



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 6TH DAY OF JUNE, 2012 AT 9:30 A.M.

Temporary location: The Portland Building, 1120 SW 5th Ave, 2nd Floor Auditorium

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

Commissioner Leonard arrived at 9:41 a.m.

Commissioner Saltzman left at 11:07 a.m.

Commissioner Fritz left at 11:31 a.m.

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

Item No. 645 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

The meeting recessed at 11:27 a.m. and reconvened at 11:27.

The meeting recessed at 11:31 a.m. and reconvened at 11:32.

COMMUNICATIONS		Disposition:
625	Request of Brendan Cowan to address Council regarding Parks and Recreation dealing with unpermitted vendors (Communication)	PLACED ON FILE
626	Request of Sarah Hobbs to address Council regarding safety for animals and humans when Police use horses in a crowd (Communication)	PLACED ON FILE
627	Request of Monica Juarbe to address Council regarding Police brutality against protestors on May Day (Communication)	PLACED ON FILE
628	Request of Celeste Lewis to address Council regarding outdoor school (Communication)	PLACED ON FILE
629	Request of Autry Liggett to address Council regarding park permits, dog fines and public comment at meetings (Communication)	PLACED ON FILE
TIMES CERTAIN		

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<p>630 TIME CERTAIN: 9:30 AM – Rename the University Park Community Center as the Charles Jordan Community Center (Resolution introduced by Commissioner Fish) 20 minutes requested (Y-5)</p>	<p>36928</p>	
<p>631 TIME CERTAIN: 10:00 AM – Update Solid Waste and Recycling Collection Code to extend the timeline for clean fleet collection vehicle replacement by two years and allow greater flexibility in meeting the timelines (Ordinance introduced by Mayor Adams; replace Code Section 17.102.050) 1 hour requested for 631-634</p>	<p>CONTINUED TO JUNE 21, 2012 AT 2:15 PM TIME CERTAIN</p>	
<p>632 Adopt process for limited, short term exemptions from storing containers in the right-of-way for extreme economic hardships (Ordinance introduced by Mayor Adams)</p>	<p>CONTINUED TO JUNE 21, 2012 AT 2:15 PM TIME CERTAIN</p>	
<p>633 Provide confidential treatment for complainant names and contract information submitted to the Bureau of Planning and Sustainability as allowed under Oregon law (Ordinance introduced by Mayor Adams)</p>	<p>CONTINUED TO JUNE 21, 2012 AT 2:15 PM TIME CERTAIN</p>	
<p>634 Update Solid Waste and Recycling Collection Code to ensure the collection of high quality recyclable and compostable materials (Ordinance introduced by Mayor Adams; add Code Section 17.102.295)</p>	<p>CONTINUED TO JUNE 21, 2012 AT 2:15 PM TIME CERTAIN</p>	
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Sam Adams</p> <p>Bureau of Emergency Management</p>		
<p>*635 Authorize application to the Federal Emergency Management Agency Emergency Management Performance Grant for an award in the amount of \$247,548 to administer an integrated all hazard emergency management program for the City (Ordinance) (Y-5)</p>	<p>185379</p>	
<p>Bureau of Planning & Sustainability</p>		
<p>*636 Authorize an Intergovernmental Grant Agreement to accept \$20,000 from the Oregon Department of Energy for development of a program model for community-supported solar electric systems in Portland (Ordinance) (Y-5)</p>	<p>185380</p>	

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<p>*637 Authorize Director of Bureau of Planning and Sustainability to amend Grant Agreement with Tangerine Power Corporation for an additional \$20,000 sub-granted from the Oregon Department of Energy to extend and build upon existing activities necessary for the development of a program model for community-supported solar electric systems (Ordinance; amend Contract No. 32000677)</p> <p>(Y-5)</p>	<p>185381</p>
<p>*638 Authorize a contract with Maul Foster & Alongi, Inc. for Portland Brownfield Development Assessment in the amount of \$150,000 (Ordinance; Contract No. 30002668)</p> <p>(Y-5)</p>	<p>185382</p>
<p>*639 Amend contract with Barney & Worth, Inc. to provide additional funding for continuing services to coordinate among school districts and implement Portland Plan strategies including Comprehensive Plan policy development (Ordinance; amend Contract No. 30002083)</p> <p>(Y-5)</p>	<p>185383</p>
<p>Bureau of Transportation</p>	
<p>*640 Authorize application to the Oregon Department of Transportation and Department of Land Conservation and Development for four Transportation and Growth Management grants in the amount of \$333,750 (Ordinance)</p> <p>(Y-5)</p>	<p>185384</p>
<p>*641 Authorize a contract with the lowest responsible bidder for the SE 162nd and SE Stark Sidewalk Infill project (Ordinance)</p> <p>(Y-5)</p>	<p>185385</p>
<p>642 Amend contract with the Lloyd Transportation Management Association to update the scope of work for transportation projects in the Lloyd District (Ordinance; amend Contract No. 30002127)</p>	<p>PASSED TO SECOND READING JUNE 13, 2012 AT 9:30 AM</p>
<p>Office of Management and Finance</p>	
<p>*643 Create a new Nonrepresented classification of Streetcar Officer and establish a compensation rate for this classification (Ordinance)</p> <p>(Y-5)</p>	<p>185386</p>
<p>*644 Authorize contract with Moore Iacofano Goltsman, Inc. in the amount of \$219,114 to provide consultant services for Redevelopment of the ADA Title II Transition Plan for the City (Ordinance)</p> <p>(Y-5)</p>	<p>185387</p>
<p>*645 Authorize a contract and provide for payment for Fire Station 21 Boathouses (Ordinance)</p> <p>Continued to June 06, 2012 at 2:00 p.m.</p> <p>Motion to amend estimated cost to \$801,517: Moved by Commissioner Leonard and seconded by Mayor Adams. (Y-4; Saltzman absent)</p> <p>(Y-4; Saltzman absent)</p>	<p>185401 AS AMENDED</p>

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<p>*646 Authorize an Intergovernmental Agreement with Portland State University for the Hatfield Resident Fellows Program (Ordinance) (Y-5)</p>	<p>185388</p>
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p>	
<p style="text-align: center;">Bureau of Environmental Services</p>	
<p>647 Authorize grant agreements and Intergovernmental Agreements with eleven non-profit and public entities related to the Community Watershed Stewardship Program (Ordinance)</p>	<p>PASSED TO SECOND READING JUNE 13, 2012 AT 9:30 AM</p>
<p>648 Authorize a contract with Vigil-Agrimis, Inc. for design services to support the Underground Injection Control Project, Category 3, Planning Package 5 Project No. E10322 (Second Reading Agenda 603) (Y-5)</p>	<p>185389</p>
<p style="text-align: center;">Children's Levy</p>	
<p>*649 Approve recommendations made by Children's Levy Allocation Committee for grant funding in FY 2012/2013 (Ordinance) (Y-5)</p>	<p>185390</p>
<p style="text-align: center;">Office for Community Technology</p>	
<p>650 Amend boundaries of Portland State University franchise and amend franchise for insurance requirements (Ordinance; amend Ordinance No. 177529)</p>	<p>PASSED TO SECOND READING JUNE 13, 2012 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Randy Leonard Position No. 4</p>	
<p style="text-align: center;">Portland Fire & Rescue</p>	
<p>*651 Authorize Intergovernmental Agreement with Metro for maintenance of a computerized mapping system for Portland Fire & Rescue emergency response vehicles not to exceed \$20,000 per year (Ordinance; Contract No. 30002679) (Y-5)</p>	<p>185391</p>
<p style="text-align: center;">Water Bureau</p>	
<p>652 Amend the Regional Water Sales Agreement with the City of Sandy for the wholesale connection at Hudson's Intertie (Second Reading Agenda 607; amend Contract No. 30002666) (Y-5)</p>	<p>185392</p>
<p>653 Authorize an Intergovernmental Agreement with the City of Sandy to design and construct improvements required for the wholesale connection at Hudson's Intertie (Second Reading Agenda 608) (Y-5)</p>	<p>185393</p>

REGULAR AGENDA		
654	Amend the Business License Law to eliminate the exemption for residential rentals (Second Reading Agenda 612; Ordinance introduced by Commissioners Fish and Saltzman; amend Code Section 7.02.400) (Y-5)	185394
Mayor Sam Adams		
655	Accept Mutual Agreements between Portland Public Schools and the City of Portland relating to FY 2012-13 Budget Support (Resolution) (Y-5)	36929
Bureau of Police		
*656	Authorize a contract with the Portland Business Alliance to provide policing services for the Clean and Safe Program (Ordinance) Motion to delete automatic renewal clause: Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-3; Leonard and Saltzman absent)	CONTINUED TO JUNE 13, 2012 AT 9:30 AM AS AMENDED
657	Authorize the Chief of Police or designee to execute Access and Indemnification Agreements with property owners for installation of surveillance equipment on their property (Second Reading Agenda 613) (Y-4; N-1 Fritz)	185395 AS AMENDED
658	Accept a grant in the amount of \$100,000 from the Oregon Office of Emergency Management - Military Department FY 2011 State Homeland Security Grant Program for the implementation of state and local homeland security strategies (Second Reading Agenda 614) (Y-5)	185396 AS AMENDED
Office of Management and Finance		
*659	Approve FY 2012-13 cost of living adjustments to pay rates for Nonrepresented classifications and Elected Officials, specify the effect upon employees in the classifications involved and provide for payment (Ordinance) 10 minutes requested Continued to June 06, 2012 at 2:00 p.m. (Y-4; Saltzman absent)	185402
660	Authorize water revenue bonds to finance water system capital improvements (Ordinance)	PASSED TO SECOND READING JUNE 13, 2012 AT 9:30 AM
Commissioner Dan Saltzman Position No. 3		

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Bureau of Environmental Services	
661 Amend various sections of the Public Works Improvement Code for consistency of definitions and general language and organization cleanup (Second Reading Agenda 621; replace Code Chapter 17.04, amend Code Chapters 3.13, 17.06, 17.24-17.26, 17.28, 17.32-17.39, 17.44, 17.76 and 17.80) (Y-5)	185397
662 Add new section to the Public Improvements Code to update and codify authority previously delegated to the Bureau of Transportation and the Bureau of Environmental Services with regard to real property interests and to delegate new authority (Second Reading Agenda 622; add Code Section 17.16.140 and repeal ordinances) (Y-5)	185398 AS AMENDED
Commissioner Randy Leonard Position No. 4	
Water Bureau	
663 Amend contract with Xerox Corporation for continued maintenance and support of the Docutech 128 Highlight Color Printer System (Second Reading Agenda 606; amend Contract No. 41083) (Y-5)	185399

At 11:52 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 6TH DAY OF JUNE, 2012 AT 2:00 P.M.

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

Commissioner Fritz arrived at 2:15 p.m.

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

The meeting recessed at 3:06 p.m. and reconvened at 3:10 p.m.

		Disposition:
664	TIME CERTAIN: 2:00 PM – Portland’s nine Sister City Associations (Presentation introduced by Mayor Adams) 15 minutes requested	PLACED ON FILE
665	TIME CERTAIN: 2:15 PM – Declare City support for the forwarding of a Nomination for The Halprin Open Space Sequence to the National Register of Historic Places (Resolution introduced by Commissioner Fish) 15 minutes requested (Y-4)	36930
*666	TIME CERTAIN: 2:30 PM – Authorize agreement with Harper’s Playground to raise charitable donations for and to build an inclusive playground at Arbor Lodge Park (Ordinance introduced by Commissioner Fish) 15 minutes requested (Y-4)	185400
667	TIME CERTAIN: 2:45 PM – Transmit Report to the City on Portland Police Bureau Officer-Involved Shootings (Report introduced by Auditor Griffin-Valade) 90 minutes requested Motion to accept the report: Moved by Commissioner Fish and seconded by Mayor Adams. (Y-4)	ACCEPTED

At 5:00 p.m., Council recessed.

June 7, 2012

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 7TH DAY OF JUNE, 2012 AT 2:00 P.M.

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

Commissioner Leonard arrived at 2:18 p.m.

Commissioner Fish left at 3:14 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Kathryn
Beaumont, Chief Deputy City Attorney; Ian Leitheiser, Deputy City Attorney at 3:47
p.m.; Harry Jackson, Sergeant at Arms; and Greg Goodwin, Sergeant at Arms, at 3:20
p.m.

The meeting recessed at 3:42 p.m. and reconvened at 3:47 p.m.

<p>668 TIME CERTAIN: 2:00 PM – Amend regulations for food production and distribution to increase Portlanders’ access to healthful, affordable food (Ordinance introduced by Mayor Adams; amend Code Title 33, Planning and Zoning) 90 minutes requested for 668 and 669</p> <p>Motion to amend exhibit to require that the market managers must retain organic certification information on site and must post a sign that reads “Questions about organic certification? Please see Market Manager”: Moved by Commissioner Saltzman and seconded by Mayor Adams. (Y-4; Fish absent)</p>	<p>Disposition:</p> <p>PASSED TO SECOND READING AS AMENDED JUNE 13, 2012 AT 9:30 AM</p>
<p>669 Establish baseline indicators and adopt goals for the Portland food system (Resolution introduced by Mayor Adams)</p>	<p>CONTINUED TO JUNE 13, 2012 AT 9:30 AM</p>
<p>670 TIME CERTAIN: 3:30 PM – Adopt the recommendations contained within the Outer Powell Conceptual Design Plan (Resolution introduced by Mayor Adams) 1 hour requested (Y-4; Fish absent)</p>	<p>36931 AS AMENDED</p>

At 3:55 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Karla Moore-Love
Clerk of the Council

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JUNE 6, 2012 9:30 AM

Adams: All right, Portland city council will soon come to order. And in the meantime, we have a very special proclamation to read. This is the, well, i'm just going to read the proclamation, and you will figure out what i'm, i'm proclaiming today. Whereas, the great blue heron is a majestic symbol of the city of Portland's effort to restore, protect, and sustainable healthy habitats for Fish and wildlife and for the enjoyment of citizens in Portland. And throughout the region. And whereas, great blue heron week represents an opportunity for the city of Portland to celebrate past successes and future challenges. And whereas the city of Portland continues to distinguish itself as a national leader in the use of green infrastructure, and integrating the natural environment, and addressing climate change through mitigation and adaptation. And whereas, the city of Portland, is an active partner in the intertwining alliance collaborating with more than 60 alliance partners to create the intertwined, a world class system of parks, trails, and natural areas, and whereas, the city of Portland, continues to work with partners of the intertwining alliance, including the audubon society of Portland, urban green systems institute and metro, to restore and manage the habitats at the refuge, ross island and other natural areas within the city. Now, therefore, i, sam Adams, mayor of the city of Portland, Oregon, the city of roses, do hereby proclaim june 4 through june 10, 2012, to be great blue heron week in Portland, and encourage all residents to observe this week.

Congratulations. [applause]

Adams: Did someone want to say something

Adams: Oh, my.

*****: Oh, right.

*****: Yeah.

Mike Houck: Mayor Adams, commissioners, it is phenomenal coincidence and wonderful one that we have an honored guest at our presence today. 33 years ago, I was testifying before the city council, and one commissioner, charles jordan, stopped me in mid sentence. And asked me if the heron was that bird that stands yea tall, who comes to his backyard. And eats his coy. You can imagine I was taken aback. The hearing was our request to protect the nesting colony on ross island, and even though that heron probably was eating commissioner jordan's coy, he voted to protect them by establishing a 30-foot buffer, which is we're the bald eagle is nesting. And this is the 26th annual great blue heron week, and i'm here to, to encourage you to, to participate in some of the events. You have list of events in front of you. Not the least of which is our annual ross island regatta, and commissioner Saltzman, I think it was some years ago, before, since I have seen you in a canoe out on the willamette river, and I was hoping, perhaps, you might be able to join us on sunday morning at 10:00. As we launch from the willamette park for, for a tour around ross island, including going into the lagoon and fortunately, thanks to all of your work, in a slow no wake zone so we can enjoy ourselves without being swamped by wakeboarders and so forth. So, this is a request, or a, just letting you know that there are opportunities to, to take walks in oaks bottom, a canoe, around ross island, and we're doing a pedpalooza event with greg from pdot out to smith and bobby lakes. So we thank you for recognizing the heron for what it is. An icon representing our efforts to ensure that we continue to have access to the city. And as bud clark said, 26 years ago, woop, let's get out and enjoy the intertwine.

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Adams: Thank you, sir.

Bob Sallinger: Good morning, members of city council. I am bob sallinger, the conservation director for Portland audubon. I think the blue heron week is about celebrating the diversity that we have in the city. One of the exciting things that's happened over the last year, sort of quietly, and I have noticed, is the city has brought forward an agenda part of the greater green program, the update, and part of the terrestrial strategy for, that was developed as part of the program. And this is a guide for what we can do to protect birds in the city. And, you know, some people ask why, why is the city doing this as part of the greater green? Well, it's part making our programs the most efficient and cost effective that they can be. It's making sure that when we implement green strategies, that we meet multiple mandates, that we achieve multiple objectives, and that we get maximum bang for the buck out of the dollars that we spend, and that we are able to meet the mandates at the same time. About two years ago, the city brought forward guidelines for protecting birds while they are nesting. That brings us into compliance with the migratory bird treaty act. And it is copied all over the place now. It may not be noticed in most circles, but, you know, in terms of conservation circles the fact that the city has that is, is fairly unique and innovative. We are about to bring forward another document that's before you, and I will turn it over to mary coolidge, the assistant conservation director who's been on point for this, but we're bringing forward bird safe guidelines so when we build buildings we can address the number one cause of mortality of birds in the united states. And you know, again, putting us on the cutting edge of conservation and making sure that when we do these kinds of projects, we get maximum bang for the buck so with that, I will turn it over to mary.

Mary Coolidge: Mayor Adams, and commissioners, thanks for the opportunity to talk with you this morning. I wanted to let you know about, about some work that bob just mentioned, and he has received a challenge grant from the u.s. Fish and wildlife, and which is a follow-up to the urban bird tree grant that we entered into with the u.s. Fish and wildlife back in 2003. This effort was a collaboration between the bureau of planning and sustainability. Portland parks and rec, and audubon society of Portland to put together a resource document to guide architects who are interested in voluntarily designing to, to reduce birds, striking windows in our city. And we have conducted four seasons of survey, and we have documented 37 native species of hummingbirds. Woodpeckers, sparrows that have collided with windows in our downtown Portland area. This document, is fresh off the press, as of may. We're holding a forum on june 14 from 5:30 to 8:30 to introduce the document to, to architects and planners and other interested folks. We would enthusiastically encourage you to join us at that event. And we certainly would like to come back and give you a full briefing on the document.

Saltzman: What was the date and location?

Coolidge: June 14, so week from tomorrow, 5:30 to 8:30:00 p.m. At keen headquarters, which is, I believe, 926 northwest 13th.

Saltzman: 13th and lovejoy.

Coolidge: Exactly.

Adams: More or less. This is great.

Saltzman: Yeah.

Adams: I look forward to reading it. Thank you very much. And let me give you your official -- thank you very much. Thank you all. All right. Can you please -- [applause]

Adams: Good morning, karla, how are you?

Moore-Love: Good morning, mayor, i'm fine.

Adams: What do you think of this, has the room grown on you at all?

Moore-Love: Not much. [laughter]

Adams: Me, either. Can you please call the role?

Fish: Here. **Saltzman:** Here. **Fritz:** Here.

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Adams: Here. A quorum is present. We shall proceed beginning with communications. Can you read the title for 625.

Item 625.

Adams: Mr. Cowan. [not present] All right. Read 626.

Item 626.

Adams: Miss hobbs. Great. Welcome.

Sarah Hobbs: I have come today to express a severe concern that I have. A number of issues for crowd control. Horses are skittish, and I have seen them at times, you know, tense up, you know. Putting concern. Not only for the humans on the street but for the officers on the horses, as well. Out of concern for this, we had an incident earlier this year we're a horse did halt and the officer was thrown, and ended up having to go to the hospital to be checked. Safely, neither the horse nor the rider were hurt. I personally an experience with a mount officer that put my safety and the safety of an 82-year-old fellow protester at great risk. When the officer on the horse, ordered myself and the lady I was with and four others with her, helping her to the sidewalk. We did not contest it. We did not say a word. We instantly moved towards the sidewalk. And we were moving slowly, though, because we were at the pace of the elderly woman. Before I know it, I got hit in fighting to keep from falling. When I turned, it was a mount officer. Who was hitting me. I was moving to the sidewalk. I was just not moving fast because I was moving at the pace of the woman. To look at me, you would think that i'm fine. But as you could see, mr. robbie had to assist me up because my balance is very bad. Fortunately, I did not fall, but it concerns me. They hit the elderly lady, and she did fall. What if she fall and then broken a hip. Personally, I think there is better use for the horses. Recent, I thought this was neat. The horses were at Pioneer courthouse square community relations event for the police force. Loved seeing the pictures of the excited kids to get to pet the horses. They can be great animals, used for therapeutic riding program. So, I want you to consider retiring them as crowd control.

Adams: Thank you very much. Appreciate it. Can you please read the title for item no. 627.

Item 627.

Monica Juarbe: Thank you. On mayday, I talked about widespread violence and oppression against peaceful protesters. What did we do to deserve that? We took to the streets. We impeded traffic. For this we were attacked. Punches threw onto our faces and bodies. Horses were marched into crowds. And people were injured, both physically and mental. The city says that they are responding because we are impeding traffic. The police officers are the ones impeding traffic when they attack us. And assault us. The time it takes the Portland police to do this is longer than had they let us pass along. Your excuses are mainly ridiculous, but i'm sure you already know that. When I see the horses being brought into crowds, I have the same feeling of shock and horror as when I see pictures of fire hoses being turned on peaceful protesters, decades past fighting for racial equality. Can you see that? The city's treatment of the occupy protesters is inhumane and shameful. I am asking you to have a heart. I am asking you to do onto others as you would on your family, friends and spouse. These are principles instilled in us an early age, but the respect for others is tossed aside in this city with the Portland government and the police bureau. We are on the streets because our government no longer represents the interest of the people. So, we are making our voices heard. I am here today because Portland's government no longer represents the interest of the people, so I am making my voice heard. That is my responsibility as a citizen. It is your responsibility as our mayor, to work in the best interests of the people, not the corporations. This will be, this looks shocking and increasingly like 1984. Please read that book. Look at that message, and see that that is becoming our reality. Ask yourselves, if you want to be the puppets to take responsibility for imposing that oppression onto others. Does that make you proud? Are you not -- you are not only hurting us, but also yourselves. Martin luther king's principals of non violence teaches us that evil doers are also victims and are not evil people. Together, we can create

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a new world. One that lives up to the ideals we were taught as kids. A world in which we truly have freedom of speech. Press. And peaceful assembly. And you have the power to stand up and make that happen. Take a stand against the bullies above you. No matter how big, bad, and scary they appear. We have. Join us. [applause]

Adams: Can you please read the title for 628.

Item 628.

Adams: Miss Lewis. Miss Lewis. [not present] All right. Can you please read the title for item number 629.

Item 629.

Adams: Welcome.

Autry Liggett: Mayor Adams, commissioners. I just want to make a few comments, actually, really complain about a few things. And hopefully, you might be able to address them. One is park permits for food vending. If you don't know, once you get a park permit to sell burritos, tacos, whatever you want to sell, you have a monopoly, or exclusive rights to only sell that particular food item. And no one else who would also like to sell that is allowed to do so. I think that that's a bit, nuts because what that allows somebody to do is to sell lesser quality product, maybe at a higher price, without any competition. It's a really, really simple solution in that you could just simply allow more people to sell the same product. I mean, you don't want, at a park, everybody selling hot dogs. But what it does is, I don't know if you've been to Paris or whatever, if you are at a popular tourist site the people in the areas don't have to sell quality food. And because people come in and go out and, and there is no real responsibility. Similarly, when someone has a monopoly at the parks, on a particular food item. It doesn't force them to sell inequality products and charge whatever they want. So by introducing something small, a competition into, into the whole process.

With the process of park permits, it would help a lot of people out. Secondly, I know that, that this is not really your purview but I figure you have this ability to do something about it. Dog fines in public parks. If you have your dog off-leash, I'm not sure if you are aware, but it's \$150. And I think that that's just absolutely outrageous. \$150, a lot, especially if it's a first-time offense. So, you are walking your dog, and you don't know if it's an off-leash park, you get stopped, it's not here's a warning, here's \$25. It's here's \$150 ticket. And \$150 is for a dog off-leash, is just, I think, it's crazy. And I don't know if other people agree, but, that's totally nuts for, again, first offense. Another thing, I'm just rattling off. Parking spots around town. Like our 90 minutes pay here to park. They are great. However, you guys don't have prices on what it cost to park there. It's 90 minutes, and once you insert the card, you can kind of see what you are going to pay. But, for example, I came today, put in \$1.50, thought I would get a little more time than I got. For \$10, I could park at park smart and get an hour, and instead on the streets, I paid \$1.50 and got 45 minutes. So, this is something really, really small, but again, it's like hey, let's have pricings on the meters so we know what we are paying for, you know, before, because once you started dropping in quarters, it's like oh, man, I only got ten minutes for, you know, for 50 cents. Like I think that that's nuts, so again, something small, but I think that you guys do something about it. That would be great. Thank you.

Adams: Thank you, sir. All right, we have got the, the consent agenda. Does anyone have any items to pull from the consent agenda?

Moore-Love: We have 645.

Adams: 645. All right. Anything else? Karla, can you please call the vote on the consent agenda?

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

Adams: Aye. The consent agenda is approved. We have a special 9:30 time certain, can you please read 630.

Item 630.

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Adams: I would like to recognize commissioner nick Fish.

Fish: Thank you, mayor Adams and colleagues. I would like to ask michelle harper and mike abbate to come forward. Before, can we suspend the rules express the sense of the house about being joined by charles jordan, former city commissioner, charles jordan. [applause]

Fish: I would also like to invite dion jordan, his son. If you could please come forward. And I have a brief introduction to this wonderful resolution. It is my great pride today as the parks commissioner, for the city of Portland, to ask the council to approve a proposal to rename the university park community center in honor of former commissioner and parks director charles jordan. As many of you know, charles jordan served our community, our city for over 30 years. He was the first african-american to be elected to the city office. He was the force behind Portland landmarks, like pioneer courthouse square, delta park, the interstate firehouse cultural center, and so many more. And the renovation of many of our center, of our community's most beloved community centers, including the universe park community center. Charles jordan is known for his collaborative leadership, and his ability to eloquently explain the importance of park and recreation to all of our communities. He's especially known for saying, that parks and recreation is more than fun and games. Perhaps you have heard him say that. He understood -- you might. He understood early in his career of public service, that parks and recreation programs provide safe places for our children and our families to play, to come together, but perhaps, even more important, to build community. Last year, I asked a group of distinguished community leaders, co-chaired by michelle harper and david judd, to suggest a fitting tribute for all that charles jordan has done for the city of Portland. Today we are excited to present this community-led proposal and ask for your support in honoring one man's incredible legacy to our community. This proposal was reviewed and recommended by a renaming committee, composed of representatives from the office of neighborhood involvement, the Oregon historical society, the parks board. Portland parks and recreation. And my office. We have received many letters of support from organizations, respected organizations in our community. And I am going to pass out a packet to my colleagues that has a number of them. Including home forward, the albina ministerial alliance, the african-american health coalition, the national conservation fund, and I am also pleased to support, to announce that the portsmouth neighborhood association board unanimously approved this request. Michelle harper, mike abbate and charles jordan's son are here to share more about the proposal. But first, it's my honor to recognize parks director mike abbate of Portland's gold medal park system, who is going to say a few words. Mike.

Mike Abbaté, Director, Portland Parks and Recreation: Thank you, commissioner Fish, mr. Mayor and members of council, this is an auspicious occasion. As you know, we are the best park system in the united states. And that did not just happen. Former director charles jordan and commissioner charles jordan laid the groundwork, and paved the way for this great national honor. In addition to, to facilitating the greatest park system in the united states, director jordan and commissioner jordan are well loved by parkees. By generations of parks and recreation employees who came to respect his leadership style, his passion for people, and his passion for places. As well as I traipsed around the country and talk to individuals in the parks industry, charles is so well-known, and so respected professionally for a lifetime of service and brilliance in leadership. And personally, the man is very inspiring to me, and as the latest director of parks and recreation, I am absolutely humbled to follow in his footsteps. With that, I would like to introduce michelle harper, the co-chair of the, of the committee that put together the nomination.

