done earlier this year. The distribution was made. There is still \$1500 left in the fund which will be distributed out to the general fund.

**Leonard:** Any further questions? Anybody wants to testify? If not, sue, please call the roll on item 621.

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

**Leonard:** 621 is adopted. Item 622.

**Item 622.**

**Scott:** At this point we need just a council member would entertain to adopt the motion as amended.

**Fish:** So moved.

**Fritz:** And seconded.

**Leonard:** It's been moved and seconded to adopt the annual budget. Any discussion?

**Scott:** What this is of course is the heart of the budget adoption, and it's to adopt the budget as amended, attachments b, c, and d, provided to you on June 9th. I will briefly go through the changes between the approved budget that you voted on and the adopted budget. And the change memo was also included in your packet of information. Most of the changes that are happening in the adopted budget are technical in nature. Bureaus are just moving some funds between contingency operating or back the other direction. The only general fund change at all that's being made is a housing change for \$1,975. This is an error we discovered. We shorted the housing bureau of just under \$2,000, so we're correcting that.

**Fish:** It never ends.

**Scott:** The other large changes, bes is making adjustments to adjust to the 6% rate increase which council approved as part of the rate ordinance. So again, they're adding expenditures there. The

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rest of these are for the most part technical, and the other only major thing to note in terms of a dollar amount, it's not major in terms of policies, the public safety revitalization project is reducing appropriation, that's reflecting a change in the project schedule, they originally were going to go out with a \$45 million bond, and instead it's 26 million, instead they're just correcting the budget to reflect that. Those proceeds will be received in the future for the radio project. The other outside of the budget appropriations, the other changes are in the budget notes which also were included in your packet. All the changes except one were just sort of grammatical in nature, we were spelling out abbreviation and so forth. The only substantive change, there was a budget note in here, omf directed budget note on the capital budgeting process and it asked to us form a task force with a number of different stake holds to look at how the public transparency and accountability issues around capital budgets. It originally was focused on water and bes, but really was intended to be more citywide, so we've changed the language to make it in fact for all infrastructure bureaus. Instead of just focusing on water and bes it's going to be all five of the capital infrastructure bureaus.

**Leonard:** Further discussion on item 622?

**Fritz:** I just want to note the tax supervising committee from the state yesterday we received -- financial planning and office of management of finance received a nice compliment from one of their experts on bond financing who noted the new bond financing mechanism that the city's come up with, and he said he thought it was one of the most innovative things, and definitely a very good thing that has further boosted our credit rating. So I want to congratulate everybody who's been involved in that.

**Leonard:** Further discussion? Anybody that wants to testify on item 622? If not, sue, please call the roll.

**Fish:** At the last hearing I had a chance to publicly thank andrew and his team for their superb work, as always, and to the mayor and my colleagues for the priorities set forth in this budget. Aye.

**Saltzman:** Thank you, everybody, for your hard work. And i'm pleased to vote aye.

**Leonard:** Aye.

**Fritz:** It's significant that we have such a great contingent from omf here today, and chief reese and warren Jimenez from the mayor's office. Such a lot of hard work went into this budget. There's such an emphasis on public safety and coordinating with the county to provide the services that people need. I greatly appreciate all of your participation in helping us get this done, and thank you Andrew and Jeramy for your leadership with this. Aye.

**Adams:** I would just like to take this opportunity to thank the great team at office of management and finance, and the bureau of management planning for their work and assistance in putting together this budget. I also want to highlight thanks to my staff, warren Jimenez, Jennifer yocom, Cevero Gonzalez and all the bureau managers and staff as well, aye. [gavel pounded]

**Leonard:** 622 is adopted. Sue, please read item 623.

**Item 623.**

**Scott:** This ordinance levees property taxes that go to the children's fund and retirement fund, it also includes the property tax levies for the general obligation debt and 11 urban renewal areas.

**Leonard:** Any discussion on item 623? Anybody that wants to testify on item 623? If not, sue, please call the roll.

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

**Fritz:** Again, a good reminder the services we just passed in the previous article are paid for by taxes and we all work very diligently and I certainly carry the responsibility personally for making sure taxpayers' money is spent wisely, aye.

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

**Leonard:** Adopted. Council is adjourned until next wednesday at 9:30 a.m. [gavel pounded]

At 2:15 pm, Council adjourned.