Michelle Harper: Good morning, mayor and commissioners. I thank you for the opportunity to come before you today. At first, I want to acknowledge that this is a blessed and extraordinary day. Because we are honoring someone who is a servant leader. Someone who has led an exemplary life, driven by his faith to do the extraordinary things he's done throughout his life. I want to acknowledge my committee members. No one does this work alone. My co-chair, david judd.

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Harry auerbach, reverend t.l. bethel, karen looper, bob schultz. Former city commissioner mike lindbergh. Palma Robinson and anna street. I would like to acknowledge the work from parks and recreation staff. This has been such a joy to be able to get here on this day to honor someone who we know has done so many amazing things for the city. Charles Jordan a passionate, visionary leader who inspired thousands of professionals in parks in the conservation movement. He received his degree from Gonzaga University in education, sociology and philosophy. He was an officer in the U.S. Army. And in 2001, he was awarded an honorary doctorate of law degree by the University of Vermont. He was the first African-American official in 1974. And elected in 1980 and then 1984. As tenure as an elected official, he was the fire commissioner for two years. Police commissioner for five. And parks commissioner for three. Served as Austin director for parks for five and returned to Portland in 1989 as our beloved parks director for 14 years. Under his leadership, as the city commissioner, he was noted for, for innovative approaches to problem-solving. He was the first commissioner to get the assignment of the police department. He was also the first to -- the police auditing commission that you now know within the police bureau to take a look at how, how police are providing services. Also, his tenure as being a city commissioner, he was the first to create a program called training 2. That was designed as a friendship program, to recruit women and minorities, and I understand that there is going to be a new fire chief that's going to be appointed the first woman. That's extraordinary. Charles spent the early part of his life in a segregated Texas, unable to enjoy the freedoms of his white peers. During his childhood he lived on a reservation surrounded by children who were black, Latino and Native American. They all played together without prejudice. It's this experience that has shaped the person that he is and the passion for social justice to be the voice for those who have no voice or want to be able to be involved in government, to be able to be involved in their communities. These experiences shaped his legacy of building community and supporting children and families, not only within the Portland community but across the nation. Charles has served three presidents. President Reagan under the Portland, under the outdoors commission. He has also served President Clinton and also President Bush. He's always said, you know, we're in the business of crime prevention. We're in the business supporting children and family and building community. We have thousands of young people out playing on our courts, in our fields and our parks and playgrounds. They are doing things not as usual. They are not concerned about their backgrounds or where they come from. They are on the team. They are all one unit. They are learning about the values. They are learning about self-esteem. They are learning about how to get along. They are learning about pathways to their life and decisions that they are going to make at a later date. They used to say that parks and recreation is kind of the silly games we made up, the kind of sugar that makes the medicine go down. Kids learn the value systems, the things that shape their life through the experiences they have within our staff. When they come. Another, what we call Jordanism, is what people don't understand, they won't value. What they don't value, they will not protect. What they don't protect, they will lose. Charles was the first African-American to lead an extraordinary organization, the conservation fund, which is one of the largest environmental agencies in the nation. They have been responsible for protecting millions of acres of land across the nation. And that, in itself, is extraordinary. So, his mission was, it started here, but it broadened the base across the entire United States. And as Mike said, there is not a person that you would not encounter across the nation that does not know the work that Charles has done. As being a city commissioner, but also as being a parks commissioner, as well. He's left his footprints all over the city, whether it's Pioneer Courthouse Square. The children's playground up at Washington Park. The new home for the children museum that's up at the old OMSI site. The wonderful renovation of the Matt Dishman Community Center. East Portland community center and Southwest Community Center. He was the founder of the Interstate Firehouse Cultural Center. There is so many things that I could go on and on. Potluck in the park. He was the collaborator because he did see us as more of fun and games. He realized that in his challenging

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times, parks and recreation couldn't do it all, but we could come together as a family. To be able to support children and families, to be a healthy, vibrant community, and that's all that every city wants to do, is to aspire to be able to help its citizens. He broadened the agenda of the environmental movement and land conservation to make it more inclusive. His ground-breaking approach to putting people, particularly people of color at the heart of the conservation movement, is a blueprint that's being utilized today. He made a difference throughout the country, and throughout Portland. The university park has held a special place in his heart. The facility was a relic, a community that was lost to flooding when the dike broke during the Columbia River during the early 1940s. It was a low income community where people of color lived, worked, and played together. The time was not good to the community center, which was an old army barrack. There are people who told Charles this facility needed to be bulldozed. It had a leaky roof. The floor is warped. There were holes in the ceiling. Buckets catching water during the rain. But he went and talked to the staff, and he said, you know, this is a diamond in the rough. And of course, no one probably believed that at the time because you could hear the plop, plop of the water. And you could see the holes in the walls. But he was a firm believer that this place was going to be the crown jewel of the park system. And he believed it. Beyond measure because there were challenges going before the city council, trying to get money and funding to support that project. They did not understand why did we want to put the money investment into this facility. And he was a person of faith. And he just stayed the course. And he was unshakeable. He had convinced the staff to go on this journey with him. He convinced the community to go on this journey with him, that this facility, we would be able to turn it around and lo and behold, we started to get new development dollars, and we also were very successful in passing a successful bond measure, and I encourage you if, you have not seen that facility now, it is the crown jewel of our park system. It is an amazing place where you see diversity of seniors and people from different cultures and all walks of life that are recreating and learning things, and teaching each other things, and it has the state of the art community center with a computer lab, and it has a wonderful gymnasium. It's just a wonderful, wonderful place, a gathering place. You saw parks, a place for people to connect. Everything is connected. Everything is all relative. And that's his motto. I just want to say one last thing about him, as far as how he treated his staff. He treated his staff as family. He saw the good and the talent in each one of us. And motivated us to, to levels of achievement that was beyond measure. He never referred to ourselves as having a job. It was a mission or calling. It was more than that. Because we were helping the citizens of Portland. We were enriching their lives. We were in the human development business of trying to help people live a better life. Helping students and children to learn the pathways of life that they should change. That they should take to have a good life. So, it gives me great pleasure and honor, and with much respect that I ask you, and on behalf of all parks and recreation staff, and this community and the nation that you honor him the way that it should be deserved that he give him this honor of, of renaming the university park community center, the Charles Jordan community center. Thank you.

Fish: Thank you very much. It's my pleasure now to introduce Charles' son Dion Jordan.

Dion Jordan: Thank you. Mayor, Sam Adams, and the council, I am Dion Jordan. Charles's only begotten son, in whom he's well pleased. [applause]

Jordan: But not as pleased as I am for all the compliments of who he is. I won't even try to talk about his accomplishments and what he means to the city. For one, I probably couldn't do it justice because growing up, he's never really been Commissioner Charles Jordan or Parks Recreation director. He's always been dad, and growing up I have always known that there is something special about pops. Not because I see him shaking heads with the president. Not because of, of him being on the city council, you know, and the big hoopla around that but just around the way that people would react to him when they saw him at the grocery store. I knew that he was something special. I don't know what it was like for the disciples walking with Jesus but it had to be something

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like walking with pops. People going up there, crying, hugging them, and saying thank you, and I used to wonder, you know, what was it about pops, you know? It was more than him standing 6'7" and that wonderful smile, but really, how much he cared about people. So at an early age I realized that I had to share my father with the city of Portland and the nation a lot. But one thing that I did want to say before I left. Was, it really speaks pretty loud. He sat on city council like when he was the city commissioner, and right now, I remember seeing it on tv. I remember being seven and seeing him on tv. And thinking to myself, I had a small question that I had to ask pops. So I called him while he was on council, and his secretary went and tapped him on the shoulder. And I could see him being tapped on the shoulder while on the phone. And he came around and he answered the phone, and I said, dad, are you busy. And he said to me, son, I am never too busy for you. [applause]

Jordan: So one of the things he's always done, always took time for other people. And so, since I have had to share my father for the past 41 years with everybody. What greater place to share my father than at a community center because that's what he represented. He represented the community. He represent the people, and I think it's a wonderful choice for upcc, and as a family member and his son, we are honor and had touched for the consideration.

Adams: Thank you very much. Karla, has anyone signed up?

Adams: You may return to your seats. Would anyone like to testify on this matter?

Fish: We have a public ceremony scheduled for July 22. Which is a Sunday. It will run from 3:30 to 6:30. We expect very large turnout, and there will be a lot of speeches. Today I think the idea was to make a focused presentation, and save the chance to really tell Charles how much we love and respect him for the event on the 22nd.

Adams: All right, Karla, can you please call the vote on the resolution?

Fish: Well, I want to begin by thanking Michelle Harper for being first among equals in this endeavor. Without her tenacity and leadership, we would not be here today. And I will tell you, that while she makes it look easy. A renaming exercise actually is pretty complicated under our code. And so, Michelle, not only for all of your many years of service to the city as an employee, but now, to your service to our great city in helping us to honor a beloved leader. Thank you. To David Judd, former deputy director of the parks bureau who has worked tirelessly to make this day happen, and who co-chaired the committee, David, many thanks. To all of the members of the committee. I was an ex officio member of the committee, which means I was a fly on the wall. The afternoon we spent revealing the legacy of this great man and all of the various opportunities to honor him was one of the highlights my public career. And it was beautiful thing to see people that worked with him, admired him. Loved him. Come together unanimously around a proposal. And that probably doesn't happen very often, but it was unanimous. That we rename University Park Community Center. I want to thank the other people that are here today. All the friends and family. Supporters, community leaders, parkers, and the extended family of Charles Jordan who has been there, who are part of his success as a leader and who continue to help us be successful at parks. Thank you for your service. And to Dion Jordan, who was conspiring with this commissioner quietly to help make this happen, I really enjoyed getting to know you better. And I see so much of your father in you. It has been an honor to build and deepen that relationship. To my colleagues, the next time you are in the new Columbia, and you are looking around, imagine for a moment what we are building as a community. In the middle of the new Columbia, which by the way, was the old Columbia Villa, but with this council's support is, and through the Hope 6 development is a new place of hope and opportunity. And in the middle of that park, is, the middle of that community is a park named for Gladys McCoy, who is also a first. And who served with great distinction for eight years as a county chair. Across the street from that park is the Village Market. The first grocery store in that community. Down the street is the Janice Community Garden. The first extended garden in that community. There is a school named for Rosa Parks, that is inspiring young children

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who go to elementary school every day, and there is a boys and girls club attached. Next door there is university park community center. And on July 22, it will carry a new name. When we officially unveil the sign, aiming at the Charles Jordan Community Center. What is exciting for me, is that as we are rebuilding that community, and providing new opportunities for people who have historically been left behind, young people who go to Rosa Parks Elementary School, at the end of a long day, will move into a center named for Charles Jordan. As they learn about the legacy of Rosa Parks and breaking down barriers in our country, they will learn about Charles Jordan's life and legacy. And we intend to put not only some of his great quotes on the wall, but there will be a place where his picture and life story is told, so the future generations of Oregonians will be able to know who was and what he did. I got one email along this process from someone who said well, I hope that this means that if you put his name on it, you will never do anything inappropriate with that building. So let me make a commitment for this council and future councils. No building carrying your name, sir, will ever cease to be a cornerstone of our system. And as long as it carries your name, we will have and fund a community center in the heart of North Portland proudly for future generations. [applause]

Fish: If I may close, Director Abbaté talked about the gold medal we won last year. I like to say it was 160 years in the making. About 160 years ago, two gentlemen named Lonsdale and Chapman donated land to the city which formed the first two parks. In 1903, a guy named Olmsted wrote a report in which he laid out a vision for what the system could become. Portlanders invested in that system, supported that system. Built that system out. Ultimately, it was the leadership of this city that brought it to the gold medal status. I believe it is fair to say today that over the 30 years of public service of this man, no one has meant more to our system. And no one is more deserving of recognition for the gold medal that we now all proudly enjoy. So today, in this council chambers with our action, we honor a great man. And we say humbly, thank you for your service. And future generations of Portlanders and Oregonians, will honor you each and every time they use the Charles Jordan Community Center. Mayor and my colleague, thank you for the opportunity to present this today. And I am very proud to vote aye.

Saltzman: Thank you, Charles Jordan, for your service to our city. Your leadership, as a commissioner, as a parks director. And as an upstanding citizen. I really appreciate the remarks, and it makes me wonder about my daughter, too, who has grown up with her dad being a commissioner. And she's not at the point, I think, of being able to articulate how that feels, but hopefully, hopefully she's proud of me as I am proud of her. And as your dad is proud of you and you are proud of your dad. So, it's a real pleasure, when I was parks commissioner, I had the pleasure of, of dedicating the, the new University Park Community Center. All the improvements funded by voters and the bond measure came to fruition during my tenure as parks commissioner. And it is a great center, and it's truly a gem, and one that, that is, is befitting to be named or to be named the Charles Jordan Community Center. So, thank you all. Aye.

Leonard: One of the things that I have recognized about Charles, is that he's understood the difference between change that looks good, and change that is good. And I have followed your career for a long time. I used to work for you. As a firefighter when you were the fire commissioner. And what I recognized about you is that you fought for change that was good, and not that just looked good. And I'm glad that Michelle mentioned training, too. There is a lot of people in this room that don't remember training 2, but I do. Training 2 was the most successful program prior to the, the apprenticeship program implemented in the 1990s. Hiring people of color. And so people like, I think you remember people like Bill Ladd. You remember people like Elsie Gate. Bill Kendrick, all African-American people that I worked with. Bobby Amato. And all who have now served their entire careers due to training 2 and retired. And are proud retired Portland firefighters. And interestingly in the 1990s, when we were working with the council, that was more interested in change, looking good, and, actually, being good. I went into the archives and pulled

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the training 2 manual, and the outlines, and I came, we looked in the archives, and found me testifying before the council sometime in 1994, urging that the council adopt a program that would call the apprenticeship perhaps, which exists to this day, which was built on your training 2 scheme. Which has produced more women and minorities than ever in the history the Portland fire bureau. So, thank you for that program, and thank you for, for what I consider to be amongst the best service of any commissioner in the history of the Portland city council. It is with a lot of pride that I sit here and find myself, after having been an employee of yours, and a successor of yours as fire commissioner, to be able to vote for this resolution. Aye.

Fritz: Commissioner Jordan, you were a pioneer, and in promoting equity in our city. I really appreciate the way that you spoke for those who had no voice, and provided basic services, including the service community centers and parks services for everyone. I am happy that we are renaming this community center. It has been a center of our city. Despite the geographic location in north Portland, it's a place that people come from all over the city, and I appreciated your work in establishing it. Thanks to Michelle Harper and the committee for your work, and to Commissioner Fish for doing the community outreach to make sure that everybody was OK with it. And indeed, has invited so many folks to come in and agree that we want to do this honor for one of our great commissioners. Who was truly a servant leader on the council, and who spoke for the community. Thank you for all of a lifetime of service. I am very proud to vote aye.

Adams: Well, my colleagues have said it very well. But let me underline my thanks for the years of fantastic service. It continued after your retirement from official public life. All the good work that you have done here in Portland since then. But, nationally, as well. As Michelle talked about. You gave me wise counsel over the years, and I appreciated it. I know that there are lots of others who have had the benefit of your wise counsel, that often includes good -- very, very, in that great voice of yours, tough questions presented in the most honorable way. In the most, how should I say, easy way. But good, tough questions. So, I want to thank you on behalf of city government. I want to thank you on behalf of everyone you have helped. And I want to thank you personally, as well. This is great honor. Aye. [gavel pounded]

Adams: Congratulations. [applause]

Adams: Commissioner, would you now come up? We are going to take a picture with you.

*****: No. [laughter]

Adams: By all means, continue the festivities. We have a number of council members who have a prior commitment at 11:30, so we're going to do the second reading. Go ahead and get those done. So, that gets us to -- there he is. All right. Karla, can you please read and call the vote for 657. I'm sorry, 654.

Item 654.

Fish: I am pleased to vote aye on this. I want to thank Commissioner Saltzman and my council colleagues for this, and ultimately, this will ensure sustainable funding for the two inspectors who will help us to tackle the problem of substandard housing in the private rental market. And I think that this is a significant step forward, and I want to especially thank our friends of the community alliance of ten assistants. Aye.

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

Fritz: I am pleased to support this for the inspectors, and I am also happy to see the exemption for the \$50,000, which ensures that the small one unit rental is unlikely to be affected. Aye.

Adams: I do have rental property, so I wanted to declare that conflict. And I vote aye. [gavel pounded]

Adams: So approved. Can you please read the titles and call the vote for 657.

Item 657.

Fish: Aye.

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Saltzman: Well, I want to thank mayor Adams and chief of police Mike Reese for developing a policy that governs the use of cameras, and protects, I believe, individuals' privacy and holds officers accountable for the use of those pictures or looking at those pictures. Aye.

Leonard: Aye.

Fritz: I appreciate Chief Reese accepting many of my suggestions for the policy. Unfortunately, my amendment to have reporting on how the cameras are used was not accepted by the council last week. We need to have our community trust our police. That's an essential part of a civilized society, and I do trust our police. However, we need to make sure that we get the transparency and the accountability that enables more folks in the community to know exactly what the police are doing and how they are doing it. And so that's why I am, unfortunately, unable to support this. No.

Adams: This -- well, I want to thank the commissioners, especially, Saltzman and Fish who gave excellent suggestions on how to improve this. And this will save lives, reduce injuries, and it will guard the legal rights as designated on the state, federal, and local levels. So, it will help us with hot spots, such as old town where we make progress but also continue to struggle in terms of public safety. Aye. [gavel pounded]

Adams: Can you please read the title and call the vote for 658.

Item 658.

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

Adams: Approved. Can you please read the title and call the vote for 661.

Item 661.

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

Adams: 661 is approved. Read the title and vote for 662.

Item 662.

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

Fritz: I appreciate the changes made last week. Aye.

Adams: Aye. [gavel pounded]

Adams: 662 is approved. Can you please read the title and call the vote for 663.

Item 663.

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

Fritz: I appreciate them answering many questions over the last week, aye.

Adams: Aye. [gavel pounded]

Adams: 663 is approved. Can you please -- so that gets us through the second readings, I believe. I think 66 -- 655 is a quick one, right? We all know it very well so can you please read the title for 655.

Item 655.

Adams: So this is a good idea suggested by Randy Leonard that provides the umbrella agreement on all the specific issues. Is there anyone that wishes to testify on this issue? We had a complete airing of it last time. All right, Karla, can you please call the vote on the resolution. Which is item 655.

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

Fritz: I appreciate the sacrifice many of the city workers who are foregoing raises in order to be able to fund the teachers and the schools. Appreciate Commissioner -- Mayor Adams, rather, for working with the school districts, all of them to provide the additional support. As I said last week, we need to unite to go to Salem in January and insist that the legislature do its job in referring comprehensive, adequate, statewide school funding measures to the voters next year. And I am disappointed that we were not able to find support for funding for the Harriet Tubman School, the Young Women's Leadership Academy, a great model, and when we have adequate school funding statewide, I hope that we will be able to return to that structure for helping young women, particularly women of color, to succeed in math and science. With that said, I am grateful that we

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are continuing to provide support for our public schools, which remain some of the greatest public schools in the country. Aye.

Adams: Again, I repeat or just underscore all the thanks of everyone on the city council, and in making this happen. Aye. [gavel pounded]

Adams: Can you please read the titles for items no. 631, 632, and 633, and can we have staff come up.

Items 631, 632, 633.

Adams: So this is related to, but separate from the discussion of rates. Separate in the sense that this deals with various management issues. Operational issues. It does relate back to the overall funding and financing of the bureau. But it's separate enough that we wanted to bring them forward as a separate package. It does put, for example, the issue of storing containers in the right-of-way. The ability of citizens to complain about that under the same approach that the city provides for our citizens to complain about overgrown lots in terms of the confidentiality of those that are doing the complaining. So I will somewhere staff go through it in more detail, but that's the separate but related aspects of fees, and these operational issues. Director anderson.

Susan Anderson, Director, Bureau of Planning and Sustainability: Good morning, mayor. City council. Director of the bureau of planning and sustainability, and with me are michael armstrong. The senior sustainability manager, and bruce walker, program manager for solid waste. As the mayor said we have a package of ordinances today. The first is to revise the clean fleet policy. The second is related to storing garbage, recycling containers in the right-of-way, and the third is to get our confidentiality rules in line with the bureau of development services. I'll start with city fleet. A couple of weeks ago you considered the garbage and recycling rates. One of the issues you brought up dealt with the timing for buying newer, cleaner trucks for garbage and recycling. At that time, we said we would revise the time line, and stretch it out a bit so that's what we are doing. For background, four years ago council adopted a clean fleet policy for garbage and recycling. With the purpose of phasing out the worst polluting trucks. Moving to cleaner, more efficient trucks, we'll have a huge impact on air quality. It's equal to driving 50 million miles a year in a car. That's how much, you know, the impact is on air pollution versus how much driving goes on with all the trucks throughout the city and how much pollution they make, so this is a huge impact and something that we can effect directly. To upgrade the vehicles, haulers need to invest in new ones. That's an allowable cost just like employee wages or fuel, and other required inputs into doing business. The ordinance that's in front of you today proposes to give the residential haulers two years buying in trucks, so that will stretch it out until 2016. And again, a reminder, we only set rates for residential, this applies for the residential and commercial trucks. But, the rate setting is just around residential service. And so that's the proposal we give the residential haulers an extra two years and reduce the rate of impact for residents by doing that. Spreading out the cost over a longer period of time.

Saltzman: Could you describe the rate impact?

Anderson: The rate impact in the future, we estimated about 30 to 35 cents a year. Instead of a larger amount, if we did it in just two.

Saltzman: .90 this year?

Anderson: This year it will be 35 cents for the next couple of years.

Saltzman: Yes.

Anderson: And I think that there is a couple of people from the industry that want to testify.

Adams: And the other three aspects?

Anderson: Do you want to do them all together?

Adams: Yes.

Armstrong: Ok. There is likely to be testimony on each of the three.

Adams: We'll take testimony on all three as a group.

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Armstrong: Great. Ok, so the next ordinance is about storing containers on the right-of-way, and specifically, dealing with the piece that establishes rules for businesses that want to claim the economic hardship exemptions from the rules that prohibit storing containers in the right-of-way. And four years ago, council adopted code to make sure that the garbage and recycling containers are stored on the sidewalks, and elsewhere in the right-of-way. Since, every business and, and every -- excuse me, every new building has found some way to store the containers on the property or inside the building. Almost all existing businesses were diligent and creative in finding solutions. To move those containers off the sidewalks. And in the whole city, at this point, there are fewer than 20 remaining cases. The rules that are in front of you today, would explain how that would play out then for the remaining cases. The rules are intended to balance the real considerations for businesses. In some cases it cost money to come up with the solutions. Also they are there are real considerations for quality of life for neighbors, and we try to balance those with the rules in front of you. It is intended to make it straightforward for businesses to determine if they would qualify by going down this exemption process, and there is an objective formula, so not to have bias in how they are reviewed or decisions are made, and it sets a date for final resolution of all of the cases to make sure the violations cannot continue indefinitely. There is a maximum length of time to for this exemption for one year. It can be renewed one time. At the end of that, it must be taken care of.

Adams: Was that apply to the remaining 19 or in the future?

Armstrong: We still learn of new violations, and that's in part with the confidentiality piece it's intended to address so I imagine that we will learn of others so the others would have the same opportunity. As we learn of them.

Saltzman: And so, we're down to 19 or 20 businesses that have containers in the right-of-way?

Armstrong: That's our understanding. The ones that we are aware of. That's right. We had a public review process, in putting these together, so we received six letters of comment, those were provided to each of you. Two were from businesses saying this is really, much too difficult and onerous. Three were from residents saying that this is much too lenient, and one was from the willamette pedestrian group saying get this done. We are happy to answer questions about those, and again, I think that there will be people who like to testify. That's the rules.

Adams: Great. All right, with that, shall we go to public testimony? If you have a question? One more. Ok.

Armstrong: Should we add in the confidentiality? The third ordinance then, as indicated, this brings the solid waste code in line with the existing rules of bureau of development services and office of neighborhood involvement in terms of protecting the names and contact information of people who alert us to possible violation. As you know, the enforcement model relies on complaints, to discover infractions, and because sometimes they are concerned there could be retaliation if their names are known so this is intended to help residents feel safe and alerting us to infractions. We do investigate each of these. We never take punitive action based on something someone said, but it alerts us that there maybe an issue. We take a look and follow it up from there. So, we develop this with an eye to the containers in the right-of-way issue. It would apply to, to it throughout the solid waste code.

Adams: Ok. Let's take public testimony. Stick around. This is on any of the three.

Moore-Love: We are doing the first three and not the four. There are four items.

Adams: I'm sorry. Let's cover the fourth item. Can you please read the title for item no. 634. I should have turned the page.

Item 634.

Armstrong: We shared some initial results on the curbside residential collection program. We had seen a tripling of the volume of compostable materials, and focused on the increase in recycling collected. 40% decrease in garbage collected. Significant results. Most households have adjusted

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well, we know some are making that transition, and so we continue to work with them. We also noted that some of the recycling sorting facilities have seen an increase in garbage mixed in with the recycle buildings, and including things like diapers so this is the issue that we're trying to address here. Where the code in front of you, would make it explicit in city code that would, that putting trash in your recycling trash in your composting container, is a violation of city code. As it stands now, we can explain to people why it's a bad idea to do that, why we don't want them to. We cannot say, you can't. So this would simply allow us to say, you cannot. It is violation of city code. If this is adopted, we would go through a process to establish the rules about how that works. And clearly, the attempt here is when we are aware of an issue, we work with that household, and notify them. We try to identify the issues and resolve them. We work with people that eventually, could lead to this but focus on engaging the household and providing them opportunities, questions, solutions. This piece puts it in code that it is a violation of city code to put trash in recycling or trash in the compost.

Leonard: So section 17.102.295 contain within it, which is the section you are amending, finds --
Armstrong: It does not.

Leonard: So you would adopt the administrative rules that would include the fines. And I think that this one, mayor Adams, with all respect, I think that we should have discussion about it. I have not talked to anybody else on the council, but I have some concerns.

Adams: Now would be the time to raise it.

Leonard: I have concerns about, about finding, having within our collection system, a system of punitive funds. As opposed to other strategies that we might use to, to encourage people not to inappropriately mix recyclables in garbage. It is a fundamental concern, at least at this stage of our collection system.

Fritz: It is a public process to establish the administrative rules?

Anderson: It would be the same as all administrative rules. With the amount of time we give notice. 60 days' notice. We put the information out to the public, and then we have a hearing.

Fritz: I share some of commissioner Leonard's concerns, and I am wondering if we could do for this what we did with containers on the right-of-way since this is a new program. Have the administrative rules come back to council for our approval.

Adams: For the first --

Fritz: Yes.

Adams: That's what we did on --

Leonard: I want to be clear. My concern more fundamental. I have a concern with amending section 17-102.295 with the language here. I would rather back up and have a more thorough discussion, allow available strategies with other strategies that might include a public information campaign, we would use before we start amending the city code because, in fact, once the code amended, it is amended, and then future council, not even future councils, future folks at the office of sustainability could, could administratively adopt fines with or without council oversight. So I have a concern, just authorizing the creation of the rule, itself, before, I want to be clear, before we have a more thorough discussion of the potential available strategies that would not include people violating the city code at this point.

Adams: I am happy to -- there are two issues on the table here. Now is the time to have the discussion about fines, no fines as a tool. This is a non emergency for that, to provide that purpose. The -- I do support, I do like the suggestion of bringing the first administrative rules back, and then allowing a certain amount of common sense tweaking them after that. Or they come back to the city council, as well. So, we can, if you would look for amendments in the appropriate place to amend, or if the legislative intent is enough, that's fine, too. So.

Leonard: And --

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Adams: Let me finish up, dealing with the concerns of commissioner Fritz. So, in terms of fines or no fines, would you like to hear from them why they think it's -- why we are proposing this tool?

Leonard: I have heard the public discussion, but I think that we should probably.

Anderson: Two things first. One is that, and I want to make sure that people understand because there has been news out in the press, about the, what we're trying to do here, and that you can put recycling in your garbage. We're not being the garbage police. We're trying to say the materials going to the recycling center, we want those as clean as possible because people have to sort that stuff. So that's one point. And a second currently we have a process for educating people in terms of if they put garbage in the recycling bin. That, that we send them letter. The haulers actually notify us and tell us what's happened, and we send them [citizen] a letter and explain we're here to provide customer service and technical assistance on helping them figure out we're things can go. If they need bigger can. If they want a different service. If we do that second time, we actually send a second letter out to do it again so we have a process of working with them, and we have heard, and I think you will hear in the testimony, that it is beginning to work. It is beginning to work in terms of compared to few weeks ago, they are starting to see a reduction.

Leonard: I appreciate you added that because I was going to ask have you tracked the impact of that kind of an approach to see what it has done in an appropriate mixing of the materials, and if you have noticed a reduction.

Anderson: I would not call it a scientific study. It's from viewing by the folks at the recycling centers we're the material goes to. There has been experience by san francisco and seattle that have this already. This kind of ordinance is already in place.

Leonard: There ordinance meaning one that there are sanctions attached?

Anderson: One has fines and one does not. San francisco, I believe, does have a system for fines. And seattle does not. Basically, they continue to, basically, work with the customer.

Leonard: So how did seattle codify that?

Armstrong: My understanding they put comparable language to what's in front of you today in their code, so their code prohibits putting trash in the recyclables. The administrative process for how that's handled does not end with a financial penalty.

Leonard: So --

Armstrong: In san francisco, there does include that financial penalty.

Leonard: Do you have a problem with seattle's approach?

Armstrong: Not on the surface, but that's exactly the thing that we would want to put on the table and better understand the impacts of the different approaches, how that's worked in other cities. Through the process.

Anderson: I think we should look at this as any other fine and decide whether why, do we do fines at all and whether it's needed. Most of the time my experience with fines as a city is, it's like the last end of the line, and we try to do everything that we can to work with the customer. To not get there. And my intent would be to never use it. But to have it be there, and I think, maybe you all have more experience in terms of using fines for a whole a lot of things. So, I would ask you kind of look at it and say, is this one of those times we're having a fine at the end of the, end of the system makes it more effective?

Leonard: So, in my experience at the city, either as an employee or in this position, I have worked in and around systems that have fines. And my experience is screaming at me right now that this particular amendment would lead to administrative rules that could possibly lead to fines will hit people with the least means to pay them, because of some of the materials. It's going to create an extreme hardship to those who are least able to afford those kinds of fines. I am looking for a solution that does not have fines, which why i'm interested in seattle. I could support an ordinance like this if it included language that said that there will be no fines attached. An ordinance, itself, precludes the fines. But, the program would incorporate all the other features that you, I think,

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rightfully think should be included in a public education program. I do not want to be part of a process right now, but my experience tells me that it could be devastating for some families up to and including strategies for families no longer to have garbage service. That could lead to unintended consequences, but I don't think any of us want to happen. If there are other strategies, that might be, might require more patience on our part, but may be effective in the long run.

Adams: Because it's not an emergency let's take testimony and have you get additional research. Additional research on the issues that you make. Issues made by council colleagues and some additional things might come out of public testimony.

Saltzman: I want to make an observation, all our officers are aware, an undercurrent to the issue is there are many people who, because we're no longer offering weekly garbage service, are using the recyclable or compost bins to put garbage in, and so I think that, as you have promised us, we will be reviewing our program in october. And looking at issues like that. And possibly revisiting some of these issues. I think that's an undercurrent to all of this.

Anderson: I think it's important we review the system. But saying that there is many people, when it's like 100 pounds out a week out of many thousand. Tens of thousands of pounds, you know, of pounds. It's a very small percentage. So, I don't want to indict the public. The public is mostly doing the right thing. It's a very, very small percentage.

Saltzman: We still hear about it a lot.

Anderson: Right.

Adams: We hear about it from a core of folks that are genuine and well intentioned. And so those issues, but we also don't want to discuss the issues until we have had, what almost a year of experience with them. So, let's hear testimony and get some additional direction from council.

Leonard: If I could just, I guess i'm a little confused on why at the end of the year when we've analyzed the program, we wouldn't bring something like this forward at that time. I don't get the timing of it.

Adams: I think part of what staff wants to test is having, being able to use some of these tools and see if these tools make a difference. In the next four months, so that's -- you can agree or disagree with that. That's what staff has said to me as part of the entire test over year, is to test some of the things, see if they make a difference. I think that education is key. That's what we have done from the very beginning. Even door-to-door, we have gone door-to-door. Folks having trouble are getting warning letters. Get phone calls. And so, let's take testimony. That's the explanation. It's either convincing to folks or not. All right. How many people have signed up?

Moore-Love: Seven people total.

Adams: Ok. First two on 631 are david white and mike, and on 632, jacob could come up, as well.

Adams: Welcome.

David White: Good morning, mayor Adams and commissioners. I am dave white. I am regional representative for the Oregon refuge and recycling association. I represent the tricounty council and the member companies that provide residential and commercial solid waste recycling and compost buildings, collection in the city. I have brief comments that apply to three of the ordinances before you today. The member collection companies view their relationship with the city as a partnership.

With a common purpose. That is to achieve the city's waste recovery and sustainability goals, as efficiently and cost effectively as possible while protecting community livability and safety. The clean fleet policy, the prohibition of containers and the right-of-way, and the effort to ensure the collection of high quality materials are aimed at that common purpose. Portland haulers have supported the clean fleet policy and are making the required investment in clean, energy efficient vehicles. They are committed to doing their part in the effort to protect the livability of the city and the health of the citizens. That includes complying with whatever time line it established. Tri-C participated in the development of the crow rules, and support for requirement that haulers not place containers in the right-of-way for new service customers. This is another example, this requirement

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is another example of a way that the city is making an effort to improve livability and safety. And the lastly, Portland haulers assisted with the development and implementation of the city's new residential collection of programs. They want that program to be successful. In that regard they support efforts to educate customers on the proper preparation of materials for collection, in order to ensure the cleanest materials possible are delivered to processing facilities. They will continue to assist the city in those efforts. And thank you, and I will answer any questions.

Adams: I want to underscore the organization and the haulers have been fantastic so, the city council should know that after this ordinance, after the new system went into place and we had it for some time, and some of our collection partners, processing partners, were experiencing the uptick in the contamination with garbage of the recycle buildings, you, your company, members, and the haulers put the sticker on the buckets that this, do you know that you are, and these are the rules, and then you are able to go back. You gave us the addresses for those places. Were able to send them a letter and call them. All of that kind of education and outreach couldn't happen without your participation and participation of the members, and thank you.

White: Thank you.

Adams: Sir.

Mike Dewey: thank you, mayor Adams. And council, from us, mike dewey on behalf of waste management, adam winston, the general manager could not be here. He apologized. If you have any questions of the technical nature. In speaking to 631, what we wanted to do, and you have it in front of you, we have transitioned the company from diesel trucks to -- we're moving to compressed natural gas. And we're doing that for a number of reasons. There is going to be a nuance at the end of this discussion. Vehicles are lighter. They are quieter. And the environmental effects, and you have the material before you. Are significant in terms of the benefit for the compressed natural gas over the typical diesel truck. In terms of the percentage reduction in nitrogen oxide, greenhouse gas emissions and particulates. So they are all approving the, improving the environment. We also have the opportunity for, for example, the riverbed landfill, where we have methane and take that into compressed natural gas, and hopefully at some point in time we will be able to move in that direction. All it be today, we're selling electricity to the power and light system. This goes well with a cost. The first cost, we are in three phases, is for the fuelling station, an additional \$3.4 million. Of investment. When you have that, at the end of the day, when we are fully compliant with the code, 48 new compressed natural gas trucks in our fleet on the north side, of our franchise area. And trucks are about \$30,000. So that's \$50,000 more than the traditional truck that you would buy, which is a diesel truck. The nuance comes here, though, is because we are 40% of the business about that in the area. Because of the higher costs, we're not able to recoup all those costs in the, and the rate. We understand that. We are not getting any tax incentives here, but it is a nuance and we thought you needed to know about. But we're committed moving in this direction. And we may want to modify the schedule because of the extension. We're looking at that, but we are committed to making this transition. So, we're fine with regard to where you are going to the transition. Thank you, and happy to answer any questions.

Saltzman: How much of the cost are you recouping for each truck?

Dewey: There is a cost that would be reflected in the greater return over time. We would recoup the investment in the rates.

Saltzman: You're being treated equally as all haulers are.

Dewey: We are, but the investment is higher initially, so we wouldn't recoup all of that because we're less than half--

Saltzman: That comes out of the company's side of the ledger?

Adams: It does. But, I think that it's important to understand that nuance.

Jacob Tanzer: I am Jacob tanzer, appearing for elephants delicatessen. Which is basically my wife's business and I'm vice president of odds and ends, of which this is one. And I have sent a

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letter to the city. And I understand that, that it's been distributed to you. And I hope that you have read it. It describes the impact of the changes that are under consideration. Upon our business. Which are, are pretty drastic. First of all on the confidentiality of complainants. We're not against that. We're not going to knee-cap somebody who complains. It's not of interest to us. But we were told--

Leonard: That's reassuring, judge. [laughter]

Tanzer: We're flexible. We were told -- and we can't vouch for -- by the enforcement people that it's a complaint-driven process, the enforcement is. And being complaint driven, if somebody had a complaint about us, we're one of those 19. It creates a situation where it's enforced against us, the trash on the sidewalk provision, but not against our neighbors necessarily. Some of them yes. Some of them no. Depends if somebody is ticked off. We don't block the sidewalks. Originally the complaint, I was told, was that some of the delivery trucks on the east side of the building were nosed into the sidewalk. We took care of that. That's no problem. But the location of the bins became the subject of enforcement. But we don't oppose that change. The other, however, it refinements in the two-year process where a business can buy a couple years before it takes whatever final action is necessary, and that is unrealistic. I want you to -- i'm asking that you look at the ordinance. Sorry. Parentheses. I confused ordinances and rules when I responded to you. To me a rule means administrative action. Code is the ordinance. So I have some language difficulty. Revitalization of the close-in east side light industrial area and clearing the sidewalks, making easy passage or whatever is certainly a part of that. Getting the garbage out of there is a part of that. All of that is a part of it. But it also means that you're changing an area to a usage for which it was not built, and that means we're going to have transition problems. Now, hammer in this two-year process is that you're going to charge businesses involved 5, 6 or 7% of its gross income for the privilege of making a transition over time. Do you know what 5% of a food business is, 5% of the gross? We have tried for 33 years to get 5% gross, and we've barely made half of the gross as net, and we've never done it, but we're a successful business that's gone from four to 200 employees, which is what you have asked for us to do in that zone and why pdc has helped us.

Adams: Sir, I need you to wrap up. I've given you extra time.

Tanzer: I didn't know what my time was limited.

Adams: Yes.

Tanzer: Then I will be fast. If you're going to have a penalty, then it should be on the net. But call it a penalty, and it's on the net. We could not have made it for the past two years, three years if we had had to pay the cost. You would have destroyed our business by enforcing such an ordinance.

Leonard: I want you to know that i've done my best to help your business. I buy twice a week your roasted chicken.

Tanzer: Every little bit helps.

Fish: That's nice, but we actually have now brought him in as the new restaurant in the heart of director park. You can buy all the chicken you want.

Leonard: You win.

Adams: Thank you all very much. Anyone else wish to testify on this matter? Come on up. Mr. Anderson.

Dan Anderson: We have to stop meeting like this. [laughter] my name is daniel anderson, 2144 northwest flanders, 97210. I've been personally involved in seeking removal of dumpsters from neighborhood sidewalks for about 15 years at this point. I was a member of the council-appointed pro task force, last came before you in february of 2011. At that time, bps staff told you that a rule would be in place by early summer. They of course did not specify the year in which that summer would occur. Clearly this has not been a highly expeditious process, but we're much closer to completing that process today, and the proposed rule is certainly an improvement on prior efforts,

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and the bureau and the mayor are to be congratulated on that. However, the proposed rule continues to have material weaknesses which should be corrected prior to its being adopted. Allow me to highlight several. The rule as proposed allows either a property owner or business owner to apply for a hardship exemption one time only. The rule does not clearly state that exceptions, if granted, are specific to the site or property and that a new right to apply for an exemption does not arise out of the sale of the property to a new owner or the leasing of the site to a new business. By that mechanism, you could have rolling exemptions. If you think that's a wild hypothetical, that's a problem that the olcc faces when they attempt to regulate add-after alcohol licensees. Licensee sells to relative b who sells to relative c and so forth. It becomes quite difficult to police.

Clarifying that the rule is a one-time event to a specific piece of real property, doesn't matter who owns it next, doesn't matter who leaves it next. Second, the rule takes too restricted a view as to an applicant's -- ability to pay when it comes to hardship. No gross income in prior years, thus it would automatically qualify vis-a-vis the income test, and this would be true, for example, if the applicant were a single-purpose entity operating a fast-food franchise, one of a dozen such entities with a common parent. There's no effort to look at balance sheet resources, so an applicant could have no income and a million dollars of cash in the bank and claim a hardship and it would be outside the scope of surveillance of the rule as drafted. Another weakness is with regard to coming up with estimated costs of improvements. There's no effort or provision for policing collusion between applicants and contractors. Collusion in this area and policing it with affidavits of noncollusion is a common strategy which ought to be incorporated in this rule. Finally, the rule makes no effort to distinguish between applications from a single small business operator facing a genuine hardship and applications from an operator/owner of multiple properties where several of the properties have a history of crow violations, and it's simply an extra legal business strategy.

Adams: I need you to wrap up, sir.

Anderson: You ought not create a frame work for get out of jail free cards, and the rule, as currently drafted, does that. In any event, I think you're making progress. There's a little more technical work that needs to be done on this, and I would encourage you to mandate that that technical work occur prior to the adoption of the rule.

Page Stockwell: My name is page stockwell. I live at 2039 northwest irving. So much for confidentiality.

Adams: You are not required to give us your address.

Stockwell: I support the prohibition of the containers in the public right-of-way. They are an eyesore and health hazard. I do not support any kind of exemption from enforcement whether so-called extreme hardship or for any reason. Heat, light, water, and garbage disposal are basic requirements for any enterprise to function. If these requirements cannot be met, then the enterprise should remodel, relocate or cease operating. The proposal envisions an elaborate and time-consuming process to secure an exemption from the prohibition. This is unnecessary, particularly for 19 businesses, and a waste of the city's time and resources. The rules should be very simple. Comply within 12 months of enactment of the measure or face meaningful penalties, \$100 a day or whatever, until compliance is achieved. The prohibition should not come as a surprise to anyone. 12 months is plenty of time. I believe the prohibition has been in the city ordinance for more than 100 years and under active discussion for at least the last four years. Let's wrap this up now without further delay. Thank you.

Mary Ann Schwab: I'd like to comment, number 1, with this issue here, living innercity with sunnyside neighborhood and all our businesses, blocked sidewalks are an issue whether it be bistro tables, bicycle racks. The good news is that we have moved them onto the street, and I thank you for that. Once you vote on this, I would like to address number 655. I rushed down here for this, and I understand your schedule today was a little bit flexible because some of you had to leave. I really want to talk about Portland public schools and the city relating to the budget support

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resolution. So if you want to finish this issue, then I would like to read into the record my comments.

Adams: I'm confused. Are you here to talk about any of these three?

Schwab: I'm here because I got bumped off your list today because it didn't come in sequence.

Adams: So you just want some time to address --

Schwab: I'd like some time at the end of the meeting.

Adams: Unless there's objection from the city council, i'll allow you to do that now. Go ahead and take your three minutes now.

Schwab: Thank you. Yes, it was good that we helped save teachers' jobs for students and their education. However, the city could be getting more from the school district. The people of Portland already bought the foster school site and already bought the land at Washington high school. Please note the iga deal with the city has no ownership with the foster school site. Both these partials should have been given over to the city for housing and parks, purposes respectively. Place the first right of refusal on the 6.66 acres provides essentially nothing, and we shouldn't be paying a fair market price for a piece of land that we taxpayers already paid for in 1906 at market value come five years out and parking bond, plus pay interest on the parks bond again for land we already own. It is observed that we could have leveraged public and private dollars to keep the hair yet tubman leadership academy open. That was one of the most obvious actions for equity in the city, and the school district could have done both. Yet both bodies voted against equity, against success for these girls and girls of color. Yes, it's embarrassing. In fact, I feel shameful. I can't say the taxpayers and city employees who are foregoing their cost-of-living increases got what they should have in this deal when we gave over 7.5 million to the school districts. We taxpayers need a community and state-supported education system. I have a solution. One more time. Might I suggest supporting Oregon partnership as well as the city and county's lobbyist efforts. Yes, it's time for a dime. Here's your dollars to help free some of our state dollars. Now is the time to make our voices heard in the legislature to increase the frozen 1977-penny a pint production fee. A 10 cents per drink increase would provide more than 80 million a year in prevention, treatment, and recovery and law enforcement training as police officers approach intoxicated and mentally ill individuals. Please do know that -- i'm upset. 9 million of your state dollars are paid into human services each year because of alcohol and drug-related problems. Yes, it's time. The beer industry pays its fair share of the social and economic cost of its product. Until microbrewers produce over x. Number barrels that, mini increase does not after fact their profits. If I were a brew master, I would be more concerned monitoring food and water watchers at schools to protect public interest. I digress. I want Portland public school's director to transfer the title to the 1.66-acres to Portland parks and recreation for public gardens programs. I understand over 1000 people are in queue for garden space. And the foster elementary to the native-american youth association. The property the public paid for controls ownership in the commons for the next seven generations. As far pps plans to sign off on current 99-year leases, let's stay tuned. Let's talk about these issues.

Adams: I need you to summarize.

Schwab: Though it's not in the city charter yet and I don't know where in the comp plan it is, the peg groups are going to have to address saving our public school property in the public commons for the next generations. Thank you.

Adams: Thank you all very much. Next three. Just a programming note. The only items on a council agenda are the times certain that we absolutely guarantee.

Keith Ristau: My name is keith ristau. I'm the president of northwest fiber. We process much of Portland's recycling, and I just wanted to go on the record to say, since the beginning of the new program, we have received 400 tons of extra garbage compared to the same time the year before, and we've been working with the city, and it's starting to work, but we feel like putting teeth into it for repeat offenders, people that are putting garbage in their recycling, will really make a difference.

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Adams: Thank you, sir, very much. Appreciate it. Can I have staff, Susan, come up? We're not voting on this today, and we'll get out to all the council -- all the city commissioners for a discussion of this various pieces. I wanted to make sure that, if anybody had additional questions you want us to be researching before we sit down with you individually, that would be helpful to hear now.

Fish: Mayor, we get a lot of great briefings from the bureau, and I'm going to schedule a supplemental briefing so I can address some questions, and I just would -- one concern I have is I know the next week is jammed. This is technically scheduled to come back next week. Can we put it off a couple weeks?

Adams: Yeah. Definitely. I would appreciate that suggestion, so I'll continue it for two weeks on the normal agenda -- regular agenda.

Leonard: Each item or just the one?

Adams: Each item. We'll do all three. Unless there are objections, it comes back in two weeks. In the meantime, we'll confer with everybody individually. Thank you for the initial hearing. What does that get us to?

Moore-Love: We have on 656.

Adams: Please read the title for 656.

Item 656.

Adams: Do we have staff here to provide an overview of what we're looking at? Come on up, commander. For those of you that don't know, commander day of central precinct. That includes much of the downtown area and beyond. Thanks for your good work. What are you looking at here?

Commander Robert Day, Bureau of Police : Well, this is an ordinance that we're asking be approved. It's been an agreement we've had with the pba going back to 1997. It's really a force multiplier for us downtown, and the p v a agrees to cover the cost of the four additional officers assigned to the clean and safe district. We find that to be a huge resource for us and being able to go ahead and focus on that really concentrated area where 125,000 people a day come down Monday through Friday. They still report to me, and we still have a sergeant who oversees them, so there's still accountability within the police bureau, but it does provide us with additional bodies to be able to address just the liveability issues we have downtown. Appreciate your support.

Fish: Commander, welcome.

Day: Thank you, sir.

Fish: Thank you for all your outstanding work in helping the parks bureau launch its rangers program.

Day: Yes, sir.

Fish: I have three questions. The first is, based on our decision to take a limited amount of money invested in the rangers so we get more of a presence day to day in the downtown parks, do you have a view as to how the system is currently meshing between clean and safe and the rangers?

Day: Well, in regards to clean and safe, I don't want to speak directly for them. I can speak for the police bureau in that we continue to work with the rangers, just this morning meeting with them in front of the justice center. There seems to be good communication there and support of their efforts. We're still early on, but it seems to be working.

Fish: We appreciate the fact that there's actually a direct line of communication, too, from the rangers to the dispatch at the bureau. The proposal before us is for a term of five years with the potential extension of up to 10 years apparently before coming back to council. Can you explain that?

Day: I think the reasoning behind that being that this is a program that's proven effectiveness, like I said, going back over 15 years now nearly. So I think the idea behind that is to try and just continue in that process, something that works and works well. So that would be the reasoning behind it.

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Fish: Mayor Adams, I would certainly support a five-year extension, but I would prefer this come back to council so we can have another opportunity to evaluate the program without there being up to a 10-year extension without council oversight. And the third question, commander, I have for you is, with respect to the four officers that are under the control of clean and safe, as the force one officers who are dispatched by clean and safe subject to a sergeant's oversight, how do we -- how does the bureau evaluate the effectiveness of their work? We talk a lot about accountability. We get regular reports on the overall bureau force. But with respect to these four, how do we track their performance, and what kind of information is available to us to better understand the job they're doing?

Day: I receive a monthly summary from all of the units that work downtown, not just with the bicycle officers that have been assigned to the clean and safe program but also for the mounted patrol unit, really through the downtown security network I also get information from macy's, pioneer square, a lot of the security networks downtown patrol work is evaluated, and they provide that report to me on a monthly basis so that I can make sure they're meeting our goals and our standards. That's something that I can make available to the council or others in terms of the work that's been done. There is a report generated every month.

Fish: Would you accept a friendly amendment?

Adams: You're moving to limit it to --

Fish: That this be a five-year extension and we just delete the automatic renewal provision so that, within the next five years, this comes back to us for renewal.

Fritz: Seconded.

Tracy Reeve, Sr. Deputy City Attorney: I think that's an emergency clause. I believe we need 4

Fish: Does this create a timing problem?

Reeve: I believe the contract expires June 30th, so I don't know timing-wise.

Adams: We're good. As long as it's an emergency, next week we're ok. It's been moved and seconded, the motion. Any problems with that? No? Ok. Karla, please call the vote on the motion.

Fritz: We need commissioner Leonard back in order to vote on it.

Adams: Not for an amendment. We just need three votes 'cause we're going to hear it again next week. We'll vote on it next week as an emergency just to be very, very conservative in our approach. Please call the vote on the motion.

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

*******:** We're taking testimony today?

Adams: Yeah, we're taking testimony. Lynnae Berg, can you give us your thoughts on what's before us?

Lynnae Berg: Certainly. I am currently the executive director of clean and safe and vice president of downtown services for the Portland business alliance. As you know, the mission of clean and safe district is to be a steward for the protection and operation of downtown Portland as an attractive, safe, and vibrant place in which to work, shop, live, and play. The clean and safe district, as commander day has said --

Adams: I apologize. I have to pause, and council is in recess because we lost our quorum, but let me go get them. I don't want your testimony to be wasted.

Berg: As commander day has said, clean and safe and pba has contracted with the police bureau for police officer services in the bid for nearly 15 years. This contract really assists in building and maintaining public confidence in the security and safety of the clean and safe district by the deployment of additional officers in support of the mission of the district through crime prevention, proactive enforcement action, and public safety problem solving. As with other contracted police services such as trimet, these police officers will be directly supervised by a police bureau sergeant and will adhere to all bureau and city policies and procedures. This partnership has contributed to the significant decreases in crime in downtown Portland.

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Adams: If someone has a complaint, maybe you could talk a little bit about the complaint process. If someone has a complaint about any of the security functions of the pba, if you could talk a little bit about that in terms of our officers, it is the normal complaint process regardless of whether they're being paid by pba or not?

Berg: Exactly. And if it's a complaint against the contracted security officers, there are two routes that a citizen could take. They can make a complaint directly to dpsst about the conduct, and they also can complain that the security provider, which is ppi they take the complaint, interview the witnesses, the complainant, and the officer. They do a thorough investigation. At the end of the investigation, they make a finding about whether the complaint is sustained or not. And if it's sustained, then they often make changes in policy, contemplate training changes. All of that information is forwarded to me quarterly with a summary of the complaint and the information on how it was handled. And then I forward that directly to your office or whoever I was the commissioner in charge of police. And it's, by the way, the only contract with the city of Portland where we have security that has a formal complaint process. There are other security providers who do not have a formal complaint process.

Adams: Thank you both. We'll now take testimony.

Fritz: Unfortunately I have to go. I apologize to citizens who are here. I'll be sure to watch the tape. But in the meantime, we need to get commissioner Fish back.

Adams: I'll go get commissioner Fish. Why don't you call folks to testify.

Adams: We'll take a little recess here. Does anyone else wish to testify on this matter? You can go ahead and take a seat up-front. Ok. We'll be in recess.

Dan Handelman: My name is dan handelman. I'm with Portland cop watch. We have concerns that have been going back as long as we've been noticing this contract on the city council agenda. Last time we came up, we asked the question, if Portland cop watch had enough money, could we hire our own police officers, too, and have them do what we want, 'cause it seems like the Portland business alliance is doing through this contract. I'm very glad to hear commissioner Fish's amendment to prevent the automatic possible extension to 10 years, but in fact the previous contract said this contract will last for five years and in no way will it ever be extended past 10 years, and now essentially you're extending it again another five years, so I don't understand the point of having that kind of language if you're just going to automatically renew the contract without having more of a public discussion. It's bad enough when the pba exerts pressure on the city to enact bad policies like sit/lie and the anti-camping ordinance and crack down on certain people downtown who are usually homeless people or protesters. To give them the ability to pay for their own officers allows them to decide what laws they're going to enforce. I think the evaluation has to be what kinds of criminal activity and what kinds of people are being targeted by these specific officers. I think I heard commander day say there were four, and I think I recall chief berg say that there were three. My reading of the contract is that there are three officers being paid for by this. And so it sort of seems like this is a really -- albeit this has existed for a while, this is part of the issue of privatizing our public employees, our public systems, things where everybody pays into a pool of money that becomes our tax money, and then the city council decides how to spend that. But when a business alliance gets to decide how to spend the money and how the laws are going to be enforced, it really becomes a society for the rich. So this is taking the public and private partnership a little too far. Again, it would be great to add a report back on exactly how these three officers who get called in by clean and safe people on a regular basis and have to respond to their radio calls in there's some other kind of emergency -- how their enforcement differs from other officers. It was also interesting to hear about the complaint system. While I appreciate that chief berg says they're private, that they do have a complaint system, making reports to the commissioner in charge, my understanding is that the outcome of those complaints is actually private, because the security guards, the ppi security guards, are private employees, so there's no reason to even tell the

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complainant what the outcome was. I guess the last thing to note is that chief berg is now in charge of the clean and safe program. The ppi is run by a former police officer, and many of the officers in that are former police officers, there and seems to be a very, very close, tight-knit relationship between the private police and our Portland police. That's also of concern.

Adams: Thank you, sir. Appreciate it. All right. This will move to -- well, I guess one thing for the record to make it really clear to underscore what the commander said, and that I was the officers that are Portland police officers are under the direct command of our supervisors, and we decide or they decide through the chain of command how those officers are deployed, and they fall under all the normal outside, independent review. If folks have complained about these officers, has why I have ipr and encourage them to use it. This moves to next week as an emergency ordinance. Please read the title for item number 659?

Item 659.

Fish: But that's an emergency.

Adams: I'm going to read it and carry it over to the afternoon. But she has to read the title first. Unless there's objection, this item is moved to the afternoon council agenda. So done. Please read the title, nonemergency ordinance item number 660. Commissioner Leonard?

Item 660.

Leonard: Director shaff?

Jonas Biery, Office of Management and Finance: Jonas biery. This nonemergency ordinance authorizes issuance of water revenue bonds to finance up to 75 million of expenditures of the water bureau capital improvement program. The bonds will be sized to include cost of issuance and legally required reserves. The bonds will what customer over a period of no more than 25 years and will be payable solely from revenues of the water system. We expect to sell the bonds via competitive bidding in july of 2012.

David Shaff, Director, Portland Water Bureau: i'm david shaff. With me is finance director, dave hassen. We're here to answer questions, but very briefly, as you know, we use bonds to fund the majority of our capital improvement program which, this coming fiscal year, is at 135.9 million. We'll use the bond proceeds of this upcoming bond sales primarily for the two large projects that we have currently under construction, dam 2 tower project and the powell butte 2 reservoir project.

Adams: So this makes no decisions about future projects?

Shaff: No. It just gives us the revenue. You will make decisions about future projects as those projects come before you.

Adams: Additional council discussion? Let's go to testimony. Mr. Walsh.

Joe Walsh: We object to this. The \$75 million should be -- and you have the ability to put that on a ballot. If you defer it, it will go on the ballot according to the regulation. So we are asking you that, since we're talking about \$75 million, that you ask the people of Portland whether we should spend this money on the continuation of the construction sites that are in direct opposition of what everybody is saying is don't do it. Don't build those tanks. Don't do anything to bull run. And we would like the people of Portland to make that decision and not you. Thank you.

Jessie Sponberg: I don't have a lot to say today, but I want you guys to get real sick of seeing me. My name is jesse sponberg. I live in sellwood. I'm really uncomfortable with passing these open-ended allotments of money. We came here last week and watched you'd say that the money that was being passed wasn't to cover the reservoirs. After I left you, I went to lunch and saw the actual wording that said this money will be used to cover reservoirs. And you have these open positions that you are still funding these positions, but nobody's in them yet, and now you want \$75 million for unnamed projects? It seems like there's this real sinister pattern of allocating these funds to go to these places but without pulling the sheet back and showing the citizens of Portland what you're really doing, it seems like there's a lot of -- it's just like putting money here for no reason when, to anybody else reading stuff like this, we can see the reasons, but it seems very dishonest not to be

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sincere about where this money is going to end up going. I would like to lean my position towards joe's and ask that you put this up for vote. Quit giving these guys money and giving them money when they're not even telling you what it's for. I saw you guys last week express -- you guys yourselves were kind of uncomfortable with these nameless positions. We know they're going to be consultants and construction workers. I've seen the aerial photographs of bull run, like I told you last week. No. That's cool. I wasn't talking. I can wait.

Adams: On occasion, our city clerk has to consult with council members.

Sponberg: I just really am curious why it's so important that all this stuff is done when you are on your way out the door. What legacy are you trying to fill? Are you trying to fill your own legacy so you set yourself up for some kind of gig in the future or are you really looking to be the randy Leonard that you used to be when your political career was in front of you and you championed the water and you were the voice of the people? I saw a picture the other day where somebody from the reservoir -- people knighted you. I guarantee you they would not be knighting you right now, and it's really depressing to think that you're setting us up for a future that you're probably not even going to be participating in. Why do we have to do this before the next guy comes to take that chair or to take the head of the water bureau? I just don't understand that part. If you could maybe make it a little clearer, i'd appreciate that.

Leonard: I'd be happy to, because i'm doing what the federal government directed us to do.

Sponberg: We have a lot of time to do that, though.

Adams: Sir, you asked for his response. He's given it to you, and we all listened to jesse's comments without anybody making noise. Let's have a discussion.

Leonard: I mean, i'm preparing for a council informal to bring in documents that i've sent to united states senator jeff merkley, asking for a legislative fix. I will bring documents explaining the lawsuit that we challenged, that will explain every step in the process that we've ended up where we are. What you're basically asking the city to do is put itself in a position where I promise you the federal government will come in, take over the project, charge the city a lot more than it would otherwise cost to build replacement reservoirs and fine the city. That's where what you're asking us will lead to, and I cannot in good conscious do that. You can call me names in these last two sessions and say what you want, but I am doing my job the best I can. I asked all the questions that need to be asked, looked for whatever way we can minimize the cost. I got us a variance from having to do the treatment system by being dogged, by finding just a little crack in the rule, and I think you're being exceedingly mean spirited and unfair every time you come up here, and it doesn't help. That's why I think it needs to be done before I leave, because I don't think anybody else should be the object of the venom that you display here.

Sponberg: Sir, with all due respect, don't be a martyr. You're not a martyr here. You're trying to paint yourself in the role of a victim?

Adams: I gave you more than 15 seconds. You asked for his response. I gave you an extra 15 seconds. You asked for his response. He gave it to you. I'm not going to continue this.

Sponberg: 15 more seconds, mr. Mayor, please.

Adams: No. You got more than you usually get, and you said you wouldn't use up your whole time either. You asked for him to respond. He responded. Hi, welcome, mayor of gresham. [laughter]

Miriam German: That was funny. Thanks for that slip. I had a little moment. My name is miriam german, and I live in Portland, and i'm not a mayor. I am, however, somebody involved with the anti-nuke movement here. The reason i'm bringing it up is my concern with spending the money to cap our reservoir or reservoirs in the future is that the whole cryptosporidium debate -- I don't know if it's ended yet. I can't wait for it to end, because it's ridiculous. The debate and the discussion should be around what's coming in from fukushima in our water, and that is not being talked about here. If it's being talked about, it's very quiet, and i'm not all right with that. I'd love to see the money that's been set aside for future unnamed projects to be put aside for a named project,

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which would be protecting our water or protecting the citizens in case the radiation from Fukushima comes in and really does affect our mountain and our water. One of the things that we've done -- and I'm here to share it with you. Also, Mayor, thank you. We've purchased a really powerful geiger counter, and it works. We're going to be taking readings around Portland, around Oregon in different places, and we're going to be posting these things. We're going to be testing water as well, because nobody else is testing. The people who should be testing are the Oregon Department of Health. It's all in place. The Washington Department of Health is currently testing. They're testing Fish, and that is testing water. If we're testing at all, it's very random, and it's not happening enough, and nobody's telling us the results. Quite honestly, I wouldn't trust the results at the moment anyway. What I'm asking for is to take some responsibility. When these goons come in here and tell you that they want this additional money set aside for unnamed projects which are really going to go, like Jessie said, to their contractors' wallets, we really need to take effect now ahead of schedule. Well, it's not even ahead. We're behind the game. And set money aside for what's going to happen with our people here with water. We can't protect it from radiation. If it's falling, it's falling, and there's nothing we can do to clean it out. If we're going to divert in the future to using the Columbia, that's not an option. The Columbia's got Hanford nuclear waste in it. And the plume from Hanford is on its way as well to make that even worse. So I am asking that we look at the extra money and we do set it aside for something, and that's the protection of our citizens here regarding our water. Mayor, is it OK if I come up and give you this? It's for you. It's a little card.

Adams: Sure.

German: And if you all ever need to borrow this geiger counter, we can talk about that.

Beth Giansiracusa: Hello, gentlemen. We the people. I live in Portland. I woke up angry, and I don't like to wake up angry. And I was wondering what happened with getting some stuff clear, being really honest with the people of Portland so we don't have to wake up angry. And I'm also wondering if I were to get in touch with a library today and ask what the population of Multnomah County is if you would all honor what the library said so that, if we chose to run really fast and get a lot of signatures -- I believe we have 30 days on this water bond to stop it. Thank you.

Adams: Unless there is additional discussion from Council, this moves to further consideration next week, and we're in recess till 2:00.

Adams: Oh, I'm sorry. Unrecess us. Can you please read the title to the item that was pulled.

Item 645.

Leonard: So we need to add an emergency?

Moore-Love: It is an emergency already, and they want to amend it.

Leonard: I would actually appreciate having the opportunity to have Commissioner Saltzman here, because I think it's important to use -- excuse me. Excuse me.

Adams: Mr. Walsh, quiet.

Leonard: I think it's important for the Council to have a wider discussion about the project and some of the problems that I've encountered with the timeline specifically. I want Commissioner Saltzman present for that discussion.

Adams: So you want to hold it till the afternoon?

Leonard: Yes, please.

Fish: We can hold it to the afternoon. I notice that we've got a 90-minute presentation, three other presentations, another thing we've just kicked over.

Leonard: This should not take long.

Adams: So 646 is moved to consideration in the afternoon session, and we now are adjourned.

At 11:52 a.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JUNE 6, 2012 2:00 PM

Adams: The city council will come to order. Could you please call the roll. [roll call].

Adams: We have a very -- couple of very special time certain beginning with the 2:00 p.m. Time certain. Please read the title for item number 664.

Item 664.

Adams: Mr. Siegel, director siegel, if you would please come forward.

Noah Siegel: Thank you, mr. Mayor, commissioners. My name is noah siegel. I'm the director of international affairs for the city of Portland. Among my responsibilities, I work with Portland's nine sister city associations. And we're a busy but quiet bunch. On this rose festival week we thought we would take the opportunity to remind everyone of what they're doing both on a day-to-day, year to year, but also especially on this week. Just a little bit of background. The sister city program was initiated in 1956 by president eisenhower to create an international atmosphere of understanding and respect. Inspired by the post-war spirit that people who knew each other would be less likely to kill each other. I'm happy to report that Portland has not fought any wars with any of its sister cities. [laughter]

Adams: Job well done.

Segal: Absolutely. But we have one of the older sister city relationships in the world, 1959, with sapporo. Eight additional sister cities since then. We will have an opportunity to hear briefly from each of the sister cities today. Very active group in town trying to create a new sister city in the netherlands around things like bicycling and sustainability. This remains a very active spirit among Portlanders and permeated and led to transformative things in the city. Like educational exchanges between the schools, Portland state university, cultural exchanges. Oftentimes our sister city relationships are our calling card when we get to china, taiwan, japan, recognize that we have been committed to their country for a very long time. One thing I would like to make note of before turning it over to my colleagues for the sister city is that really one of the most important aspects of our sister city associations, they are entirely volunteer. Affiliated with the city but receive no direct funding from the city. Marked contrast to some of our partner cities, the mayor and I were in -- lots of government officials, very few citizens. This is entirely citizen-driven in Portland. We thank the commissioners for the time that they have appeared at events or supported the sister city in the past and we -- hopefully will continue to do so. I would like to introduce you to lynne mcintyre with the Portland suzhou sister city association, and also with the royal rosarians and has been coordinating the rose festival activities to give a brief overview of how sister city are enriching the rose festival.

Lynne McIntyre: Thank you very much. One of the things that happened since noah siegel started to work with us, we have had an opportunity to expand and do things that are collaborative, which has made each individual organization stronger. By working together, we develop friendships, problem-solving methods. We found means of getting funding. This afternoon, you are all invited to attend the sister city reception from 4:00 to 5:30 p.m. Down stairs which will host four visiting rose festival delegations. The delegations are visiting here as part of a partnership with the rose festival foundation and also regents cambian health care systems, offered us the opportunity to have a nine sister city float in the grand floral parade. It

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gave us visibility that we never had before. There just wasn't an opportunity. For some organizations, it is so important to have that visibility. It has helped us all. It has increased the numbers of our members. It has increased our visibility. And we are grateful for that and we hope to continue along that route, along with helping each other develop and supporting each other as support can be useful. The royal rosarians have become a very important part of that. We are happy to be working with the sister city and doing what we do best, which is to serve as the official ambassadors to the city of Portland to its guests and visitors. Suzhou has the pleasure of having an art exhibit at the performing arts center. If you were to go there today, up through the 8th of June, you would be able to see many beautiful examples of original artwork on the walls. I encourage you to do that. And the council clerk also has a list of accomplishments for our organization that will be provided to you for your inspection. Thank you.

Fish: Thank you. One thing you will notice, each of the sister city associations has a very unique flavor to it and involves itself in very different activities one from the other. We decided to allow one short presentation from each sister city association today. Mack.

Mack Lai: I'm here representing the Portland kaohsiung sister city group. The Portland kaohsiung sister city association selected the ancient tradition of dragon boat races. In its 24th year, dragon boat races have become a premier sanctioned event to the Portland rose festival. This year we have 76 teams registered, ranging from local high school teams to several out of town teams. The races have actually evolved beyond our -- the theme includes a wellness piece, leadership and team building and for some teams is a celebration of life. For the first time this year, we're going to have a special race focusing on local heroes. On Sunday, the fire department racing against the coast guard and hopefully next year we will be able to include the navy in that and hopefully have that become an expansion of fleet week when they come here.

Fish: The coast guard doesn't have a chance, but let's also remember -- let's remember, they control the bridges.

Adams: Don't embarrass them, just beat them.

Lai: The city of kaohsiung presenting to us two additional dragon boats. There are annual delegation visits and exchanges. This year the delegation from kaohsiung is being led by the mayor, scheduled to arrive here by Friday, bringing a delegation of 40 elected officials and staff. They are set to participate in the grand floral parade. We made sure that is plenty of time for sight-seeing and shopping which is important. Another important element -- the high school, they will be here, arriving this afternoon. 40 students, 10 staff members, perform in the grand floral parade and will perform for the 5th grade classes at David Douglas High School and Monday will perform for the local community and their host families. No the past, I know Noah has been involved with kaohsiung. Looked at mass transit, green environment, restoration of rivers, and in conversation with our city. Our focus, current foundation, expanding on additional economic opportunities between the two cities. We appreciate your support.

Adams: Thank you.

Leonard: A mixture of pride and embarrassment that I was a member of the original dragon boat teams 24 years ago and since I arrived on council, the one sister city visit I made was to kaohsiung and I could not have been more honored and flattered with the treatment that I received in kaohsiung. I was just absolutely, completely taken back by what a great city and the mayor and the council and the people were of kaohsiung. Fabulous experience.

McIntyre: Probably going to be room on the boat for Sunday's race.

Leonard: Well, if you heard me at the swearing in of the new fire chief yesterday, ran into the ground, and I'll just do my slow plotting from now on. Thank you very much.

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

Adams: Welcome.

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Karen Chi: Hello, my name is karen chi and I have the pleasure of representing the sister city of ulsan. Establishing the sister city relationship with great hope and warm friendship. Ulsan was a natural choice. It is a powerhouse port city, three major industries, automobile manufacturing, heavy industries and petrochemical companies. Portland immediately became the primary gateway for all cars shipped into the united states. The first car -- arrived in 1987 from ulsan. I clearly remember because it was my first car as a newly licensed teen. I crashed it later, but we won't talk about that. I am living, so that is proof, right? We have recently formed a brand new steering committee with great aspirations to refresh our relationship with ulsan. Tremendous support from business leaders and community groups. Ulsan is currently experiencing a green movement, and an arts renaissance. The steering committee is -- eco-tourism and ecology exchanges, farm to table, food, wine, beer tourism as well as business development. Continuing educational arts and cultural exchanges. As a matter of fact, the 90-member ulsan orchestra will perform tonight at the concert hall as a gift from the city of ulsan. The concert is sold out. The community has just embraced these musicians that have come into town. We also hope to hold goodwill matches between the Portland timbers and the ulsan tigers. Soccer is a big culture in ulsan. The sister city steering committee has tremendous energy and enthusiasm to build opportunities to benefit, bind, enrich both cities. We're looking forward to the next 25 years to be even more spectacular. Thank you.

Phil Potestio: I'm phil potestio from the sister city association, bologna, italy, located in north central italy. It has the largest intact medieval center in all of europe. Famous for the 25 remaining towers out of the 180 or so which used to dot the landscape. It is 26 miles of art caves, covering -- built out over walkways originally used to create additional housing. Housing has been a premium in bologna. One of bologna's nicknames -- meaning the learned, for bologna's home to what is quite possibly the world's oldest university founded in 1088. It currently attracts more than 100,000 students each year. Incredibly beautiful university town. Reputation for exchange programs around the world is one of the reasons that Portland was first attracted to this sister city relationship. We continue with exchanges with the university and Portland state university and the Oregon health sciences center. We had a recent event honoring -- a person with Portland roots who won the nobel prize in 2007. We broadcast live from Oregon health sciences center to bologna during his celebration at the european school of genetic medicine. The -- the cuisine is acknowledged as the best even by the region centric italians. All originate in the immediate region. This is another reason that Portland and bologna are such a suitable match. Attention to local products -- although exports of food products are very important, utmost of importance to people around bologna, they know that the closer the source, the better. As Portland's only european sister city, there is a true synchronicity between us, known as european's favorite destination, it is a little off the map for americans. Portland may also suffer from a little lack of exposure to europeans, partially due to this Portland bologna connection, travelers are catching on to the fact that these places are willing and able to expand their tourism without suffering the trampling of florence or san francisco. Thank you for your attention today.

Adams: Thank you. Welcome.

Steve Orcutt: Good afternoon, mr. Mayor, commissioners. I'm steve orcutt, president of the sapporo sister city association. Established in 1959. Our relationship with sapporo is the oldest sister city relationship certainly for Portland, and the second oldest in the united states. I think -- over the years it has been a strong relationship encouraging cultural and educational exchange programs. For example, we've had english oratorical contest delegation coming to Portland from sapporo for 44 years. Commissioner Fritz has been kind to be at our last several presentations of those speeches. We certainly appreciate that. A direct relationship from the Portland sapporo relationship was the japanese garden established in the early 1960s. That grew directly out of our

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newly established sister city relationship. Sapporo has given us a pagoda which is in the garden.

They have given us a bell which is over in front of the convention center. We have given them a Simon Benson fountain for their city. We have given them a Lee Kelly sculpture, 35th anniversary of our relationship. So, it has been a close and active relationship for many years. We expect to continue that. And in 19 -- or 2014, we will be celebrating major anniversary, which is the 55th anniversary and we expect to have the mayor of Sapporo and a delegation visiting Portland. I'm proud to be a part of this organization. And I'm proud that Portland continues to support the sister city relationship. Thank you.

Adams: Thank you. Thank you all very much. One more round.

Paul Sivley: Good afternoon Mayor Adams and Commissioners. Thank you for your time to speak with you. As elected officials, I know that you might be wondering why should I care about Africa when I'm dealing with a budget, crime issues and everything else on your plate? The relationship we have in Southern Africa is one that holds great potential for trade for Portland and the surrounding area. As Zimbabwe emerges into a new leadership and new entity, we believe tremendous potential for forestry collaboration, solar, hydro and other ways to cooperate. There is a trade connection. And I will talk about the humanitarian connection we have. The last 20 years this organization has been in place raising money with volunteers and nothing but volunteers to fund primarily a school in Zimbabwe, in Mutare, 900 students, many dealing with HIV. Our role has been to provide books, electricity. We built a clinic next to the school. We built a pregnant women's shelter next to the clinic. Allows students at this poverty level to go to a school, first of all to afford to go to the school, pay the fees and get the books, but also to keep up the literacy rate, which is an astounding fact in Zimbabwe, still at 90%. Education support is very, very critical. We are on the verge of new beneficiaries. The car it owns will not reach through mud roads. It is a great opportunity for us to expand our relationship as Zimbabwe changes and look forward to I think an ever-growing role as we have had over the last 20 years. I would note that the board of the organization, all volunteer, made up of a wonderful group of diverse individuals. HIV practitioner, a nurse practitioner working for the county of Multnomah, HIV specialist. Former energy executive. A family that has come here recently immigrated from Zimbabwe and we call them our reality check to make sure that what we're doing, is, in fact, something that is possible. And culturally appropriate. So, we would love your help in one particular way, and that is our largest fundraiser of the year December 1st. Mark your calendar for World Aids Day. We will have a large event. Thanks to Commissioner Fritz for attending the most recent event. We appreciate that greatly. We hope to get the Mayor back from Mutare and thank you to Mayor Adams for meeting with him when he recently visited here. We thank you for your support and look forward to your collaboration.

Fritz: Did you say December 6th?

Sivley: 1st

Stephanie Lamberson: My name is Stephanie, and I am the proud president of the Portland Guadalajara Sister City Organization. We were established as Portland's second sister city. Why should Sapporo have all of the fun? I was just a teenager then. I remember it well. Because it was my mom and stepfather that founded the organization. So, I have a long history with the group, and our core focus is, you know, fostering goodwill and understanding between the two cities. We do this through various educational, business, and cultural exchanges. Our main fundraiser is the Cinco de Mayo event, Fiesta at Waterfront Park. I will highlight a couple of things that we are so honored to do. One of our events -- besides bringing, you know, great food, art, and music to the park, we also provide a really moving naturalization ceremony. And with the partnership of U.S. Citizenship and the Naturalization Office, we are able to welcome and swear in about 50 new Americans from all over the world each year. We have been doing that for over 15 years. The last 20 years we have been able to bring the world renowned Mariachis from -- and folk dancers to

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entertain the school children of Portland. Thousands each year come to our event for free school assemblies and we're able to provide transportation for some of those schools that can't afford it as well. Another program that I'm really proud of that our organization does is the bombero program, a bombero is a Mexican firefighter. With the help of the city, we have been able to donate three fire engines, a water truck and over \$1 million of life saving equipment. Their fire fatalities have drastically dropped due to our help and donations. And so --

Fish: I think it is also worth noting that they pick up the trucks here and they drive them I-5 all of the way down. And these are trucks and vehicles, as Commissioner Leonard knows, have reached their natural life limit for us but in other jurisdictions continue to have --

Lamberson: Absolutely. We have been able to provide firefighter to firefighter training as well annually. Not only are we saving lives, but we are also the world, Guinness World Record holders this year. At our event, we smashed the Guinness World Record of largest gathering of people wearing sombreros. So, it made national news and we're proud. Thanks for having us today.

Adams: Hi, welcome.

Thomas Benke: Good afternoon. My name is Thomas Benke, secretary of the Portland Khabarovsk Sister City Association. Our association has been in existence since 1998. To tell you a little about Khabarovsk, it is the center of governance for the Russian Far East. Replacing -- why Khabarovsk? Well, there are changes going on in the Russian Far East that I think you should be paying attention to for economic reasons. Mostly due to the -- due to increased trade and trade routes with China. Getting ready to build a bridge across the Elmo River for a direct link to China. I don't have time to go into the long list of cultural and academic exchanges that we have had in our association. We're fairly small. We fly under the radar quite a bit. But I will note something that I have been involved with, and that is the environmental projects that have been very important to our two cities. You may recall, Thanksgiving 2004, major chemical spill in China that threatened the drinking water supply of our sister city in Khabarovsk. There was no international response to that. You might be pleased to know that the city of Portland's was the only immediate international response to that disaster. Port of Water Bureau got involved with the Commissioner's help as I recall. We sent engineers to Khabarovsk, and spent special analytical equipment that allowed them to get a quick turn-around on their water analysis and as a result, we have created a very, very strong relationship between the two cities, municipal services department that continues to this day. One of the things I would like to impress upon the Council is this. For some governance and for some of our partners, where they don't have a federal system, where the municipal government is a branch of the federal government, they had a higher mandate for diplomacy. The same mandate that the national government has that we don't necessarily see because of our different system here. I would like for you to keep that difference in mind as you think about these relationships with our sister cities and how we can reflect the importance of that diplomatic imperative. I believe that sister city relationships are a great untapped source of commercial development. For instance, with Russia, for us to get our good services and products, particularly our professional services into that country, China is very similar, we need France, France to bring us in and allow us to work with them. Market entry frankly is a problem for all of us on the West Coast and Russia. Khabarovsk will reach out to Portlanders because of the long history and the sister city relationship, provides opportunities for engineering companies, and other specialists particularly in my field, environmental control, gain market entry and experience and it is creating jobs and bringing revenue into the city. I would urge that upon you. Thank you.

Adams: Thank you. Thank you all very much.

Siegel: One -- one missing today. They have asked the Mayor that you read the proclamation to round things off.

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Adams: The next -- the next thing we're doing -- is this the one? Okay. The next thing we're doing is reading of the proclamation. Could we have the prime minister come forward, please? Anyone else that you want to come with you. That would be great, perfect, so that we can get you on tv. I would just say by way of introduction, the royal rosarians may be most visibility to Portlanders during the rose festival month, but your work is year round. And yesterday afternoon with the inauguration of the virgin air flight, they were absolutely thrilled to be greeted at the bottom of the stairs from the airplane by you all. It was -- the ceo remarked how his city doesn't have -- he needs to do something about that. Very pleased to read the following. Whereas the royal rosarians were founded 100 years ago, June 7th, 1912, by local business leaders with the purpose of supporting the best interests of the city of Portland, promoting the rose festival, encouraging the cultivation of roses and hosting out of town visitors and whereas the royal rosarians are the official ambassadors of goodwill for the city of Portland, declaring the rose to be the queen of flowers and Portland the rose capital of the world, rosarians readily recognized in their suits, straw hats, hallmark of pageantry throughout the city of roses and Portland rose festival and whereas the royal rosarians serve as the royal guard for the mythical ground of rosalia, that place in everyone's heart that awakens -- golden rays of spring when the lovely rose buds begin to blossom into their magnificent glory. The royal rosarians have traveled throughout the world spreading the word. Whereas the royal rosarians are a completely volunteer organization composed of tireless men and women dedicated to extolling the beauty of the rose and performing over 22,000 of community service every year. And whereas the royal rosarians have recognized -- military officers -- contributions to society, honoring knight hood, and where as the royal rosarians planted recognition roses throughout the world to honor particularly worthy people, places and events, and whereas the royal rosarian foundation, programs that assist children at risk, provide music scholarship, honor citizen heroes and hero -- where as for the past century, welcomed visiting dignitaries to the city of roses. On behalf of the mayor and city council, and -- liaisons provide leadership, friendship and support to the city of Portland's international sister city program. Therefore I sam Adams, mayor of the city of Portland, Oregon, city of roses, do hereby proclaim June 2012 to be royal rosarian month in Portland and encourage all residents to observe this month. Congratulations. [applause] mr. Prime minister.

*****: Mayor.

*****: Commissioners. I would like to say knights and dame of the realm and soon to be knight of the realm, it has been a privilege of the royal rosarians since 1912 to serve the city of Portland and the Portland rose festival. We saw examples today with the sister city program and greeting we did yesterday with the airlines. It is our pleasure to do that and we stand ready to serve in any way that the city needs us. We appreciation this proclamation. Thank you very much.

Adams: You bet. Let's do a quick picture here. Council.

Adams: Thank you very much. [applause]. Can you please read the title for resolution item number 665?

Item 665.

Adams: Commissioner Fish.

Fish: I wonder before we start. We carried an item over this morning. We have had folks sitting here all day.

Mayor **Adams:** I will do this next.

Fish: Okay. Thank you, mayor. I would like to invite parks director Mike Abbate -- while they're getting organized, I will read a brief introduction. First I want to welcome our distinguished guests. The Halprin Conservancy is one of the parks bureau's premier partnerships. One of about 115 or so, Mike. Close to 120.

Mike Abbate: 120.

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Fish: Friends and partner groups that we rely on to maintain our gold medal system. Through the generous support of our developer, John Russell, dedication of its board, the conservancy is working hard to improve Pettygrove Park as we speak. We have an opportunity to meet one of the founding commitments that the city made when the conservancy was formed, and that is to protect and enhance the treasures that are the fountains and parks of the Halprin Open Space. Today Parks is bringing before you a resolution to add our voice of support for the designation of the sequence as a historical -- as a historical registers -- as a historical register property. On a personal note, I just want to observe that I first learned about the importance of Halprin in our community and the sequence, when Pica did a program that involved Third Angle, Pica, and other folks, and it was an event that started in front of Keller and moved south. And it ended at the source fountain, the smallest of the four. Through that I and thousands of others were introduced to Halprin's masterpiece. And I think for too long, it was a well-kept secret that we were home to one of the great master works of your -- urban design in the country and through our actions today we have a chance to take another step forward to protect it for future generations and thank the conservancy for taking the steps they have agreed to take to rehabilitate and maintain this gem. Thank you very much for what you are doing. I will turn it over to Michael Abbaté.

Mike Abbaté, Director, Portland Parks and Recreation: Thank you. Mr. Mayor, members of council, I will pass around a book. It has flags on pictures of the sequence. The sequence is tremendously significant in urban fabric and tradition of Portland parks and recreation. It marked a major change in the design of public space in Portland. It introduced for the first time the significance of creative and inspirational design in public space. And it raised the bar for all great public space designs in the city. From pioneer Courthouse Square, by Will Martin and Doug Macy, to Director Park by Laurie Olin, ZGF Architects and Mayer/Reed -- and countless others in between. It literally put Portland on the urban design map worldwide, and attracted an entire generation of designers, architects, and landscape architects including this one. Within Portland parks and recreation, the Halprin sequence is unique because it was the first comprehensively designed series of unique public spaces. This created a vision for the then newly developed South Auditorium district and this precedent was later duplicated by Peter Walker, James Mire -- the concept design for the four parks in the Pearl District. The Halprin sequence of Lovejoy Plaza, Pettygrove Park, Ira Keller Fountain and the Lincoln Walkways are unique treasures alongside familiar historic sites Peninsula Park, Laurelhurst, Pittock Mansion, Washington Park and Forest Park. Portland Parks and Recreation cannot take care of this treasure alone, and we are wholeheartedly grateful for the help of the Halprin Landscape Conservancy to advocate, fund raise, steward and document the significance of -- we enthusiastically support the nomination of the Halprin sequence in the National Register of Historic Places. I would like to turn it over to a familiar face, Jeff Jocelyn, a board member and Bob Naito, also of the conservancy.

Jeff Joslin: Good afternoon, commissioners, your honor. I will begin with the founding of the conservancy. The conservancy was founded in 2001 -- the sequence was the result of the vision and leadership of your predecessors, enabled the design creation of an urban landscape like know other. As you heard from Director Abbaté, universally understood -- one of the most pioneering, successful, precedential -- in other words, it is a really good one. To acknowledge its significance and further ensure its protection and enhancement for generations to come, conservancy initiated an effort a few years ago to place the sequence on the national register of historic places. Such a designation for that type of historic resource is also pioneering. Your support of the conservancy moving forward to this effort will constitute a historic act on to itself -- it was initiated with the approvals of this bold design 50 years ago in council chambers. Nomination is nearly complete thanks to the efforts of many, including most recently and substantially the contributions of Heritage Consulting. This beautifully authored and crafted nomination is a chronicle of the sequence's history, significance, and legacy, like the sequence

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itself, will live on in perpetuity. Nomination comes not a minute too early. The sequence does not have a perfect history. Managerial complexities resulting from the multiple agencies and stakeholders involved in the ongoing maintenance of these on going features -- not as well choreographed -- ribbon cuttings 40 years ago. You directed your staff and associated agencies to work collaboratively with the conservancy. We worked intimately with Portland parks and recreation, funding and improvement efforts. In the past year, director abbaté has focused on these efforts, triggering to the momentum of the conservancies and parks consistent -- commitments. This -- as you heard from commissioner Fish, an agreement brokered by the commissioner between parks, conservancy and russell development, john russell advanced funding to support the -- numerous improvements already made. As a result of conservancy concerns and detailed analysis undertaken by parts -- substantiate and restore the neglected pavilion -- your support of the conservancies moving forward to the national register nomination - - urban design contributions to the world. Once a national register landmark, the ongoing stewardship will be further insured. We welcome your questions and I humbly request your support of this resolution.

Bob Naito: Mr. Mayor, commissioners. I'm here wearing multiple hats. Jeff recruited me to the halprin conservancy board about two years ago, and i'm now also the chair of the soma eco-district, which the halprin conservancy lies basically in the middle of. I'm also a property owner. We own what used to be known as the jade west building. I have my offices there. So, i'm in the sequence, walking on those pathways and in those trucks every day and kiddy corner from our building is the lovejoy fountain. The first thing I noticed when we bought the building and moved in, was that the parks really needed a lot of help. I think among the decisions that you have recently made, decision to create the education urban renewal district is going to prove to be really important. The investment that is going to go on around those parks is going to bring a lot more interest and prominence to them and it will help in our efforts to find the money to put the parks basically back together again. I want to thank you for all of those things.

Fish: Thank you, gentlemen. Questions mayor?

Adams: Thank you for your work. It's great. Has anyone signed up to testify on this matter?

Moore-Love: No one else.

Adams: All right. This is a resolution. So please call the vote.

Fish: Well, jeff and bob and john and all of the board members of the conservancy thank you. I think it is appropriate to put your work in the context of a number of things that mike and I are working on right now. And illustrates one of the simple truths of why we have a great parks system. And it is because we have great partners. About a quarter, up to a quarter of the work maintains our system is donated or raised by private parties. We have almost 120 groups that help us in one way or another manage this great system. We are particularly encouraged by the relationship with the conservancy. And we appreciate your patience as we work through some of the difficult issues. Recently through our budget process, council working with the Portland development commission restored funding for the leach botanical garden. \$1.1 million that went into the budget will help leach move forward on the plan that the council has supported. The key component, is their commitment to leverage the private dollars with public dollars and use the capacity to build a world class botanical garden on the east side. Not long ago the Council authorized a loan agreement that allowed us to advance funds to the Oregon rail heritage foundation which wanted to build a new home for the three steam locomotives that we inherited in 1958. The shell of that building has gone up in the back side of omsi. And raised over \$4 million towards that project. The city could not possibly do that without a strong partner. Later today, we're going to hear from the goldberg family about harper's playground. A playground which takes the inclusive playground model and takes it to the very highest level and will become a national model for playgrounds that are accessible to all children. The goldbergs and their

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partners have raised over \$400,000, close to \$500,000 towards the vision of that playground. The city simply could not do that without their great work. And then soon we will get a presentation to council on summer free for all. This year the direct and in kind contributions to the city total \$1.5 million and allow us to offer concerts and movies, other amenities all summer long at no cost to the people of Portland. We expect between 400 and 450,000 people to partake in those programs. This is the core of what allows us to have a gold medal system. And what you gentlemen have proposed through the conservancy to restore the greatness of one of the great works, master works of 20th century design, which we believe in turn, urban renewal district and mayor's decision to create a fountain district and all the intentional planning that will follow will help us revitalize and grow -- as parks commissioner I want it thank you deeply for your work and i'm very proud to support this resolution. Aye.

Leonard: Thank you for your work. Aye.

Fritz: Thank you also for your work and commissioner Fish for bringing this designation. These open spaces are part of what makes Portland special and it is important for us to make sure that they're there for generations to come. Aye.

Adams: When I first moved to Portland it took me years to figure out that it was a sequence. Seeing the two sequences, the two related works of public art, I thought I would figure it out and then I would come across the next one and finally I discovered them all. But your work has been absolutely invaluable. Thank you commissioner Fish for your leadership in this area. Aye. All right. Can we take up the item we pulled from consent. Commissioner Saltzman will not be joining us this afternoon?

Item 645.

Leonard: Item 645.

Moore-Love: I can read the title. Authorize a contract and provide for payment for fire station 21 boat houses.

Adams: Commissioner randy Leonard.

Leonard: I will turn this over to connie.

Connie Johnson, Facilities, Office of Management and Finance: Thank you. Good afternoon.

I'm connie johnson, facilities project manager for the station 21 project. In order to amend it, changing the cost from \$583,000 to \$801,517. And correcting a mistake on page two of the financial impact statement, changing the competence level from high to low to match the ordinance level. The 583 was an earlier estimate. At the time the ordinance process began, we were moving forward quickly with the design to meet the in water work window for this year. And we have a more accurate estimate from the architect as of a couple of days ago. And it is based on a better defined design how the confidence level will still be low until we get cost estimate from a cost estimator at the end of design development. So --

Leonard: I move the substitution.

Adams: Second. Unless there is discussion, call the vote on the motion.

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

Adams: Aye. Motion approved.

Leonard: Does this move to a second reading?

Moore-Love: It is an emergency.

Leonard: I will take this opportunity on a related topic, pass out copies of emails each of you have received from me. This one, the latest one dated april 26th of this year. If you will recall, there has been an ongoing discussion beginning -- I think I referenced it here in an email on -- beginning on june 9th, 2010. A series of emails between commissioner Saltzman and I which also has led to -- that was prior to the passage of the bond. After the passage of the bond, on april 25th, commissioner Saltzman again raised the issue of what the development of fire station 21s north property that is now used as a parking lot. To refresh your memory, independent of us

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going to the voters to approve a bond to build this fire station, about two years ago, there was a decision to move the fallen firefighters memorial from west burnside and 17th to this same location. Subsequent that decision, it was decided to go to the voters to replace the fire station that is there because it sits virtually just on top of fill and in a site that would undoubtedly slide into the river. The station needs to be seismically updated and modernized and of course this fire station being on the east end of the hawthorne bridge located on the esplanade requires a degree of design that is probably unique for building, particularly a fire station, given its visibility from the west side of the willamette river, given its place on the esplanade. Commissioner Saltzman, I -- discussion has been that he does not want the public bond money used to purchase anything specific to the memorial. I have repeatedly agreed to that. If you look at the latest email, including what I have cited other emails publicly here. I have said and it is on page 3, you can see it -- I just gave you -- in the handout I just gave you. This is a quote, I believe it is clear from my 2010 emails, bond -- open space compatible with the memorial. We continue to be clear about that. One of the issues with this vacant area, geotech report, this area used as a parking lot actually drains into the bank and into the willamette river. That drainage can undercut the bank and cause future seismic slides of the bank into the river. So, the site needs to be excavated. It needs to be redesigned so that it doesn't drain in that area that causes erosion to the bank and possibly instability to the station and the boathouses in the river. The reason I raise this today is independent of these emails and these discussions, commissioner Saltzman has privately met with the project manager and others to tell them that he wants nothing done to that site at all. Meaning no construction, nothing. I have countermand that message as soon as I discovered that he had said that and I wanted to be clear publicly that I had done so and why it has created confusion amongst the project team, architects, and amenities that we are working with to facilitate this project as quickly as we can. We have a window of opportunity to do the in-water work. You cannot do in-water work that is driving piles and building the new dock that will accommodate the fire boat that will go there outside of that date range. This intrusion into that project and these mixed messages are causing my team to be confused and to therefore send confusing messages to the staff and slow down the project. I think I have fixed that by taking a variety of actions. And I think the fire chief now is on top of that. We figured out what is wrong. I certainly wanted to make sure that the council heard that and if there is any desire to discuss this further here or in any other form in future, as I have always been, i'm open to respond to emails, have a work session. Have any kind of public discussion, but the project is back on track in the direction that I think I have made clear with this email and other discussions we have had here.

Adams: Okay appreciate that. Any comments or questions?

Fritz: I do have a question for staff. Why the confidence level is low for the 800,000?

Johnson: Because we're just in design development right now. And confidence level usually doesn't move to high until the end of contract documents. And then everything has been well defined and all of the systems known and that sort of thing. We're not there yet.

Fritz: Is there a maximum that it can go up to before you come back to council, is it the 25%?

Johnson: We have a budget that we have to stay within. That is going to do definitely by someone that --

Fritz: And this is one of the last projects on the bond measures.

Leonard: This is --

Fritz: Okay. No particular parameters allocated for this --

Johnson: Other than our desire to keep it within that dollar amount -- we -- there are several different components and procurements, the boat house -- we have sort of mini budgets for each one.

Leonard: Every dollar we spend on this boat house is one more dollar that -- there is a tremendous pressure to get this done, again, this is -- this boathouse is going to be on the water

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below the hawthorne bridge. Thoroughly visible. Major icon as well, walking along the esplanade -- nothing else to refer to it as an icon. It has to be designed correctly. Having said that, every dollar that we spend on it is another dollar that can't go to the actual construction of the fire station. There is a tremendous amount of internal will and desire to make sure that this gets done right, looks good and the city is proud of it and also done as efficiently as possible, because we're having a real struggle, as we have identified some of the seismic issues, slope of the open space. Now we didn't have the original estimate that we have to correct all that costs money and has to be within the budget --

Fritz: It is a very challenging site. Is there a total budget for the fire station plus boat house allocated in the bond measure?

Johnson: Yes, right now the construction for the fire station 4.9 -- keeping the boat house and dock --

Fritz: Does this come back to council at all?

Johnson: Each one of the procurements you will probably be updated on. The process, we were here about a month ago or something on that. The docking pilings would be a design, bid, build process. We will be asking to put that money aside.

Fritz: Thank you.

Leonard: Thank you all for being patient.

Fish: This is an emergency ordinance.

Adams: Yes.

Fish: Are we going to take this to a vote today?

Adams: Yes. Call the motion. Distracted -- does anyone wish to testify on this matter? Karla can call the vote.

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

Fritz: Thank you for answering all of my questions. Aye.

Adams: Well, this is amazing. I mean, this was not only did you take on a very difficult task of going to the voters for making improvements to the equipment that our firefighters have and our rescue units have to prevent fire, save lives, but you also took on the task of fundraising and everything else related to the memorial and then you chose one of the hardest sites in the city to work in. If I didn't know any better, I would say you are a glutton for punishment. I don't -- you make it look too easy and I don't want the moment to pass without thanking and recognizing you and thank all of you for your continuing great work on the project. Aye. So approved. We are taking a quick four minute break. Do not leave the building. We will switch out and make sure that I have all of the right witnesses coming to testify and everything.

Adams: Please read the title for emergency ordinance item 666.

Item 666.

Fish: As I indicated earlier, another one of these great public/private partnerships that allows us at the parks bureau to not only do our job but extend the benefits of our system to people throughout our community is before us today. That is harper's playground. This is one of the great public/private partnerships that mike and I have the honor of being a part -- state of the art, accessible playground that sets the standard nationally. I want to begin by thanking the goldberg family who have worked tirelessly to raise money for this vision. I want to thank their daughter, harper, who was the inspiration for this work. Mayor Adams, you and the chief of staff have been stalwart supporters of this. We would not be where we are today without your commitment, both financial and political and I thank you. Today we will get a quick update and let you know about the ground breaking to follow. Important and exciting announcements and a brief power point. Mike, why don't you take it away.

Mike Abbaté, Director, Portland Parks and Recreation: Thank you, mr. Mayor, and commissioners. As you know, as commissioner Fish said, we would not be the best park system -

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- this is another -- many people coming together under the leadership of cody. This new playground is going to be a remarkable place for kids. Imaginative, creative, innovative, and unique. This will be a tremendous testimony to harper, but to all of the kids of our community. Funding for this \$515,000 project is being made possible by a partnership between the goldberg family, Portland parks and recreation and numerous sponsors. I mentioned \$515,000 construction project, Portland parks and recreation is contributing \$75,000 in cash, and \$86,000 in construction management, staff time associated with it. This is an amazing partnership. It would not happen without cody goldberg and his wife and harper's passion for this project. With that, I will introduce cody.

Cody Goldberg: Thank you, mike. Commissioners, mayor Adams. Thank you for having me today. It is an honor to present harper's playground to you. We have a power point that I believe maybe a screen will come down for. I look forward to sharing just a little bit about our story.

Fish: We have a book in front of you so that you can follow along. Karla wants us to go forward so we don't have a --

*******:** Oh, okay. Talk about inspiration from above.

Goldberg: Thank you very much. Harper's playground is all about community, equity, inclusion, and play. This is a picture of my family. My lovely wife april, who I would like to point out is in the audience today. And my two daughters, harper and lennon. Our world vision having harper in our life has changed a lot about how we see the world. We see the world as a playground for everyone. The water, the streets, the hills, all play grounds for everybody. Even on street corners, kids turn a street corner into a playground. And in africa, a single ball becomes a playground. The problem is that we continue to build locations for play that leave out a special population. These type of playgrounds are completely inaccessible for children like harper. I just want to pause for a second and share that I really wanted the commissioners and audience to share a little bit of the presentation I have been sharing with the entire community to get an understanding of how we have built the support. Bear with me for just a moment. This is the entry to the park. You notice that the pathway is broken apart and is very narrow. This is the entry point into the wood chips which are supposed to make this an accessible playground. This is what is called a transfer station. A child who uses a wheelchair is expected to pull themselves out of a chair and drag themselves up those stairs to enjoy the play. These amenities allow this playground to receive an ada accessible mark. We believe there is a fix that can make parks much more accessible. This is a drawing of harper's playground as it will exist at arbor lodge park. The -- elimination of the structure entirely. We have come to believe that the -- to make playgrounds accessible for everyone is a playground that does not use a structure and that is a plaza with individual play items throughout but a completely barrier-free landscape. Our welcome plaza will feature seating in a circular -- in a circular arrangement so that community building can take place. We're selling personalized -- here is an example of how we have built our support and funding. Commissioners, in the packets I have given you, there are forms -- payment forms just in case. Guests will be greeted by a topographical map of the playground. People who experience vision impairment can get a lay of the land. And these slides would have had individual photos of the particular items in the playground, and they include accessible swings and accessible slide, and every single item within the playground will be totally accessible. Perhaps I will click a couple of more times to see if we have any luck. It looks like we don't. Okay. So, I think we can wrap up without the rest of this. What I would like to share that is in the power point, probably most importantly, is that thousands of Portlanders have helped bring us to where we are today. That includes foundations, and particularly the w. Glen boyd charitable foundation which donated \$75,000 to the cause, mable clark mcdonald, Portland rotary and several others. Local businesses including the standard and pge and adidas, teen incorporated donated quite a bit of funding to this project. Within the power point, for a good laugh, I listed in

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alphabetical order the names of all of our donors so it is very small font. I wanted to acknowledge our partners at Portland parks and recreation who helped tremendously along the way. Our first contact, Sue Glen, she has tirelessly worked to move the project forward and has subsequently handed the project over to Sandra who has been impressive beyond belief. Somehow she answers her phone every time I call. I don't know how she does that. I know she has meetings. But she somehow finds a way. Commissioner Fish has especially been supportive throughout, and has acted as an auctioneer at an art auction we had. Thank you for that support, commissioner. Bear with me one moment and I will look up what else I wanted to share. The next thing I want to stress is the credit that is due to the design -- I am just a dad with a little bit of marketing experience. But we have a design, as the commissioner said, is world class and innovative beyond belief. Many world renowned landscape architect firms combined efforts to help us reach that design. Mig, who really is a world leader in inclusive nature-play design. Urban Associates, and the local firm -- a local firm who have pro bono brought the project through construction documents, which is really no small task. The design is also a result of a collaborative process with parks and rec staff and those professionals and other community members including local children who helped put efforts in to help coming up with the design. Finally we have engaged with the city for 2 1/2 years to raise these funds in various manners. Bake sales, selling trucker caps, to Harper's happy hour sponsored at local bars, to the Portland lady pilots who have done events for you.

Fish: Correct. We had a season-long partnership with the lady pilots of the University of Portland. The incoming cocaptain for the team, Taylor Brook is in the audience and she is an intern with Harper's playground.

Adams: Hi. Thank you for your work.

Fish: Taylor Brook is very impressive, and so is her sister who played with my daughter on the state champion Portland -- congratulations.

Cody: Major partnership has emerged with the well known -- Timbers Army supporters group. Last season with several members of the Timbers Army, Harper's playground --

Fish: Can I mention something? Opening day for the Timbers, number of us went to an event at the park and I was the only one that didn't get the memo to be on the field. I was out front trying to get into a jammed stadium. I was wearing the Harper's playground Timbers scarf. A long-time Timbers fan came over and said he would buy it from me because he thought it was so cool. That is when I knew I had a collector's item.

Leonard: Did you declare that?

Fish: The \$250 that he gave me was put to -- no. Actually why don't we get Commissioner Leonard to buy one of those scarfs.

Fish: I'm holding out -- [laughter]

Cody: Throughout the community engagement we received countless letters of support. I would like to share it with you today. This comes from Sharon DeLong, therapeutic recreational activities and volunteer manager -- words cannot describe the excitement I experienced as I imagined the -- exclusive playground that will enable our kids to have a typical childhood experience. I strongly believe that Harper's playground will transform the community. Another parent has a daughter who uses a wheelchair, quote, this is such a fantastic project and a great way to focus your efforts.

A four-year-old daughter who uses a power wheelchair for her mobility and she would absolutely love to be able to play with the kids at the park more independently. Thank you for doing this for all of us. Final slide that I really wish we could share is a beautiful photo of Harper enjoying the playground up at Washington Park, which is considered the city's most accessible playground. She is in an adaptive swing and the joy on her face shows that every kid loves the amenities at a playground and every kid deserves a chance to play. And I thank the commissioner and the parks and rec department in supporting our vision and helping to move us so close to

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achieving our dream and I invite everyone to come to the ground breaking this friday, june 8th, 10:00 a.m., arbor lodge park where we will break ground and celebrate harper's 7th birthday. Thank you for the time today. I really appreciate it.

Adams: Thank you. [applause]

Fish: The financial impact statement, it indicates that there is \$25,000 in general fund support. We have been working with cody for a long time. And recently he met with emily hicks on my team. He wanted to know where we were on our commitment of \$25,000. At that point I thought we had already met our commitment through various other obligations. But the reason that sandra answers his calls, and the reason we're at this point, is he is so darn relentless in getting this done. And so we had an additional \$25,000 to close and I met with the mayor and I said I think we're done going to the corporate community. I think we're tapped out. We cannot let this family down. So, the mayor said on the spot he would take \$15,000 out of his office budget. And I took \$10,000 out of my office budget. And I -- it is a small, small gesture, but I want you to know that it is for us a way that both the mayor and I can say -- we are glad to be your partners with this and want to see this be successful.

Adams: Thank you, commissioner. Thank you for your fantastic work. Is there anyone who wishes to testify on this matter?

Fish: Thank you cody, goldberg family, mike and our team for making this happen. In the packet that we received, there is a form if you want to purchase a brick. This is how pioneer courthouse square was ultimately funded. We urge everyone that is inspired by the goldberg family story and harper's journey to sign up and we will have that on our web site at city hall or you can go to the web site at harpersplayground.org. They have come up with a funding scheme that builds a wonderful, inclusive playground. They took out additional amenities because of cost reasons. What they have done in the catalog is identify the things that we can buy back. If you are inspired, someone out there wants to be a person to put a raised sand table, climber, xylophone, or anything added back that will make this more special to the children, you can go to the harper's playground site and talk to the family, make a donation, and actually buy an amenity. It has all been said. I will only close by saying that I have been to a number of events where cody has spoken. Every time he has finished, there isn't a dry eye in the room. He is a wonderful, wonderful salesman for this vision. And what makes him so powerful is it comes from his heart. And it starts with his family. And I wish we could clone you and have allies like you throughout our system. We have wonderful partners. But we really only have one cody goldberg. Thank you for what you have done. This is our small way of supporting your vision and your family's vision and harper's vision and i'm honored to vote aye.

Leonard: Thank you, Cody. Aye.

Fritz: I came to one of the fundraisers and it was inspiring how many folks were there, how good hearted. Everybody focused on the goal to get that playground built, not just for harper but for generations to come. Thank you for your leadership and for the folks at arbor lodge neighborhood who are very supportive of this project. So it is being done with the community. And I look forward to seeing it finished. Aye.

Adams: Thank you very much for your civic leadership. Thank you as well to harper and her sister. Thank you commissioner Fish for helping to support this, in visible and not so visible ways over the last couple of years. Thrilled to be part of the ground breaking. It will be very exciting. It benefits not just your family, not just north Portland, but the entire city. Thank you to the parks bureau as well for being such a good partner on this. Pleased to vote aye. Congratulations. [applause]

Cody I'd like to present the mayor and commissioners with just a small token of our appreciation and something that should make a good photo op.

Adams: That's very cute.

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Item 667.

LaVonne Griffin-Valade, City Auditor: Good afternoon, I'm the city auditor, nice to be before you, mayor and council. The OIR group provides consultant services to agencies and jurisdictions regarding officer-involved shootings. Incustody deaths, investigative protocols. Forced policies, procedures and trainings, and as well as all forms of alleged police misconduct. For the report being submitted to you today, OIR is charged with the review and assess the quality of the closed investigation of seven officer-involved shootings. And to provide the recommendations to improve the investigations, and that airs repeating because that is the charge that they were given is to review the closed investigations and make any recommendations that they saw fit based on their expertise, and that is the total, sum total of the authority granted to the city auditor within city code in these matters. The OIR group also contracted with my office to review the closed investigations of the 2006 in custody death of James Chasse Jr. That was issued in July, 2010. I will clarify the expertise and qualifications to conduct it work. This is the founding member and chief attorney of OIR. He has been appointed as an expert consultant to assist in designing an independent review agency for the California Department of Corrections and Rehabilitations. Mr. Gennaco has assisted the San Diego and as long as county sheriff's departments in the Palo Alto regarding officer-involved shootings, internal affairs and oversight matters. Prior to founding OIR, Mr. Gennaco served as a U.S. Assistant Attorney for the U.S. District of California. As chief of the Civil Rights' responsible for overseeing all investigations and allegations of federal civil rights violations. Prior to that, Mr. Gennaco were a federal prosecutor for eight years for the criminal section of the U.S. Department of Justice Civil Rights' Division. Mr. Gennaco is graduate of Dartmouth College and received his J.D. from Stanford Law School. Bob Miller in the middle here, is deputy chief attorney at OIR. He graduated from Stanford University and UCLA Law School. He came to OIR from a 15-year career in the Los Angeles County District Attorney's office where he prosecuted murders, other violent felonies, and white collar cases. The independent oversight duties for Los Angeles County on behalf of this, included the review of officer-involved shooting, and Multnomah County cases at the Sheriff's parole stations and the central jail. In addition he has participated in a number of OIR group projects for wide variety of jurisdictions and agencies. In which he focused on officer-involved shooting investigators, use of force investigations, and other critical incidents. Julie Ruhlin, working as a consultant she has reviewed numerous officer-involved shootings, and other critical incidences at the Los Angeles County Sheriff's Department in her work with OIR. She was served as a court point expert to, to assist in design of an internal civilian oversight entity, conducting investigations in the California prison system. She came to her career and police oversight from a private law practice in criminal defense and civil rights' litigation. She graduated from the American University and University of Southern California Law School. So, with that, I would turn it over to the team, wanted to make sure that you understood their expertise and their qualifications, and why we are very fortunate to have them as our contractor for this review.

Adams: Welcome.

Julie Ruhlin: Mayor Adams, commissioners, it is our pleasure to be back in Portland and reporting to you again. As Lavonne said, I'm Julie Ruhlin with OIR group, and Bob and Michael are here with me. We are tasked with reviewing 18 incidents involving Portland police officers. 17 are officer-involved shootings. One is an in custody death. Rather than pack you with a several hundred page report that perhaps, none of us could get all the way through, we decided to break that task up into three separate reports. And the first report, as the auditor said, covers seven officer-involved shootings, but we grouped around common theme. We tried to group these. These, these seven shootings cover a span of six years from 2004 to 2010. Six them were fatal shootings. Shootings involving James Jahar Perez, Raymond Gwerder, Jerry Goins, Jason Spoor, Aaron Campbell and Jack Collins. The seventh shooting was a non fatal shooting of Lesley Stewart. As I said, we tried to find common themes among the incidents to break these reports down, and with one exception, all seven

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of the cases that we report on here have, have, have to do with subjects who were in some kind of mental health or emotional crisis. The seventh case, the Perez shooting, is from 2004. We were still hearing a lot of people talk about that shooting, and felt like an outside review of that case was already long overdo, and we did not want to wait longer so we included it in the first grouping. During the course of our review of these incidents, we had the opportunity to spend some time with the bureau and to learn about some of the efforts that the bureau is making to impact the day-to-day interactions between the police and the mental health community. A number of these shootings, and plus the, the death of Mr. Chasse, which we had the opportunity to review and report to you on in 2010, resulted in, in a spirit cooperation between the bureau and the mental health community. And a couple of those developments that I just wanted to talk about briefly, one is the, the mobile crisis unit. That is, that is sort of an innovative partnership that pair as Portland police officer, with, with a project respond clinician with the goal of reducing the number and frequency of, of police interactions with, with mentally ill. Sort of brings, by bringing a different set of resources and a multi-disciplinary approach, the goal was to, to reduce the, the number of contacts. The mobile crisis unit does not roll to, does not insert itself, and by design, does not get involved in critical incidents. But, it sort of is seen as a diversion program, if you will, we're the goal, is you know, somebody, who might otherwise be taken into custody, be taken to jail, would be connected to services and avoid that interaction with the criminal justice system. Hopefully the goal, in avoiding those contacts aimed at arresting somebody, you also can reduce the, the, the forced incidents that sometimes come out of those. Interactions. Another development and progress that we have seen is with the crisis intervention training, that the bureau does. I'm -- you may remember that after the death of Mr. Chasse, the bureau made a commitment to get all the officers, CIT training. And when they went about doing that, they worked very closely with project respond, and there was a psychologist of project respond, who along with others helped to, them to revamp the CIT training program, and got a large number of officers trained in a very short period of time. She has since been hired by the bureau to work directly with the training division. The continual work on the CIT training, but as importantly, to work, to find ways to integrate principles of the CIT training into, into patrol, patrol tactics, and other standard training curriculum, and, and we believe that, that is really a critical piece in changing the way that a law enforcement officer interacts with the mentally ill. If you can -- the standard block of training is, and great. And we don't want to see the bureau move away from that. Don't believe that they have in intention of moving away from that. But, it's also, our view, that if you can integrate that training so that it really permeates all aspects of training, you can start to change the culture of the law enforcement agency, and the way that they deal with mentally ill people in the community. Rather than just sort of compartmentalizing that training into a box. And the goal is all of this is really to, to have officers, give them the tools to try to diffuse tense situations. And to hopefully, avoid having those situations escalate we're there is any use of force let alone use of deadly force. It's not always an easy thing to measure. But, we will, we will, the department has, has, the bureau has talked about its commitment to this integrative approach, and one of our recommendations that they continue with that approach and continue to try to find ways to bring this training to its officers. So, we started with, with a mental health theme for this report. But as we got into each of the incidents, and we found a number of common issues, tactical problems. That also were common to a number of the shootings, and we also spent a good deal of time analyzing the quality of the bureau's investigative and review processes the I'm going to, to turn the microphone over, at least for now, to my colleagues, to talk about some of those issues.

*****: Sure.

Michael Gennaco: Mr. Mayor and council, thank you again. I also thank you for the opportunity to address you, I am Michael Gennaco. And I wanted to focus on just couple of things. But, before I begin, I wanted to indicate that we had an opportunity here that I don't think we have ever had before, and I am not sure many other independent oversight groups have had. Which is because the

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shootings that we looked at spanned a six-year period of time. We were able to gauge the department's response, the investigative response, and the review response over a somewhat lengthy period of time. Six years, that's a long time in the life of a police department. And so, we were able to see and trace the evolution of reform to the degree that reform had taken hold of the department. With regard each of the issues that are important to us. Which are, basically, what you want when you have a critical incident, which is an officer-involved shooting. You want an investigation the fact-finder can then use that information that's unvarnished, and unbiased, and to make important decisions, and also, to use the incident as a learning experience for the bureau. The due process is in some ways more important than the investigation process, because what we have seen is some departments have pretty good investigations, but they don't take advantage of what is learned from the investigation, with regard to issues such as accountability, supervision, refining policy, and the like. And so what we are able to do, because of this span of time that we are looking at, and in 2004, the bureau was in a different place. And it was in 2010, which is when the last shooting occurred that, we looked at in this cycle. But we were able to quite careful, quite, quite candidly and scientifically look at the involvement. I'll get to maybe some of the reasons why things have evolved but I can tell you that in general, while there have been issues, and they remain issues, that we highlight in our report and our, are featured in our recommendations. That the evolution of the way in which the department does -- the bureau does investigate and review the critical incidents, is in a positive and upper direction. That's not always the case. We have done bit of time studies and other, other police agencies, and what we found is sometimes, because of resources. Sometimes because of differences in leadership, et cetera, that, that some of the better protocols seem to go by the wayside, or remain stasis, or even go downhill. That's not what we saw. All the trending was upwards with regard the benchmarks that we see that are important to ensure that the bureau does take advantage of these incidents. With regard to accountability and, and in an effort to make it a better bureau so that the likelihood future tragic incidents like officer-involved shooting do not recur. That being said

Adams: So a statement that says, "Portland police failed to learn from past mistakes and officer-involved shooting" review says, which is a local newspaper, headline, would you view that seems different than your statement, and I just want to give you a chance to comment on the headline versus what you just said.

Gennaco: I appreciate that, mayor. And I think that to the degree that, first of all, you won't see that headline in our report written anywhere, it's not in the narrative, because we did not say that, and I think that, that what we would say, is that generally speaking, whether it's a park recommendation, an internal recommendation, a recommendation that's been sponsored by the leadership of this body, or subcommittee, that, that generally speaking, the bureau does a good job of considering and ultimately, in most cases, submitting the recommendations. One of the reasons for the confusion, perhaps, if you want to call it that, and maybe why the headline was written the way it was, is that at times, this process has become rather attenuated. It has taken while to investigate, a while to get the review done, and it's taken a while for the recommendations to be developed. Some of them you can't just dream up the next day. It takes some work. So, what you have sometimes had is a situation in which there is still a review or an investigative process going on with a shooting that occurred in 2006. Then you get another shooting with the same issues in 2007. But the 2006 review had not been completed yet. So that same issue continues, and one of our recommendations is to continue to try and collapse that investigative and review cycle so you don't have that phenomenon occurring on regular basis, which we did see from time to time. So, that's how I would answer that question, mr. Mayor. I appreciate you giving me the opportunity to clarify that.

Adams: Thank you.

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Gennaco: And of the recommendations, the one that I think, of all of them in my personal view, that deserves the, the closest study, and may end up being the most work, actually, has to do with what we call the elimination of the 48-hour rule. To explain what is meant by that, when an officer-involved shooting occurs, or one were to occur right now, what would happen is that there would be an immediate investigative response. The officer would have an opportunity to provide a voluntary statement in the next few hours or next day. But, we have seen a trending in which officers have declined that opportunity, and declined to provide and afford the bureau a voluntary statement. The bureau's response has been at the scene to then give the officer notice of what they call a 48-hour notice, in which means that, that after 48 hours, the officer will then be brought in and be compelled to provide information to internal affairs investigators. Our problem with that scenario and what is, what has developed is a result of some other influences, is that the bureau, the community, the city will not hear the officer's version of what occurred on that very significant incident until at least two days later. And for every organization concerned with efficient, effective fact gathering, that is too long of a period of time, in our view, for that information to be garnered. And what we recommend is that the current labor agreement that allows for and photo radar affords officers the ability to delay this statement from being obtained for two days, ought to be revisited during the next negotiations cycle. There are a couple other issues that I will turn over to mr. miller talk about.

Robert Miller: Thanks, michael. I would like to pluck two topics from -- I am robert miller. Two topics from, from our report that, that we believe are, are also quite important. They are the training division reviews. And communications issues in critical incidents. Training division reviews are, are figured prominently in our evaluation of these cases. Partly because they, they are somewhat unusual in the world of police work to have, to have meticulously detailed long reviews that reflect the analysis of the experts within the department. In training, tactics and policy. They really exemplify the way that, that the Portland police bureau goes about trying to improve itself. But, this enterprise does fall short sometimes. Communications issues are a second issue. They really are the elephant in the room. In several of these cases. They are the central, troubling problem. That has a causal connection with some of the things that went wrong. In some of the shootings. So, it's a very thorny issue. It has suggested no true, easy solutions, but it can't be avoided. With regard to training reviews, first off. The adage from those, who promise much, much is expected, applies here. The fact that Portland police bureau does these training reviews, and they are analysis of every tactical -- let me try that one again. Tactical aspect of the incident. Raises the issue of whether they are in, indeed, adequately, comprehensive and correct in their conclusions. It is very promising process, however. That does not always live up to its promise, as we noticed. One area that there is sometimes insufficient follow-through on, is the question of alternative, tactical options. This becomes a central concern in the cases where officer misperception is central to the action in the case. Examples of this would be in the perez shooting, the officer thought that mr. Perez was pulling a gun out of his pants. And indeed, he was not. In the stewart shooting, the rifle operator, who shot mr. Stewart was thought that mr. Stewart was retrieving a gun from a closet. There was no gun in either case. There was central misperception of the facts. And whether this was understandable or not. No one likes to second-guess split second decisions by police officers in the field. And this reluctance within the department is familiar to us. Somewhat understandable. But, it is also an obstacle to taking a look at things when they go wrong. Threat assessment is basically what we're talking about here. And threat assessment is central to good policework. It is, also, something that police officers in a good, conscious department are trained in. At what that means is that the premise is that improved threat assessment by officers is a trainable skill. It is amenable to improvements for training. And if that is true, then training analysis should not shy away from identifying possible problems with, even with the split second decisions, which nobody wants to second-guess. One of the ways to do that constructively, which is not really about, about finger pointing at the stage we're talking about, but one of the ways to do that constructively is

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through discussing and considering alternative, tactical options. That is options of whether there might have been ways to diminish the danger to officers, and/or the subject. Ways to slow the action down. Ways to obtain more information. Or provide negotiators with more time. We believe that these considerations, especially when done by subject matter experts, critical incidents, can be helpful and can be part of a department's internal self improvement. In some case, this was done within the body of the training division analysis. With regard to supervisor decision-making. Sometimes, there were conflicts between supervisors, and the issue of who was right, was taken up. In some case, a supervisor decided not to create a diversion. Another supervisor opined that he would have created a diversion in such a case. These, we believe, are very healthy debates, and should not be shielded away from. As they are in some, some of the training analysis. The training analysis to delve into these sometimes uncomfortable subjects, appears to be increasing with the more recent cases we looked at. And in short, we don't think that this is a fruitless Monday morning quarterbacking. But, it takes training and tactical options as serious as they should be taken, in any police enterprise. Onto communications problems, in critical incidents. In at least, well, three most outstanding of these seven shootings, exemplify communications problems. The Campbell, and Stewart shooting, the officer who fired his weapon in the Gwerder incident says it all very poignantly. Essentially, concludes that there were too many unknowns in the situation. And that this led to his decision to pull the trigger. Many of those unknowns, in fact, were due to lack of communication among the officers and supervisors in the field that resulted in that shooter receiving very few of the crucial facts that might have affected his decision-making. The, in the Stewart case, an inverse of that. The rifle officer failed to seek out the information that she thought was important at the time. But was able to become aware of. For instance, the position of her fellow officers and whether they were in danger or within range of, of the subject who was waving a gun around. Upon occasion. In the Campbell shooting, it, in fact, shows, points the way to exemplary command and control communications at the time. And things appear to be going very well, and the many officers on scene are well coordinated and all on the same page. But then, because of a breakdown in communications, things begin to go wrong, and the result is highly unfortunate. Nevertheless, we have seen, and as I mentioned, we have seen a development through the years. It shows an ability and a willingness to, to put out a strong effort to remain nimble with regard to analyzing the communications issues. And examples of these are, are new procedures that have been recently put into place, that, will affect the quality of communications in critical incidents. We believe that they at least show promise of doing so. One of those the creation critical incident commanders. As a new designation, and those are critical incident commanders would take command, for cnt. Are, are called in. Also, newly implemented is a quarterly, critical incident debriefing process we're managers in this realm look over the critical incidents, of the, of the previous quarter, and try and extract lessons if we can quickly, more quickly than the normal what we had seen as a year, year and a half long turnaround for full cases. Communications problems will always play policework. And they threaten to erode good incident command. The key is to recognize the issues. Diagnosed them. And, and I would say that what happened with Gwerder, although that exemplifies many problems, what happened afterwards in terms of analysis which took quite a long time, was very good. In fact, the department concluded that the central role of communications breakdowns was recognized, and observed that, "communications issues led to critical decision being made without all available information." That is a profound self realization, we believe. The second thing, after recognizing the issue is tailoring policy procedures. Policy and procedures to address the issues. And the third critical component is training the policy consistently. That means it's not enough to realize what needs to be changed. But to push that realization and those changes down to the line officer. We are encouraged by what we see in terms of procedural reform in the department, and this concern, communications and critical incidents will

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remain central to our -- to what we pay attention to in the next, in the remaining 12, 11 or 12 cases that is we look at. Thank you. Back to you.

Ruhlin: Back to me. A big part of our mandate was to look at the quality of internal affairs' investigations, and I think when we are talking about the bureau's evolution over the span of years, that's really an area that you see a lot of progress and responsiveness to, to the recommendations made by parc, police assessment resource center, and their various reports over the years. When I think just the best example of that is to look at the, at the investigation into the shooting in 2006, which was a repackaging, internal affairs repackage the detectives' investigation, and then fast forward to 2010, and the, the i.a. Investigation into the campbell shooting, which in our view, is really top-notch. It was thorough and complete and did not shy away from the difficult questions that were raised by that incident. We looked at seven these cases so far. And so, at this point, it's hard to make more than -- do more than make generalizations as to timeliness and quality. It's something that we're going to keep looking at as we move forward. But, I will make this generalization that in terms of the timeliness of the investigation, particular, the most recent investigations, they are done relatively quickly. Four months for the collins shooting, five months for the campbell shooting. We have seen some delays in these seven cases. Not in those two, but in others, in getting the training division reviews completed. Where there is, I think, the most room for improvement is in the next steps so after the investigation is complete, training division and its analysis, it goes to the commander for the commander to make findings and prepare a findings' memo. We found some fairly long delays in that process. And again, as it moves into the, the review board hearing, some delays there. I know this ipr is working with the bureau, studying this issue and working with the bureau and creating a plan to address it. I think while, like I said, there is room for improvement, we would hate to see the thoroughness that we find in all of the, of these review processes, we would hate to see that thoroughness sacrificed in the name of speed. So, it's a -- it's a balancing act there, and we're sensitive to that, and it's something that we're going to continue to pay attention to, as we, we continue on in our review of the additional 11 shootings.

Gennaco: I would just close by indicating that I talked about an evolution in comparing the bureau's response in 2004, the bureau's response in 2010, and I think that some of the cases would have ended up differently in those early years had there been the investigative review machinery that exists today. Another thing that we can bring to the table is sort of a comparative analysis. And you know, you all, and your community, might wonder, well, how does the bureau, how do the city's review the investigative processes of the critical incidents stack up against other agencies similarly situated throughout country, and we have done work with other similar sized agencies, and I can tell you that at least with regard to the current situation, 2010, 2011 period, that the bureau and the city's investigative review response, layers of oversight, the ability to open up its investigative vault to outside eyes, to take input and feedback from the community, is -- I think that the city should be proud that you are in the highest percentage with regard to each of those issues. And, and even though nothing is perfect, and we can always do better, and you can always do better, I think that, that it would be remiss of us not to mention that when, now that we have had an opportunity to address you. I don't think that, that the reason that, the sole reason that that is so, is because your chief of police is a great guy, although I hear he's a great guy, but I think that that's part of it. But I also think that tradition of oversight, of listening to independent voices. Of transparency, of providing an opportunity, or at least a vehicle for a community member to address the bureau, its issues, and you empowering your citizenry to do that and encouraging your citizenry to do that, is, is part of the reason, or at least large part of the reason for, for why I was able to say what I just said, in a positive vein. And I am hopeful, and I think that will continue on a positive vein. But, it's that outside influence, and it's that commitment that, that your community has, and interest your community has, in insuring a bureau that is, that is doing what it can to reduce the likelihood of tragic incidents from occurring, that has caused the reform to occur within the bureau

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and within the city and the mechanisms. So, I will close with that. And again, appreciated the opportunity to work on this project. We found to be very, very insightful, and we're certainly here to entertain any further questions and, and if you have questions in the interim, certainly, we are available, and you will have another couple shots at it. So with that, I appreciate the opportunity to address this august body.

Adams: If I can ask the council, maybe we could take public comment because of the lateness of the day, and if you would not mind sticking around, and then we can have our discussion or questions after the public comment, is that all right? Ok. Karla, how many people have signed up?

Moore-Love: Three people signed up.

Adams: Great.

Adams: Welcome. Go ahead, mr. Handelman.

Dan Handelman: Mr. Mayor, I was wondering if I might have six minutes because it is a long report.

Adams: Sure.

Handelman: Thank you very much, I appreciate that mayor Adams, and commissioners, I am dan handelman with Portland cop watch. We appreciate the oir report on shootings and death. We have the analysis, of the 82-page report. We found insight into the seven shootings and emerging patterns, and criticism which reflects concerns that we and other, others in the community have been making for years. The report, like the auditor's report, which has not been presented to council, criticizes the bureau for being slow to learn from its mistakes. And that headline was, actually, accurate. If you listened carefully to what you just heard. There are ten recommendations beyond the 13 recommended by oir buried in the text. We praise oir for naming every person shot by the police and each shooting officer by name at least once. The many officers are not named. Leading to the confusion in the earlier reports from the police assessment resource center. Oir is telling the police to continue asking questions as they did in the campbell shooting about whether officers considered alternatives to their use of deadly force. However, while it is an often repeated theme, it is one of the invisible recommendations. Unlike parc, the oir group did not emphasize enough that more civilian involvement in the oversight system would lead to more objective investigation and outcomes. The police investigating the police has been part of the community mistrust for time and memorial. While the oir cites the documents that show the bureau has or has not, incorporated certain ideas into policy. There are often mentions that certain policies or training exists based on statements made by the police. This is also a short coming in the auditor's report. We give examples in our analysis. The oir report intends to focus on the bureau interacting with people and the mental health crisis. It makes a few appropriate recommendations on the subject, we hope there would have been more detailed analysis of current training, and whether and how that could have been incorporate into the incidents at hand. We also wonder whether the current mobile crisis unit could be expanded to have trained civilian crisis counselors on the scene to advise police during the, dealing with armed people and mental health crisis. Furthermore, oir's recommendation of mental health issues but did not respond to crucial element asking that the bureau hold officers accountable if necessity don't use the crisis and intervention team training during the critical incidences. We're very concerned that oir group does not look at the shootings. Three of the seven convicted victims are african-americans, and the only three who did not have weapons. One recurring theme is something that we asked to be changed for years, the lack of communication between the negotiators and officers carrying assault rifles. An issue in the gwerder, lesley stewart and campbell case. The officer did not know that gwerder was in conversations with the negotiator when he shot him in the back. They should have mentioned that he was having a casual conversation about dog and did not sound angry, fearful or threatening at the time the shot rang out from nowhere. The officer claimed that she found the best location to station her rifle, but still felt vulnerable, so she justified shooting stewart in the back of the head when he was reaching up into

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his closet to get clothes. A fact that she would have known if she had communicated proper on the radio or if it been. She did not know that. And everyone knows the two sergeants were not talking with each other or communicating crucial information on the scene when campbell emerged and the officer shot him in the back. The oir solution to give critical incident training to all field officers is a step in the right direction. The chief's response is that such training is given to all commanders and supervisors do not clear whether the street officers will get there training. We wonder if similar breakdowns happened between the oir and the ipr which hired them. Oir's recommendation about enforcing time lines builds on an ipr report from 2011 but don't appear to have read that. Oir also repeatedly cites a previous parc reports as required by their contract. But doesn't acknowledge the citizen review committee reemphasized and went beyond the parcs' suggestions in the 2010 report. Oir did miss at least one parc recommendation that they repeat in their report about diagramming the scenes and including the diagrams and case files, and that was said in parc in 2003 and repeated in 2009. Also related to the campbell case, oir points out the bureau has not made training video on the proper use of police radios despite a 2009 recommendation by the training division. It is apparent that they support this idea, it's another one of those invisible recommendation. Oir mentions concerns about prolonged taser use, and parcs suggestion to use one cycle and then reevaluate before zapping a person again, but only asks the bureau to reexamine their policies. More specifics should have been included in their recommendation on how to strengthen the bureau's policy. Portland cop watch supports oir's call for and the chief's agreement to look at eliminating the 48-hour rule giving officers two days before interviews, but we question whether that applies to shootings. We found eight other unnumbered recommendations, that oir suggests including the bureau should always use the grand jury transcripts for the investigations of shootings and other information not documented or not necessarily neutral. And we finally note that the city paid out over 2 million before the incidents involved in this report. Perez, gwerder, stewart and campbell. We wonder whether oir will make a recommendation how to brief officers on their actions and how they might cost the people they are sworn to protect. Or better yet, recommend the payments come from the budget or the officer's salaries. We do hope that the oir group in the future will bring a draft of the report to the crc for input. It's something that we suggested since before the first parc report. And we also hope that it will clear up the shortcomings we noted for whatever the reason that shortcomings exist. Most importantly we hope that we look more at the racial dynamics of the police and the community. And few extra seconds. I think that one of the reviewers just mentioned that mr. Stewart was waving a gun around. That's not true. He did not have a gun.

Adams: Sorry, ten minutes -- ten seconds.

Handelman: I know. And I just want to repeat that they are, in that you heard testimony from them saying that the bureau has had several things to work on for years but, that have not been done, so they are slow to make change.

Adams: So you are arguing with the author's report.

Handelman: I am arguing with your argument against the Oregonian's headline.

Adams: I think that you are arguing with the author, the report, the author of the report. Hello and welcome back.

Dr. Leroy Haynes, Jr.: To the honorable sam Adams and members of the city council.

Fish: Would you say that again?

Haynes: The members of the city council. I am the reverend dr. Haynes. The official chairperson of the ama coalition for justice, and police reform. Representing 25 community organizations and faith-based organizations in the city of Portland. We would like to affirm the analysis of the research study. Of the officer-involved shootings from 2004 to 2010. We believe once again, the ama coalition demands for the reforming the, the policies, training, and protocols, and practices of the, of the Portland police bureau. There are many points that can be lifted off of the report that, that repeatedly have been lifted up by the ama coalition. I would like to just highlight a few points.

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One, the 48-hour agreement between the union and the city for interviewing officers will participate in shootings, excessive force and etc. And in 2003, the coalition recommended that, that, in the Kendra James shooting, the officers got together, went to Appleby's and got their story together, and then their interview. We have repeatedly over and over again, that this is a double standard. Compared with what is requested of the citizens of this great city, and it also hinders the investigative process. Secondly, the continual mistakes that are made over and over again, in the communications, demand, and procedures. And cases similar to, to the Campbell case. The grand jury testimony, clearly validated over and over again, and the absolute breakdown in the communication, breakdown in the command staff. And breakdown in procedure. The three, inconsistently and failure of policies and protocols and training to be implemented, within all ranks. Of the [inaudible] that will meet the officer on the street. This is a consistent thing. It seems that there is a consistency, hindrance of the policy and the training reaching the, the officer on patrol. For the failure to hold the officers accountable when policies and protocols and training are broken. We believe this is critically important. There have been improvements. But there is a great need to, to look at these areas, of the inconsistencies, and in the, and the implementation of policies and training, and bring about a, a reform, community policing that will impact our community and be our bridges of trust between the police officer, the bureau, and our community. Thank you very much.

Adams: Thank you, sir. And welcome back.

Jo Ann Hardesty: Thank you. Good afternoon. For the record I am Jo Ann Hardesty. Thank you for this opportunity to respond, to the OIG group, the first three reports. First I want to say thank you for contracting to have these independent reviews done. I think that it's important for credibility of the Portland police bureau and for the credibility of the investigations that other eyes, at some point, look at what has taken place as far as investigating these, these shootings by Portland police officers, and also, how we can do better. So, not just Portland police officers, get to go home, but community members get to go home. Or to, to a mental health facility, or to get the kind of help that they need. We are in a crisis stage in this community. We're we have community members who really don't want to call the Portland police if there is a problem in their community. We should all be concerned about that. And this report has us to start understanding kind of what happens after someone has died at the hands of Portland police officers. I would like to find out if someone is responsible for the oversight of the plan to address racial profiling. And I would suggest that the plan to address racial profiling, as well as some of the new activities, that Portland police officers are currently involved in, like the sweeps taking place on Killingsworth, should all be part the record of figuring out whether our police are doing the job that we want them to do. If we really want to create a community policing force, that has the respect and the cooperation of community members, we'll, on one hand, say that we are doing good community policing, and at the exact same time, stopping every black and brown kid on Killingsworth. It can't happen both ways, I believe that there is a desire to improve each bureau. The problem is, is every time a community tragedy happens, the police officer, absolutely, claims that what they did was the right thing at the right time, and there should be no second-guessing. Well, we had been for, over ten years, have been asking for us to have the policy and the training connect. Because we believe that chiefs have come and gone and made good public policies, but it has never translated to the officer on the street. I also want to ask you, are Portland police officers giving out business cards, still? And in September of 2010, when, when the Chief Rosie Sizer submitted her report to address racial profiling, she said that there would have to be some resources committed to that process. I have talked to Chief Mike Reese, several times, asked if he read the report. If he used it in his budget negotiations to figure out what investments he had to make to make sure that people that are black and brown are not being targeted by the police. And both conversations, he said that he had not read it. He did not use it to figure out his budget, and the city council, I have to say, I'm about to

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finish up on this, mr. Mayor, but I have to say that in september of 2009, you said that we would come back in six months. There's been no city council meeting at all. To talk about what's happening in this community around the issue of racial profiling. And I think that that's disappointing.

Adams: Thanks for your testimony.

Moore-Love: We have one more person who asked to speak. Mary eng.

Mary Eng: May I request to extend my time with the cop watch approach? Do we have extra minutes?

Adams: Who are you representing?

Eng: I am training under the national lawyer's guild in los angeles.

Adams: You are part of the national lawyer's guild? Ok.

Leonard: No.

Adams: You are not part of the national lawyer's guild?

Eng: I am a paralegal educated in los angeles, and worked with the national lawyer's guild. My credentials are irrelevant because my points are universal and I do not attempt any attend to diminish my status and my validity and my argument. It's not necessary at this time. May I begin?

Adams: I get to decide, and I usually decide based on my knowledge of, of groups that have spent a lot of time on this. Why don't you begin with your three minutes, and I will take it from there.

Eng: My mother moved away from Oregon and told me about the history of the kkk in Oregon. The red lining laws which instituted segregation, upon moving back to my birthplace, Portland, Oregon, I have become aware of the deep level of crises that besets this community. We are failing to look at the economic effects of poverty and, and cuts in the educational system, which are drastically affecting the communities. I say none of this in disrespect of the police force. I have an immense level of respect for them and appreciate the safety that they provide. But, with the increase in the economic deprivation in our communities, we have increases of domestic violence that are deeply affecting women. We have distrust of the police force, and we do have this process of racial discrimination and police profiling. The failure to assess the racial elements of these killings, is very severe to me. Especially in light of the trayvon martin killing, which caused an uproar in the community. I've been watching the trial of anders brevick in norway, and their police on the line because of their failure to respond to dangerous extremism. And we have to look at the extremism of white power ideology in the northwest. It's a very serious problem affecting our community. And what I found in los angeles is that there are, actually, secret groups within the lapd devoted towards racially targeted killing. It's much, again, functions to have a target killing, and then you gain status within the special peer group. So I think that we need more deep investigation of all kinds of psychologies going behind this criminal behavior, and we also have to look at what is dead end job. We have people in law who care about justice, and we have people in law who care about money. And in law, will rubber stamp torture in guantanamo. Rubber stamp torture by your contractor, and rubber stamp any administrative failings that we see with the police. So, I think that it will be, behoove you to listen to what they are saying, and I hope to encourage more skilled style surveillance because I think that citizens, surveillance can often provide a barrier, we're our blogging, our youtube channels, and everything we're doing to be part of the community, helps us to understand that we have shared goals. We want safety, and we want prosperity for everyone here. But, giving a blank check to this killing and, and a, the extension of the financial drain upon the city, and the, the failure to reconcile the racial problems in the community, is [inaudible] on our reputation, and I think Portland is better.

Adams: Thank you very much for your testimony.

Eng: Three more minutes?

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Adams: No. Chief, could you please come forward can you have a letter in the back of the report, but if you could also summarize your response to this report.

Chief Mike Reese, Portland Police Bureau: Thank you mayor, and members of the council. I wanted to start by saying that there is no more important matter for us in policework than the life and death encounters that our officers engage in during the course of their police career. The review of the police officer involved shootings is important to the bureau, and to the community. I believe that it is incumbent upon us as police professionals and as leaders in this profession, to have a robust and, and honest look at what we do in these encounters. I appreciate the auditor and the oir group coming in and assisting us in reviewing the shootings that, that are listed in their report. And making recommendations to improve our process. I believe that we have improved over the course the years that they have looked at us, and that we have one of the very best police departments in the united states. And in looking at these encounters, and our review process. They are difficult, and they are, in many ways, looking at, at split-second decisions of police officers make, and we get to do that in hindsight. And I take very seriously the look that our officers have in those moments that they have to make that decision, and even though this is a process that is difficult, we still do it in a very respectful manner. I do want to tell, I believe that oir has done an exceptional job in helping us. This is a review process. It is ongoing. It is a difficult process for us. As the police culture, sometimes, can be very insular. We have opened our doors to the auditor and to oir. They attended police review board hearing. They went on ride along with the officers and including the crisis mobile unit. It is a different way to look at the police department. It is transparency. We are willing to make changes. And trying to do our very best in difficult circumstances. As you see in the report, they made 13 recommendations. We agreed with all of the recommendations. Any of them are in process or have been implemented. And there are a couple that require bargaining and, and when the, the opportunity arises, we'll move forward on that. We have some things in the queue, such as performance review evaluations for officers. But, I think that the 48-hour notice is another issue that we should bring up at bargaining.

Fish: Chief, on that question, if I could, just going off of what in the record from, from dan handelman, and this may not be the appropriate forum to have this longer discussion, but can you just explain why you believe that the current language in the contract requires 48-hour notice, and in these circumstances?

Reese: There's been some past practices that we've been engaged in for many years, in that I think impact bargain, but specific to this, our detective division, when called to the scene of an officer-involved shooting, once the scene is contained, and the process is, the investigative process started, they are then in charge of the investigation with the district attorney's office, and the medical examiner. They asked for a voluntary interview with the officer. The officers usually declined to provide that voluntary interview immediately. And again, these are emotional events, and not having gone through it myself, I can only imagine the trauma it causes to members involved in it. The officers are then, then given a notice, a 48-hour notice by the professional standards division that we will interview them within 48 hours, after that 48-hour time period for a compelled interview. So, they have the opportunity to do a voluntary interview at the scene. Officers have declined to do that. And some officers have provided voluntary interviews later to detectives, and but, like all citizens, they have the right to decline voluntary interviews. When we asked citizens, often they will decline, as well. The compelled interview is compelled. And it is, we have to protect the integrity of the criminal investigation by firewalling that interview away from our detective division. So the professional standards' division will move forward with their processes, concurrent to what the detective division is doing.

Fish: So because, because the topic of a lot of discussion today, both by the team that issued the report and some of the testimony. I guess it's fair to ask, do you believe that a modification of the

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48-hour rule, would serve the interest of, of getting more timely, better information, and would enhance somehow the investigative process?

Reese: I think it's an issue that we should discuss with the ppa and the district attorney's office because, because they have, they have jurisdiction over the shootings, as well. But, the issue at play, I think, for officers, is that while they are willing to give that interview, statement, we're not going to know all of the information. The investigators are going to have a snapshot of what occurred but we won't have all the evidence gathered. We won't have the interviews with other witnesses to the event. And maybe for hours or days after it. So, there is going to be a subsequent interview with officers involved in these incidents. That may, I think, there's been pretty good science around that process when, you are involved in a traumatic incident, your memory improves over time. And so if we have an interview with an officer within a few hours of the event, they may not give us all the information that they have because of the trauma that they have suffered. Going through the event. A week or two weeks later, we're asking subsequent questions because we have gathered additional evidence, and we have clarifying questions for them. They are going to have better recollection. I want to, I think, really make clear that we have to be cognizant of that, and that the officers aren't changing their testimony or fabricating the new evidence. They are recalling it in better light, once time has passed.

Adams: Did you have more, commissioner Leonard? We can call up the report author, as well, if you want.

Leonard: No, this is fine. So, I have read each of the seven synopsis of the cases, but also I've been on council for the time each one of those incidents occurred, and each one incident, of the seven incidents has its own particular set of circumstances. Its own particular set of variables that make them mostly dissimilar from one another, except for two cases. And, and not only in the reading of the, and I think that I talk to you about threes two cases. But not only in the reading, in the synopsis, but my recollection at the time when the incidents occurred, and that is the gwerder and the campbell case. What struck me as similar in those cases, then, as now, and I think that the report also calls out, is the issue of really radio communications, and sometimes, sometimes, as simple as being on the same radio channel. But, that is [inaudible] actually hearing in real-time what it is that is the [inaudible] suspect. So, in the gorder case, [inaudible] that and the campbell case are much the same. So there is this issue really, just kind of basic radio communications, broadcast information, and acknowledgment by the parties. They should acknowledge the message. Negotiations are occurring, or there is some, some important piece of information that [inaudible]. Of incident command itself. What has occurred from these, these two shootings now that the different [inaudible] helps us to avoid those circumstances.

Reese: In regards to the gwerder shooting, as we did our analysis, and as oir point out, pointed out it was a thorough analysis of the event. Are we determined that there were command and control issues, as well as a breakdown in communication. After that, we brought in an outside expert to review our special emergency reaction team, and our hostage negotiating team tactics, and our command and control. That outside expert made some -- some strong recommendations about command and control. After that, we instituted our critical incident commander. So we specifically train our commanders, that are selected for this assignment. In the dynamics of tactical incidents, as well as best practices. And they go out to outside training, as well. And not just the police bureau training. And, and then when, we have a sert call out or incident, those commanders arrive and take charge of the scene of the tactical incident, as well as the communication team. Specific to communications, I think in any tragedy you probably are going to look at breakdowns in communication. It is, and not only in policework, communication is a factor in everything we do. When you have tragedies, oftentimes there is a breakdown in communication. We're human. Communication is never as seamless as you would hope it would be. To that end, though, we have trained our officers and our, specifically our sergeants about critical incident command, and manage

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managing these and getting people in the same situational awareness, so that key information is passed to all levels of the organization that's on the scene. And making sure that the officers know what is expected of them, what their role is. And also, what the outcome that we desire is.

Leonard: So with the campbell case, coming after gwerder and those recommendations you referenced, being implemented, it's something not happen there, would have expected to have happened given the training that occurred.

Reese: Again, the specific to the campbell incident, we disciplined people that were on the scene because they did not follow our training and policies.

Leonard: So as a result of the recommendations, at the level --

Reese: And training, specific to that.

Leonard: Ok.

Fritz: I appreciate both the report and your responsiveness to it. It's good to see, and looking through the recommendations, that many of you already have done or are in progress, and I appreciate that. Could you remind me what the status of the racial profiling actions are? We're we are with following through on that report?

Reese: Again, that was our report that came out of chief sizer's office. I have read the recommendations. We are moving forward on a number of areas. We're working with the human relations committee on competent, on the diversity training for our officers, and the next in-service. I would be happy to provide you details of that.

Fritz: I think the expectation was that the report would come back to council. Is that going to be able to happen this year?

Reese: I'll have to look at the report. I don't recall specifically whether we were to report back to council, but i'm happy to do that.

Fritz: I know that there has been a lot of good work being done with the human rights' commission and the community and police relations committee, I think it would be helpful to let the community know what's happening, and also the office of equity and human rights can be helpful in monitoring and making sure that things get done.

Reese: Thank you.

Fritz: One more thing, I wanted to note that we, in collaboration with the, the pdx project, mr. Garretson and others, that we have -- you have instituted a policy of stepping back in situations we're somebody may be arm and had suicidal, but there is no immediate danger to others. And I know that in the past six months, since we instituted that policy, that there have been many people saved because we did not have some of these incidents that are so clearly outlined in this report because the police have chosen to do that and just yesterday we had, I believe, a successful resolution of somebody who was in a crisis. We will continue to work with the captain and your office, and Garretson and others to continue to find ways to make it safer and, and to provide alternatives to calling 9-1-1 for people in crisis. So.

Reese: I appreciate your comments because our officers, we deal with people in crisis every day, and it's overwhelming, and our officers do exceptionally good work, and when they arrive on the scene of, of person in crisis, often they save a life. And we, last year we took about 1100 people into protective custody that were threatening to harm themselves or someone else. And we got them help. We got them appropriate care. Our officers do remarkably well in difficult circumstances every day.

Fritz: And that's something else I will like to have a report back to council about, I think we properly look at when we have had tragedies and what we can learn from those, and I think that we also need to learn from what we have done right. And in addition to the critical incident reviews, I would encourage you to do routine reviews of when things went well and how did they go well and what was it that made a successful resolution because I think that we sometimes fail to stop and recognize when either officers or others have done a very good job. Your officers by nature of your

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work are in patrol cars by themselves, so having a mechanism hopefully through the new training facility, where that knowledge can be shared on an annual basis, and have the discussions about, I tried this and it worked or this and it didn't work, physically, some of these are very challenging situations, would be really helpful.

Reese: Thank you.

Fish: So this is the first of, of three reports, is that correct? Do we have a time line or timetable for the presentation of the next two reports yet?

Ruhlin: We are working on getting all of the materials in the next group.

Adams: I'm sorry, why you come to the microphone? The commissioner asked an important question. Even if you don't have an actual concrete timeline, just a sense of how you are approaching it would be useful. Chief reese.

Ruhlin: So there are 11 left. We anticipate covering six in the next report. And the remaining five, and I think sometime, in the, the october, november time frame, is what we're looking at for the next report. Thank you.

Adams: Thank you very much for this report. And it -- I would echo what, what has police commissioner I would echo what the police chief said in terms of written it and the auditor and mary beth and her team. It's written in a way that is very concrete. And it will allow us to refine and continue to improve our efforts. When I took over as police commissioner, and selected chief reese for the position that he has, it was to reinvigorate and, you know, the efforts that, at continuous improvement, and this helps us to thank you all very much. Can I have a motion to accept the report.

Fish: So move.

Adams: So moved and seconded. Karla, can you please call the vote on the motion.

Adams: I seconded it. Keep you on your toes.

Fish: Thank you to, to the auditor for, for her role in bringing this report forward, thank you to the oir group for the report, which an stated by others is clearly written. Contains a clear set of recommendations. I appreciate your testimony. I thought the other testimony we had today was helpful in framing some of the key issues moving forward. And I think that it was joanne hardesty who said that as part of being accountable, you are an accountable police force, it's important that we subject ourselves to this scrutiny, and I appreciated her comments, and complicating the process to this point, to, to bring this forward. Of course, the real test is how we deal with the recommendations. How quickly we deal with the recommendations and, and how, as it was noted, how the policies translate into the training, and then to the, to the actual results on the street. But, I think this has been an unusually constructive discussion about particularly tragic subjects. So thank you very much for everyone who participated in today's hearing. Thank you, mayor, and colleagues. Aye.

Leonard: He just -- he just is the beginning. Of the four of us. I want to acknowledge your good work. I appreciate it, the report. Very easy to read. Very succinct. I appreciate the auditor's work on this. The ipr work in the last few years. Particularly chief reese has done an outstanding job as police chief, and in a tough set of issues, and I think is, is doing an outstanding job in bringing this. I appreciate them acknowledging this. You can lay that be that have on the table. And with the police chief, around the united states, so, I feel that we're on great, a great road to, to addressing some of this very serious issues that joanne and, and reverend hennessey addressed here today. And others. I appreciate your work in helping us get there. Aye.

Fritz: Thank you for, for your report, and this council has funded this independent report because we recognize the urgency of this issue, and it was good to see in particular show that the time line for the investigation has been much quicker over the past couple of years than it was previously. And I hope that it will continue to be. So we have done a lot of work on this council over the last 3.5 years to improve the police independent review system to, encourage it to be engaged, and I

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thank the citizens who came today and who have continued to be engaged over the course of the many years. For their persistence. For their acknowledgment when we have made improvements. And for their calling out when we need to continue. So, that's a part of our community policing -- making sure that the citizens who are monitoring continue to have an honor place we're we listen to concerns and respond to them. And I am pleased to be working with the police bureau, with the office of equity and human rights, and on the safer pdx project. It's clearly, with so many of the, the cases that you reviewed, having components of mental illness. It's a challenge which i, I am compelled to take care of, and will continue to do so. We have got to work well with the county. With the mental health system, with chiers, with project respond, and we have all recognized. All those components of the system have recognized that there are pieces that is we can do, which will take the police out of some of these difficult incidents, and I particularly recognize miss Garretson for her work coordinating that and, and helping with the new policies in the police bureau. And the police bureau for funding her position and recognizing that change needed to happen. So, I thank the mayor for your leadership of the police bureau for funding these important steps forward, and look forward to continuing to work on it. Aye.

Leonard: I need to correct-- I said dr. Haynes. I sat here and realized --

Adams: In addition, I want to -- those that I have thanked, and acknowledged, I want to thank the men and women of the Portland police bureau who work hard every day to not only do the job they are signed up for, but to continuously improve, always. And we are working hard to be the best police agency in the united states. And I think that we are on our way. We have work to do. We know that. That's why we embrace this kind of outside review. Continuous. It will be continuous, I hope. I also want to thank clay neal, the public safety director, for his work on this. And I look forward to implementation, and your additional reports. So thanks for your work. Aye. [gavel pounded]

Adams: Can you please read 659. Do you want to get paid, better vote on that.

Item 659.

Adams: We only have a three-hour presentation of every... go ahead.

David Rhys, Bureau of Human Resources: I can do it in three minutes.

Rhys: I am the assistant h.r. Director for the bureau human resources. I am here today with an ordinance, proposes the cost of living increases, and this is for non elected employees as well as elected officials. This is an emergency ordinance. Typically we would bring it as a non emergency ordinance, but because the changes in the budget affected this we're bringing it later in the, in the time frame than we would have wanted to do. And it does need to take effect before july 1. So, it's an emergency ordinance. In line with budget resources, this ordinance adjusts the compensation rates for non represented classifications and for elected officials. And in two phase. The first phase, which starts july 1, 2012, in a few weeks, increases couple of things. It increases regular non represented employees, who are who are not seasonal, who are in the lowest pay ranges of the, the, of the non represented ranks, ranges one, two, and three, and who are making \$45,000 or less. It increases their rates by 3.3%. It's about 100 people of the non represented employee group. Additionally, we are moving the ranges, but not the rates for seasonal employees, so that structure that the seasonal employees are in is moving up 3.3%. But their rates are not being adjusted by this particular ordinance. And seasonal employees are hired for work. They are placed at a rate appropriate by the bureau in order to hire them, and they have the certain amount of money to pay for these seasonal employees so that whole structure is moving, but not necessarily are they getting individual increases.

Fritz: Will you explain that to me again? I didn't follow that.

Rhys: Seasonal employees are not regular ongoing employees. And so unlike the budget that has certain positions, this is a money that a bureau has available to themselves, and we have a structure that they use to, to place seasonal employees on. And they are free to figure out we're in that

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structure, that employee fits. And so when we come through and do an adjustment to that structure, it doesn't necessarily mean that each employee is also getting an increase. Because they are seasonal.

Fritz: The rate is increasing.

Rhys: The structure is moving, and bureaus will continue to place those seasonal employees on that range we're they need to, in order to have the work done within the confines of their budget.

Fritz: Thank you.

Rhys: The second part to, to the, the ordinance, it take place a year from now, and that is the general cost of living increase of 3.3% for other non represented employees. Those that are not, not receiving one now. Due to their wages being less than 45,000. Annualized. That's when the general increase will take place. And that increase will move the rates and ranges of the non represented employees, by 3.3%. So, the ranges move 3.3%. And employees, unless they are over the top, due to being red circled or in a seasonal classification, they are not part of that group. Their rates will move, as well. That's typically what happens with our cola increase. In this case, that's being delayed until the first payroll period in june, and that would be june 6, 2013, a year from today. The second part of the adjustment, this ordinance also affects the elected officials in the same way. So that date of july 6, or june 6, 2013, would be when elected officials, their rates would move 3.3%. Difference is, that the mayor and each of the commissioners will have an option to, to choose not to receive that increase at that time. We'll be checking back with those offices as we get closer to that date --

Leonard: I'm not going to take mine. [laughter]

Rhys: Noted. We'll be checking back. We'll check back with the officers at that time.

Leonard: I am deciding for him.

Adams: I'm not taking my raise, either.

Leonard: Did you a lot of good, didn't it.

Fish: Thank you. This sets the rates, but for those of us who opted out, it does not change anything.

Rhys: If you were to opt out of that, you would stay at the rate that, that you would currently be at. As you might guess, the increases, the, the costing of this is relatively modest during the first year, during our current year there is no cost because these are for next fiscal year, through next fiscal year the cost because it is a very limited impact, is about \$173,000. Now, for the following fiscal year, 2013, and 2014, it would bear the impact of that full year cost. That cost for that year would be about \$5 million. And about \$2.3 million to the general fund, and about \$2.7 million to the non general fund because that's the full cola impact over year for that year.

Fish: That's built into the five-year forecast?

Rhys: I believe so.

*****: Correct.

Rhys: And other questions?

Adams: All right. Anyone wish to testify on that matter?

Adams: Karla, call the vote on this emergency ordinance.

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

Fritz: Thank you for your explanation and thank you for our non represented employees who are making a significant contribution, as I mentioned this morning, much of the savings of over \$2 million is going to help the schools and keep our teachers employed. I have not taken raise any year that i've been here, and I appreciate that the other employees are delaying their raise until, until june next year. This is a significant sacrifice, and I appreciate our public servants who do so much for the city. Thank you. Aye.

Adams: Aye. [gavel pounded]

Adams: We're in recess until tomorrow.

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At 5:00 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 7, 2012 2:00 PM

Adams: Good afternoon. It is thursday, june 7th, 2012. It is 2:00 p.m. The City Council will come back from recess. Karla, how are you?

Moore: I'm well.

Adams: How can you say that with all this rain?

Moore: I've been indoors.

Adams: You're perpetually optimistic. I love that. Please call the roll. [roll call]

Adams: A quorum is present. We're going to be considering two -- a nonemergency ordinance, 668, and a resolution, 669. Please read the titles of both items, and we'll be having explanations and taking testimony for both.

Items 668 and 669.

Adams: Thank you. Portlanders love food. Portland -- people who live and work here like to eat, cook, grow, and talk about food. Along with the love of food, there's a concern that many in our community are hungry, or don't have access to healthful food because of income or location. The bureau of planning and sustainability is bringing forward a baseline of indicators and goals at my request to address food accessibility and affordability, and promote urban food production to help ensure that our citizens are not hungry. Additionally we've initiate add code review process to remove obstacles to urban food production and distribution. The urban food zoning code update will increase access to helpful -- healthful, affordable food by removing zoning code barriers to growing, buying, and selling food, particularly in neighborhoods. Food is a complex public policy area that has many connections to our community's health and vitality. Zoning code project is a great example of the connection between sustainability and planning, and it is a great connection between the four goals of the city being an educated, healthy, equitable, and prosperous place. Removing the barriers to urban food production and distribution recognizes the dedication and hard work of our urban food producers, the code revisions will help make the city healthier, more equitable, and greener. We'll hear from michael armstrong about food metrics, we'll hear from joe, and stove cohen about the urban food zoning code update. And we'll get started.

Michael Armstrong, Bureau of Planning and Sustainability: I'm michael armstrong, as mayor indicated, he had asked the bureau of planning and sustainability to develop a baseline assessment of the food system that serves Portland. With indicators that measure that and propose goals. That's what you have in front of you in the resolution with the exhibit attached. Working with the food policy council, Multnomah county staff, Portland state university, we have a long list of indicators together with data available from a variety of sources, local, state, national and in some cases private. The Portland plan also included a hefty background report on the food system. After the city was awarded a grant, their staff worked with us to research international best practices for sustainable food. That research helped us refine indicators we have been developing and that's what led then to what you have as exhibit a to the resolution. This list of metrics and proposed goals. These goals address food accessibility and affordability, the production of food in the city, the preservation of farms in the region so the three-county area and strengthening links with urban areas through farmers' markets and community supported agriculture. The goals also address hunger, food processing and manufacturing and residents' knowledge of healthy eating. The resolution

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would formally establish these as goals of the city and direct the bureau to report back every two years on progress toward those goals. I'm happy to answer questions about the goals if you have them at this time. We, also go into the description of the code project.

Adams: Why don't we do that. See if there are additional discussion after that. Who's going to go first?

Joe Zehnder, Bureau of Planning and Sustainability: I'll do the introduction. So today you're going to be hearing about the urban food zoning code update. And the bureau and the planning and sustainability commissions are recommending the package of ordinances to you as a significant step to increase access to healthful, affordable food for all Portlanders, especially those who have limited access. So the project will increase access by removing barriers in the zoning code, and also clarifying and streamlining those recommendations regarding growing, buying, and selling foods, particularly in neighborhoods. So while farmers' markets, community gardens, back yard farming csas and food buying clubs have increased in the city, our regulations have not kept pace. We expect this kind of food production and alternate distribution models to become even more common in the future, and so the proposals that you're going to be hearing will allow these systems to flourish at a scale that works for neighborhoods protecting neighborhood livability. A key principle the team was working with to prepare this was focused on health and equity, increasing the health of Portlanders, increasing Portlanders' access to healthy and affordable food. Since even a small cost can be a barrier for some, this proposal has very little in the way of permit fees, land use reviews and the like. So almost all situations will be allowed outright if standards are met. So today the details of the project and a bit of its background will be presented by steve cohen, who's the manager of food policy programs at the bureau of planning and sustainability. And julia gisler, the project manager for this overall project, she was supported by jessica richman, and i'd also like to mention amy gilroy of the office of public health -- the Oregon public health institute who helped on the project significantly. Especially around health and equity. And both the institute and the city received funds for Multnomah county health department, federal funds from the center for disease control, community putting prevention to work grant to prepare this project. With that i'll turn it over to steve.

Steve Cohen, Bureau of Planning and Sustainability: Thanks.

Adams: My first question for you, steve, how are we supposed to grow tomatoes in weather like this? [laughter]

Cohen: Big dome.

Cohen: There were already an existing files that contained a stack of documents from the food policy council as well as other citizen groups, and they all addressed the fact that farmers' markets, which were proliferating at that time, were not identified or described in the existing Portland zoning code, and there were a number of resulting siting problems due to this omission. Over the next five years after that, other obstacles to distributing and growing food in the city were identified, and those discussions were informed and amplified by the work of the diggable city project, the task force, climate action, and Portland plans, and numerous in the ground projects. So while much work has been done, many community voices have long advocated for a code review to expand healthy options and affirm the the city's commitment to forging a stronger connection between Portland residents and their food. So a decade long discussion and the mayor prioritizing this project led to the recommendations you are considering today. But this policy is only the beginning, as bps will continue to work with other bureaus and community partners to affirm the city's commitment to producing and distributing food in a way that promotes equity and economic environmental and perm health.

Julia Gisler, Bureau of Planning and Sustainability: I'm julia gisler with bureau of planning and sustainability. First i'd like to start with some acknowledgments. This project required a steep learning curve for staff. Especially learning about the different food related activities. Initially we

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worked with the members of the Portland Multnomah food policy council to be sure that we had identified the right issues and the right community stakeholders. Later in the project after we had a chance to work with the general public and to arrive at a general framework and concept for how we were going to structure the regulations, we established a code development advisory group called our c dag, to help us test and develop the actual code language. Members of this group were our experts, our advisors, our debaters, and our reality checkers. And their names are listed in the front of our report, in the beginning of our report, and you'll also be able to hear some of them testify today. But because their work was so significant to this project, i'd like to ask the members of the committee that are here to stand if you could. [applause] it was an amazing group of people. We learned so much from them. Now for the recommendations. So the amendments that you are going to be reviewing today are divided into four topic areas. There's market gardens, where produce is grown for sale. Community gardens where produce is grown for personal consumption and donation. Farmers' markets, and then the last one we have a new term called food membership distribution sales -- sites. And those are the sites where the pickup and the drop-offs for csas and food buying clubs occur. For each topic area, we added definitions to the code and developed specific regulations to support these activities. At the same time, we wanted to be sure there were appropriately sized and located to be compatible especially in the residential areas. So while we are very liberally allowing all these activities in almost all of the zones throughout the city, yes also adding regulations to address neighborhood livability. The amendments also clarify the regulations for market gardens and community gardens, farmers' markets, and food membership distribution sites when they're added to the site of an institution such as a school, or a faith-based facility, or a medical center. Because these are often the best places for these activities to occur, especially in our neighborhoods. We are allowing all these activities the amendments would allow all these activities on all institutional sites. And I want to quickly go through the recommended zoning code changes for each of the topic areas. They can be found on the handout that we passed out in the matrix in the top, and also there on page 2 of the document. So for market gardens, that's where produce is grown for sale, currently market gardens are allowed in only a few zones. The amendments allow them in all zones with size limitations in residential zones. And include regulations that address neighborhood livability. They will also be allowed to have limited farm sales where they can sell produce from the -- that's grown on the site. Community gardens currently are allowed everywhere, and we are going to continue to allow them everywhere, adding a few regulations for neighborhood livability. The food membership distribution sites currently there are no regulations for -- currently the regulations for pickup sites for the food buying clubs and the csa organizations are unclear, and the code is silent. So the amendments will allow food membership distribution sites throughout the city and include regulations that address any negative impacts to the surrounding area. Farmers' markets are regulated as temporary uses, however, the regulations are confusing and are not always a good if it for the market -- for how the markets operate. The amendments will continue to regulate them as temporary uses, but will add regulations specifically for farmers' markets. So that's just a quick general overview. And we also in the beginning of the report on page 8 and 9 have more details on the recommended amendments. So that concludes our staff presentation. Also on the handout that I passed out you'll find planning and sustainability commission recommendations, which include directing staff to continue to work on outreach and education efforts about the new opportunities these amendments can provide to increase access to helpful -- healthful, affordable food, especially to communities with less options.

Adams: Initial questions? I think we have an amendment.

Saltzman: I'd like to at least get my amendment out there, and if people want to comment on it -- so this amendment relates to the section on farmers' markets. And it would add a sub b that would say vendors at farmers' markets, vendors who have third party organic certification must display a seal

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or certification document so that it is visible to customers passing the booth or table. And the rationale, I can attest to this from firsthand experience, we want to make sure that if we're -- if a booth or vendor is purporting to sell organic food, that it in fact has the appropriate certification. Third-party certification. And that that certification is displayed for consumers. I think this increases consumers' knowledge about food and it's only fair that those who are saying they have organic products have truly certified organic products.

Adams: So moved and seconded. Any discussion? Comment?

Fish: I have a discussion here. We're going to lay it before the council and then have a discussion? Or do you want it now?

Adams: Let's have a discussion now.

Fish: I guess I would say to staff, is this an issue that came up in your work?

Cohen: No.

Fish: Did we hear from the public on this, or industry, or farmers' markets or anyone?

Cohen: Not on this particular issue, no.

Fish: I have not seen the amendment before right now. Is this something you've discussed with farmers' markets --

Saltzman: Yes. Discussed it with Steve, the head of Portland farmers' markets, yes.

Fish: And what's the position of our farmers' market partners?

Cohen: It's mixed, and I don't know if -- Trudy, do you want to -- Trudy who is the executive director of the Portland farmers' markets could speak to that probably better than any of us.

Adams: Trudy? Would you please come up?

Trudy Toliver: Commissioner Saltzman, I know you and I spoke about this morning. I apologize it was after I spoke with you on the phone learned more information from some of the other market managers in the region. So what I have to share I guess is sort of a culmination of comments collected from others. I apologize that you and I spoke about something different than what I might say now. In general I think what our market managers feel is that the city code is not necessarily a place where an operational issue such as signage should be set. And that currently we're already practicing exactly what you're suggesting, and that anyone that is certified with an organic and some other certifications by a third party provider does display that. And it is to their benefit as a business decision that they would make. That if they have an organic certification, they want to talk about it. That is actually already happening. There's some additional concern that there are so many types of certifications out there, farm workers management practices is probably an up and coming one I could use as an example, that it would kind of lead the question that, do you want your code to show -- to include this kind of a signage regulation, and does that open the door to wanting to add all of these other possible regulations, or should that be left up to the operations of the farmers' markets to decide?

Fish: If I can -- I'm trying to understand this, not arguing it yet, just trying to understand it.

Currently it's your understanding that there's some voluntary measures in place about encouraging vendors to display organic certifications?

Toliver: That's right.

Fish: And how do the operators police that?

Toliver: When we sign up a vendor we require that if they have an organic certification, that they show us that documentation. And therefore then they are allowed to show signage indicating such.

Fish: And when you think of what a, quote, third-party organic certification is, can you tell us the -- can you by memory tell us what they may somebody.

Toliver: Absolutely not. And I don't think many of us can.

Saltzman: My amendment speaks to USDA approved third-party organizations. That is a finite universe.

Fish: Your amendment doesn't reference that.

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Saltzman: I'd be happy to add that.

Fish: It doesn't say usda or otherwise.

Saltzman: I'd be happy to add that.

Fish: It is not on the face of it, that's why I need to ask these questions. I don't know what third party organic certification means. I'm assuming grocery stores have had experience with this, farmers' markets, and i'm not sure what the problem we're trying to solve. Have you -- in the farmers' markets that you manage, have you had complaints from customers about this issue?

Toliver: About the lack of signage?

Fish: About the questions about whether people are selling organic food or more specifically, whether they're making claims that they can't back up.

Toliver: Not the latter. I have not to my knowledge have we had complaints about farmers not being able to back up claims. We do not allow farmers to make claims that aren't certified. And it's true for many of the others, a farmer can only display the organic word, actually, if they are in fact usda certified. And that usda certification can come from any variety of independent certifying bodies.

Fish: I'm curious, if you're already sort of doing that as a matter of practice, what then is the impact of code language which may track what you're already doing? What's the practical concern if they codify what reputable market people are already doing?

Toliver: Good question. One, it is innocuous. It's fine. It would not change what we're doing. What it could do down the road is initiate a city code that starts to include all kinds of details about operational issues, such as other types of signage. That's our concern.

Leonard: Commissioner Saltzman, if you would add the language you've agreed to add, the certifying body has to be -- i'll second.

Saltzman: I would --

Adams: It's already been seconded.

Saltzman: Adding the usda language into the amendment.

Adams: Friendly amendment.

Fritz: Who enforces this?

Toliver: The certification or the signage?

Fritz: Either.

Toliver: The market managers enforce the signage. We do best we can. Each of our vendors are independent businesses of their own. The certification is managed by the individual certifying bodies. Maybe steve knows a little more about that.

Cohen: The usda is the certifying body. They work with over 50 domestic certifiers, there are six or seven in Oregon. So there are numerous third-party certifiers, just for the usda organic label.

Fritz: Commissioner Saltzman, what was your intent in having it in the code?

Saltzman: Like any zoning code provision, it's complaint driven, and with all due respect, trudy, I am a customer of farmers' markets, and what you described about everybody who has organic certification displaying it is not true. As recently as yesterday's market somebody in my office went up and I know this too, there's only one at the square that displays their organic certification, that's not the only vendor that claims to be organic. And the same with the hillsdale farmers' market. It's not the fact what you just said that they are displayed.

Toliver: It's a tricky distinction. Being a certified organic producer is very different than practicing organic. You can practice --

Saltzman: We're just talking about displaying your third-party --

Toliver: Ok. I was under the impression they all do. We encourage them all to. Someone might say they're organic and they're not certainly certified.

Fish: This discussion is helpful. Can I ask one other question of our code people? So if this is in our code and it is complaint driven, and someone from the bureau of development services

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determines that in a moment in time someone is -- does not have the requisite seal or certification document displayed, what happens? [laughter] aside from hauling people off to jail -- what -- i'm curious, what -- we want to get past symbolism, and apparently this codifies what some folks are already doing. What is the remedy?

Jessica Richman, Bureau of Planning and Sustainability: I'm not sure how we would enforce this, we meaning the city, because if somebody doesn't display the certification, and had not shared it with the operator of the farmers' market, we would presume they're not certified. So it's sort of like proving a negative. But if we did receive a complaint that somebody was certified and not showing their certification, I suppose that the bds code enforcement people would contact them and ask if they were certified, and if they were, ask them to display a seal or certificate documenting that.

Fish: And if there was some problem convincing that vendor, if you can determine that they actually have third party organic certification that's usda approved, determine that they haven't displayed it, is the vendor liable for something under our code, or does the farmers' market become liable for some action.

Richman: The way this is written, and I wrote it, so it's not commissioner Saltzman's -- is the responsibility would be the market. Ultimately.

Zehnder: The operator.

Richman: The operator of the market.

Fish: Does that have the effect of shifting to the operator the obligation in the first instance to state all vendors in some kind of document, do you claim organic, you claim that your product is organic and if so, do you have a third party certification so that they can police this?

Richman: From what trudy just said, I think they already are asking them if they are certified.

Toliver: That's correct.

Fish: Last question, this standard we're imposing through this amendment, the same standard that applies to grocery stores?

Richman: No. This would only apply to farmers' markets.

Fish: I'm going to respectfully request we table this matter until we've had a chance -- I think it's an interesting concept, and it's the first time I heard about it was five minutes ago. It may be worthy of inclusion in our code, but until I understand the practical impact and frankly the equity of whether this applies to one category that sells fruits and vegetables or an industry, I would propose we table this.

Adams: What would be -- if you don't mind -- why just deal with farmers' markets and not more broadly?

Saltzman: Because this is the issue in front of us. This code deals with farmers' markets. There's no code provision we have governing supermarkets or others. So this is my -- as a customer of farmers' markets, this is always something that's bothered me. I guess i'm a member of the public too, and I have a right to participate in this process, and this is my venue for participating in this process. This code language has been written by jessica, vetted -- to follow-up trudy's analysis, it's innocuous but it does enhance customer choice. You can worse case scenario these things to death.

Fish: If this has bothered you for a long time, this task force has been working for over a year on this work product, is there a reason this could not have been introduced so they could offer an opinion on it before we do this on the fly?

Saltzman: No. I respect the work of the task force. I also respect the role of the city council to have the ability to introduce amendments before we're asked to vote on something. That's kind of what we're here for.

Fritz: I'd like to hear testimony on this.

Adams: I haven't recognized -- I haven't recognized the motion yet, nor -- but I will -- please.

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Fritz: Thank you. I'd like to hear testimony on this. Since it's a nonemergency ordinance there's more time before next week to vote on it.

Adams: Commissioner Saltzman, I'm trying to round out the discussion. I totally agree with you in terms of our -- we're an important part of the process. And the ability to bring forward changes that our step in the process is entirely legitimate. And from a public policy perspective, is there -- my question is more about the public policy aspect. I understand that we're not seeking to regulate commercial grocery stores, and that's why we wouldn't necessarily, but from a public policy standpoint, is it safe for me to assume that you would like the same kind of rigor in commercial grocery stores would you like in farmers' markets? Is that something you agree --

Saltzman: Sure.

Adams: Ok. This is -- your explanation is this is the venue where we're talking about farmers' markets.

Saltzman: And I think -- you know, I'm not a lawyer, but I think super markets, large stores, probably bear a lot more potential liability for misrepresenting produce. Than maybe a farmers market. All we're saying, if you have the certification, post the notice so consumers can make informed choices. Healthy informed choices.

Fish: On this question, would it make a difference to the council whether the responsibility was imposed on the vendor or the market?

Adams: I guess that's a question in the back of my mind, commissioner Saltzman. I understand the rationale in terms of you would be able to go to an organizer of a market and say, have you look the at the certification of everyone who's claiming to be organic, and you would have one-stop shopping. But in separate from the penalties, did you consider penalties to the individual as opposed to -- the individual vendor as opposed to the -- maybe I should ask you --

Richman: The way our code is structured, the regulations apply to the market. Not to the individual vendor. So I'm not sure that we could --

Adams: What's the fine?

Richman: The fine for violations of the zoning code after there have been some hearings and such, is I believe up to \$500 a day per violation. That's --

Adams: Would that be violation per vendor, or --

Richman: The federal fine for claiming organic when you're not -- if you claim you're organic and you aren't actually, the federal fine is 5,000.

Fish: If I might, if I could --

Adams: I'm going to finish. So is it -- ours is \$500 maximum?

Richman: Per day.

Zehnder: And so we're talking about the land use code. That's part of I think why it's confusing. It goes to the operator of the use. You're dealing with the owner, the operator of an apartment building, not the tenant. And so the -- it would be a per violation, so depending on how it gets reported and into the system, several of these vendors could be multiple violations, mayor, or they could be single, depends on how it happens.

Adams: Ok. Commissioner Fish.

Fish: Thank you. I didn't mean to interrupt.

Adams: That's all right.

Fish: I think trudy politely said she was concerned about the camel's nose under the tent. Let me take that point for a moment. As someone who shops in farmers' markets a lot, I have concerns that people are following good hygiene. I have concern that they're not using underage workers. I would prefer that they're not engaging in violations of agricultural laws and the harvesting and production of food. I would like to know if it does or does not have pesticides, if there's there was a ranking system. I could come up with a laundry list. I guess with all due respect, if this is a council concern about the level of disclosure to the public, and what has been a lightly regulated industry

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for a reason, I would suggest we do this in a comprehensive way and not in an ad hoc way, and that we carefully consider what the regulatory impact commissioner Leonard the other day spoke very eloquently about his concerns about heavy handed regulations.

Leonard: On diapers. [laughter]

Fish: You said that, I didn't. But you also spoke eloquently about looking at intermediate steps around voluntary measures and other things before -- and i'm not suggesting anyone would misuse our code, that never happenings. But I would be concerned about putting a mechanism into our code that might -- that could be misused, particularly where we haven't in my judgment carefully thought through the ramifications of this. And I have just the same interest since we have children at home of feeding them food that's healthy and certified. But I would urge that I think this is a well-intentioned amendment, but I think it's premature for us to take it up. And I would like to have some processing of this before we --

Adams: Ok. So I have a further clarifying question. If this is a zoning code violation, so there's the penalty of \$500 per zoning code violation, depends on how the complaint came in and that is also true of other zoning code violations, single address or multiple violations at an address, and it is complaint driven under state law, if it's a zoning code violation, remind me again what the violation follow-up process is so that that was the fine, but what -- .

Zehnder: Do you know that process kristin? A representative from bds.

Adams: Thank you. We'll have you come up again if you want later. I think it's a good discussion. I ask everyone to be patient.

Kristin Cooper: I'm kristin cooper with the bureau of development services. I'm not in enforcement, so I don't necessarily have the last word. Mr. Saltzman knows more about it because he hears about it in his office. I think the amendment -- if you -- as I understand it, if you are certified, you display the seal. Not that that you're displaying the seal and you're not certified. So -- it's not like we're policing whether or not someone is certified. The enforcement goes -- a letter is written to the property owner requesting that they correct the violation, and then they have 30 days, and then if it's not corrected, it can go to hearing, and that's when there's a fine that's assigned.

Adams: So this -- and then could I switch you out with steve, who seems to know something about the federal process? This says vendors who have third-party -- I assume the legislative intent here is vendors who claim to be selling organic produce have to display sort of -- certification. I just want to double-check. So what is the \$5,000 fine, does that apply -- the fining system around certified organic, does that apply to farmers' markets?

Cohen: To vendors.

Adams: And what's the process for people to complain about that?

Cohen: In that particular case, and I don't think there's been any instances where they have gone through the market, they would have to complain to in this case the Oregon department of agriculture.

Adams: Who serves as the agent for the federal government?

Cohen: Correct.

Adams: Ok. All right. I'm going to not take the vote and we're going to proceed with testimony. I need to think about it while I hear the testimony on this particular motion. I think I have the ability to do that.

Saltzman: Can I offer one comment before we do that? I appreciate what commissioner Fish is saying, but I also say you gotta start somewhere. This is simply saying if you have that certification, display it so the consumers know that. And sure we could tackle gmo, pesticide-free, workers' rights, fair trade. We could do all that, but we'll be back in maybe five years with something -- why don't we take a baby step now, give consumers the information they're entitled to know and make sure our vendors, say they're organic display their certification.

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Adams: Ok. We're going to go to testimony. I would really love to go to testimony. But first we'll hear from commissioner Leonard, and then to commissioner Fritz. And then we're going to go to testimony. In the meantime, Steve or somebody else, can you just call somebody or have somebody else that is in staff call the department of agriculture to confirm how -- that you can as a customer file a complaint? This gentleman here might have some knowledge of it, but I guess a -- for me, if an existing complaint process exists, that is not in the zoning code, that might sway how I think about adding a complaint within the zoning code. Commissioner Leonard.

Leonard: Procedurally I want to address the process that we're involved in right now. Because a comment was made that this is the 1st reading, the amendment we need to dispose of today. So it becomes part of the second reading or not today, so that needs to be taken up. To the amendment, I will just say I don't find it inherently wrong or a violation of process for a member of council to offer an amendment. If and when we identify issues that we think are of importance. I have to say listening to the discussion I agree with commissioner Saltzman's take on this, that you're representing something to be something, it's not too much to ask you to back that up with a certified organization. Is it the FDA?

Adams: U.S. Department of agriculture.

Adams: Commissioner Fritz.

Fritz: At the beginning of the discussion you asked if anyone had questions for staff and commissioner Saltzman introduced his amendment. I actually do have questions of staff if I can have them come back.

Adams: Yes.

Fritz: And this is in relation to the new category of market gardens, which we will be allowing commercial sales from in residential zones. Under specifications. My first question is, you don't have any requirements for parking. And I wondered why and whether that's been discussed throughout the process and why that choice was made.

Richman: We did discuss it, and felt that most of the market gardens would be selling -- because they're limited to 70 days per year, and because they can only sell what they grow on site, that they would largely be attracting customers from the nearby areas. So we would have a very high proportion of people walking or biking, because most people won't drive across town to get a tomato. And that the numbers who would arrive in cars would be relatively small. Another concern is that the market gardens often are a source of some revenue for lower income people, a lot of immigrant, recent immigrants have been doing market gardens and selling, for example, at the farmers' markets. And that requiring off-street parking requires a curb cut and is pretty expensive to put in on a site that does haven't parking now. It would be rather expensive, and we thought that might be a significant barrier.

Fritz: What about some of the larger sites in the RS zones, that could be six acres.

Richman: Right now agriculture is allowed there. Without a parking requirement. So we weren't changing that.

Fritz: Ok. And then -- thank you for that explanation. My second question, sales are allowed between 7:00 a.m. and 9:00 p.m. 70 days a year. So you could have 70 days of being woken up at 7:00 in the morning if people are arriving for produce, slamming their car door. Was that discussed at the planning sustainability commission as far as the impacts on residential neighbors?

Richman: The commission didn't discuss it. Nobody had raised that as an issue there, but we discussed it in the code development advisory group, that it was the same hours that we use for operation of home occupations.

Fritz: Including Sundays?

Richman: Yes. Another thing that I think we didn't discuss directly, but that affected us, originally we had talked about limiting the hours for farmers markets for when they could start setting up if they were near residential zones. And then we, as Julia said, there was a steep learning curve on

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this project. Many of them start setting up at 5:00 a.m. Right next to high-density residential such as the Saturday morning one by Portland State. And they've never received any complaints. And we certainly haven't, because people tend to be quiet. I don't think a farm stand from a 10,000-square-foot garden is going to have a flood of people arriving at 7:00 a.m. Lining up to purchase --

Fritz: I would be interested to hear public testimony on that. I think it is -- that's the kind of thing that in a residential zone, not next to where there's an existing commercial zone, but this new kind of use, I think that could be a potential problem.

Adams: Is this a farmers market --

Fritz: Market garden.

Richman: When we considered something for farmers' markets, we do have several farmers' markets in the middle of residential zones.

Fritz: But they're just once a week, not every day.

Fish: Just on that point, because Parks runs the community garden program, do we track complaints from people generally about these various entities somewhere? Farmers' markets, community gardens? Garden markets?

Richman: The Bureau of Development Services does track complaints, and there have been none on farmers' markets or community gardens. Market gardens and food membership distribution sites have generally been flying very successfully under the radar. The food memberships, many of the market gardens that exist now are in a gray area. And food membership distribution sites, most of the operators have been very careful to make sure their neighbors are happy. We have had I believe two cases where there were complaints -- this is really embarrassing to have my phone go off.

Fish: It's the agriculture department. They have an answer for the mayor. They were watching.
[laughter]

Richman: I believe complaints about two of them and one really was a commercial operation and move, and the other one changed his operation.

Fish: We've received complaints around cost barriers to gardens, sometimes people complain of our fee structure. We've had some complaints about vandalism. I get an occasional complaint that says the garbage truck makes too much noise. But we have not to my knowledge received complaints on this subject.

Saltzman: Does anything in here affect the ability of the James Beard Public Market to come into reality?

Richman: Nothing at all. It will make -- if they wanted to locate outside instead of in a building, it would make it easier. So there's nothing in here that makes those sorts of operations more difficult. There's a lot that makes them easier.

Saltzman: Ok.

Adams: That's the intention. All right. So we have eight people signed up. Please call the first three.

Adams: Welcome. Did we have invited testimony that I skipped?

Leslie Pohl-Kosbau: Good afternoon. Mayor, commissioners, good to see you. My name is Leslie, I do live in Portland. And I was the founder and former director for Portland Parks Community Gardens. This past year it's been my pleasure and privilege to serve on this advisory committee to the urban food zoning code update. I would like to thank all the fellow volunteers and the staff who helped with this effort, especially the Bureau of Planning and Sustainability professional staff, Julie Gisler, Steve Cohen, Jessica Richman, and the Oregon Public Health Institute's Amy Gilroy. I would like to thank you, Mayor, and Commissioners for understanding the value of citizen participation in government. Which makes a stronger community with respect and dignity for all. This City of Portland code update affirms a long-standing culture of growing and accessing local, healthful food. It validates the years of community organizing for the public good, and the public and private spaces in the city, allowing Portlanders to find creative solutions for providing

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fresh, nutritious supply of fruits and vegetables. Available within every neighborhood. The skills learned in growing, preparing, distributing, and marketing food and sharing this abundance with others who struggle make Portland a better place for everyone. I recommend that you accept this food code update. It respects neighborhood livability by outlining reasonable codes and definitions for new and existing activities. And it builds in some leeway for continued creative solutions that promote health and wellness in an urban setting. Cities learn and governments assist. This is reflected in the Portland plan and in the peak oil task force report. Community gardens got a formal start in 1975, when neighbors asked Portland parks and recreation to start a municipal program for people to grow their own food within the city in shared spaces. This effort is an effective way for families to build community relationships on public and private land through growing fruits and vegetables and improving their diet and their physical health. Although there is little change for community gardens in the code update, they are recognized now for all zones and in parks and open spaces. Community gardens are defined as legitimate and valued places within the city, as a way to provide food, educate, and build neighborhood relationships with people and the environment. Community gardens, market gardens, csas, buying clubs, farmers' markets, and more, all play a part in Portland's health, sustainability, and security. I thank you for this time and for your continued support of the vitality and the diversity of Portland.

Adams: Thank you. And thank you for your great service on community gardens. Welcome.

Michelle Lasley: Hi. My name is michelle lasley, the president of the north Portland food big club, and I was also a member of the code development advisory group. I'm here to express our support for the plan. It is flexible, workable, very diverse. And overall we're pleased with the code because it helps our mission of bridging the gap between farm and city. We really enjoyed the process where julie and jessica solicited public input, beginning -- from our beginning was a survey we found out about, and passed around allowing them to tally over 800 responses. We helped them learn about big clubs and how diverse buying clubs are. We helped them create very drastic and evolved changes that reinforce that flexibility and workable plan. My buying club has been around for over two years. We average about 50 member families. And per each buy we have about 10 to 30 different families participating. We have many of our members that are neighbors, and we work with our members to make sure that work is distributed in an equitable fashion, that we're minimizing impacts on neighborhoods by organizing pick-ups so that maybe one member will pick up for their family and bring it to their section of houses in a different part of the neighborhood, and really enjoy working with the farmers. And we're really excited for the next step of the process, where we can get the word out once you approve the recommended changes.

Adams: Thank you very much. Thanks for your service. Hi.

Chana Andler: My name is chana andler, the vice-president of the montavilla food buying club. And I had the honor of serving on the cdac. The food buying club operates primarily in the mount tabor montavilla north and south tabor sunnyside and richmond neighborhoods. We also frequently partner with the eastside buying club, which operates out of east Portland. Our club has slightly over 90 member households and we offer group buys from natural food wholesalers like frontier and hummingbird, specialty buys like coffee from cafe mom in eugene, and farm direct sales of produce and meat from entities like pd farms, heritage farms northwest, little known farms, and starting this summer, produce from the Portland growers alliance, which is a market garden primarily populated by immigrants operating at the borders of Portland and in the damascus area. Families participate in a buying club because it is a way for them to buy high-quality, pesticide-free, local, and organic products at considerable savings. For example, our members can buy local organic humanely raised, completely organic corn and soy-free directly from one of our farmers for as little as \$3.75 a dozen as opposed to paying \$4.95 at new seasons and over \$5 at a farmers' market. Last year in cooperation with the east side Portland buying club, we moved over 900 pounds of pesticide-free stone fruits, peaches, plums, nectarines, through 45 families. That's

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allowing people to buy stone fruit for as little as \$1 a lug, a dollar per pound per lug, or \$1.50 if you were buying it at much less, which is a really remarkable price for food. Our club operates four pickup sites, two in homes in commercial zones, and two in homes at residential zones. We will soon be adding a new zone for our azure drop which will be in partnership with the highland christian church on glisan street. And we'll bring their members into our buying club. Most of our buys occur once per month, and although there are 90 members plus in our club, there are rarely more than 40 households that participate in any one buy. Our club places great importance in being good neighbors and our members find detailed membership agreements about being courteous and timely with their pickups. Our club steering committee unanimously supports the current proposals. We feel they're flexible, workable, and help establish food buying clubs as a legitimate urban food activity. They provide fair guidelines for setting up and running pickup sites in residential neighborhoods, which protect the residential character of those neighborhoods, but still work for the buying club and its members. We're delighted to have these guidelines to work with and we thank the bureau and the city council for including buying clubs in this process.

Adams: Thank you all very much. Appreciate your volunteer efforts. Next three.

Ron Paul: Commissioners, i'm ron paul, the director of the james beard public market, and also affiliated with marylhurst university's new masters program in food and society. And I want to congratulate you first from a broader point of view of embracing food as part of your discussion for one of the first times, certainly in recent memory, in recent focus groups for merle hurst new program on food policy, one of the young participants said that studying food policy is the new urban planning. And it's a forgotten part of the discipline of thinking about our city. And I think it speaks well that Portland is beginning to acknowledge the role of food in bringing food issues into more immediate contact with the public. We have been so distant from our food over the years, literally shrink wrapped and removed from it, that beginning to look at integrating food into the neighborhoods in a multiple number of ways, from farmers' markets, buying clubs, csa pickups, food is and should be a daily part of our lives. We should celebrate it, we should not hide it, and I speak in support of the measure in front of you to begin that process. But I also want to caution that this should be the beginning and not the end. There are many, many issues on the horizon for food that are challenges in terms of equity and access. There are issues that can be solved in ways that this ordinance doesn't yet address. For instance, repurposing large buildings for vertical agriculture. And how do we zone those and make them an integral part of the food system for our communities. Issues like this are happening in chicago, in new york, other metropolitan areas, and I just want to make sure that we keep our eyes open for the future and not be come play sent about the progress that you're ready to make today. Thank you.

Shanako Adlrich: Hi. My name is shanako, i'm a social worker, representing the ecumenical ministries of Oregon. I work for the interfaith food and farm partnership, and they sent me here to testify with a letter. So dear members of Portland city council. On behalf of emo, interfaith food and farm partnership, iffpp. We're pleased to provide this testimony on the urban food zoning code update recommended draft. The subtitle of this plan enhancing Portlanders' connection to their food and community, is on target in what the code should accomplish for citizens. Emo has been involved in community food efforts since 1997, and advocated for the establishments of the Portland policy council in early 2000. We are encouraged by the city integration of food and to planning zoning and policies. Our values of justice, human dignity, and environmental stewardship compel us to work for healthier and more equitable food systems. Iffpp staff and volunteers have provided input at early hearings and on advisory council. We are pleased with the thorough discussion of various issues regarding codes and can enhance and expand distribution of local food and support urban market gardens and community gardens while protecting neighborhoods from the adders are impact. For over seven years, iffpp has been helping congregations connect to local farmers through farmers' tables, csa, and buying clubs. As well as supporting congregations and

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developing community gardens and community kitchens. Zoning has been a barrier to these projects for several occasions. The recommended code provides strong support and clear guidelines as we expand this work. The following codes are especially important to fully using the assets of faith congregations and creating a more equitable accessible and sustainable local food system. Number one, farmer markets, farmer tables are allowed on institutional sites without a land use review. Often congregations are located in residential areas and this has been a gray area in the past. This code will ensure that farmers' markets are allowed on all institutional sites without the land use review and can operate for 70 days in the year instead of only being allowed twice a year for five consecutive weeks. Number two, adding a section of food membership distribution sites and ensuring that they are allowed on all institutional sites. Prior to this recommendation -- recommended code, there was nothing written about food distribution sites. Having a code addressed -- having the code addressed food membership distribution sites specifically ensure that these important models were creating better access to health.

Adams: You're doing great. Just keep going.

Aldrich: It is long.

Adams: Don't pay attention to that buzzer.

Aldrich: Healthy food can continue to expand in the future. Institutions like congregations often have the parking and space to ensure that impact on neighborhoods are minimal. Three, continuing to ensure that community gardens are allowed on institutional sites and not having size restrictions. The interest in community gardens continues to grow in more -- and more gardens are needed. When gardens are close to where people live, they are -- there is less need for parking. Allowing market gardens number four, allowing garden markets on institutional sites. In the past, gardens have been limited to few zones. The recommended code ensures that market gardens are allowed in all zone and on all institutional sites while still providing some parameters to minimize any negative impact on the surrounding community. This code will create more opportunities for urban farmers, especially those who don't have land already and may want to partner with a nonprofit and that has land and is willing to share it. We encourage the city of Portland to continue to stay in dialogue with nonprofits and communities as we come up with the way tone sure that the urban food code is easily -- easy to understand and navigate, and is accessible for everyone. This will help further the city of Portland's goal of promoting appropriate neighborhood skills, food production, and build community capacity and knowledge. The increased access to healthful, affordable food for all residents, especially those who have limited access. Thank you for the opportunity to share our views and recommendations.

Adams: Thank you for taking the time to put them together and to be here to provide them to us. Thank you. Welcome.

Wil Newman: Hello. Mr. Mayor, commissioners, my name is will newman. I am a member of the Portland Multnomah food policy council, and was able to serve on the code development advisory group. What may be more of interest to you, and i'm open for questions later, I served as president of the board of Oregon tilth, the oldest and largest organic certifier in the state. I currently serve on the adjudication of Oregon tilth, which is the body that deals with growers who have run into trouble with their certification. So I would be happy to answer questions about that, and there is a significant difficulty in the proposed amendment that you may not be aware of. So i'm here if you want to talk to me about that. I'm here today to talk about the process that went through -- that occurred for these changes, these recommended changes to develop. And I have been an advocate for food security and social equity in the city of Portland for over 40 years. And in that time have been involved in processes at the city level and at the county level. Many times. And I want to say that this process, this particular instance of the process is the most satisfying experience that i've ever had in dealing with government. From the very beginning --

Fritz: That's high praise.

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Newman: I want to make this clear. I really want to make this clear. From the very beginning, from outreach to the community, not only for general input, specific input about what's wrong, what needs to change, what are you concerned about, through, getting a broad array of representation on the code development advisory group, to actually listening to the input from all the various parties, to balancing those conflicts that arrows, to clear communication, to doing an outstanding job of defining what was possible and wasn't in terms of what it is that the zoning code does and what is it that the zoning code doesn't do, so the conversations were in fact focused on what could be done in the zoning code, to the final resolution of the potential conflict was done in a highly professional way and really showed respect for public input. And I will say as I say from my 40 years of experience, if every interaction I had with the government was the interaction everybody had with the government, as in this process, we would have a very happy populous, and a lot more effective day-to-day walking around. So thank you very much. And I really want to thank the staff who made all that possible.

Saltzman: You're also an original member of the food policy council.

Newman: I am.

Adams: As a pioneer in good food, I finally found the complaint form, or the complaint address, I won't even try to tell you the url for it. Under the national organic program, apparently you can email, fax, or phone in a complaint, and they route it back to the state that has an sop with usda, which I think ours does. And then they keep track, the state sends back the report of their complaint.

Newman: It's even easier than that. All certification for -- the word "organic" is now -- when applied to food, is now owned by the federal government. Literally. You may not use the word "organic" in discussing, labeling, signage, or anything else about food unless you comply with the federal labeling law. Which we think of as the organic law. That's -- and the federal standards are pervasive. If you want to use the word "organic" you have to be certified by a qualified certifier, and the usda determines -- they have a very involved set of rules about that, or if your total sales are below a certain level, you are exempt. And you are not certified, you are exempt. So a lot of growers -- you do have to do some paperwork. You don't -- do you have to do some paperwork and things like that. But you don't get certified. So to say that anybody vending at a farmers' market, or anywhere else, who says they're organic, must show their certificate is in violation of federal law. Because if you are exempt, you have no certificate. So there's no certificate to show. So you run into a problem when you're trying to encourage small-scale growers in organics. Having been a certified organic grower for a number of years, having been a csa vendor feeding 75 families for a number of years, and teaching farmers how to grow organically and be certified, it's not a straightforward as one thinks. And while I applaud your interest in saying, consumers should be able to be sure the person claiming to be organic is organic, in fact that's what the organic movement was all about, was about consumers, not growers. Simply saying you have to show your -- simply saying you're going to have to show your certificate is not going to work.

Leonard: The federal government not regulating those organizations that sell \$5,000 or less worth of food doesn't necessarily mean they preempt local government from making such a requirement. So you actually said you're preponderance of evidence prohibited from doing that and I doubt that's accurate.

Newman: Prohibited -- I might have misspoken.

Fish: I think what he said was under a certain threshold, since this is regulated by the federal government, you do not have to have a certification document.

Newman: You can't get one.

Fish: We're not requiring you display something you can't get.

Newman: Right. I'm sorry.

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Saltzman: How many vendors do you really think at the markets who show up at two to three markets a week really gross less than \$5,000 a year?

Newman: Well, the markets we have now generally speaking -- Portland farmers' market probably not. But there are a lot of smaller farmers' markets, and a lot of new markets, and if what we're trying to do is encourage small growers and new local growers, most of them gross less than 5,000 the first year or two.

Adams: On the nop website for Oregon, statewide there are 68 certified -- listed certified organic providers. Only 68.

Newmans: But there are a lot of markets.

Fish: I have an excused absence to represent the city in another event. If I just may say, I applaud commissioner Saltzman for raising this issue. And I think we should be concerned about making sure consumers are given good information. What constitutes visible, particularly for site impaired people, the interplay between federal law and state law, the potential for inconsistent regulation between farmers' markets and other places food is served. The propriety of using the zoning code as an enforcement tool. Those I think are all -- to commissioner Leonard's point, I believe -- yes, we have the right to bring amendments any time. But I prefer to actually have -- a question like this, I believe some of the questions that have been raised could benefit from a further discussion. That's all. It is not that you can't bring an amendment. But I would say it would benefit me as a commissioner who cares deeply about this movement to have more information before I vote on the amendment.

Adams: Ok. Thank you. We know you have an excused absence. I want to clarify something. Back to, if, as I read this, and you've just said, thank goodness for ipads, that under \$5,000 this is the part -- it's not that we don't have the right to regulate, I will ask kathryn about that, whether we have agricultural, I think we do, would I imagine, the point is that if you're exempt, there is no certification to put on your booth. And if there are only 68 certified, and could I wrong, if there are only 68 organic certified something or others, accounts, what do they put on their booth? Exempt because it's \$5,000 or less? In other words, i'm not sure what you put on the booth. They're going to say they're organic.

Saltzman: If they're not certified, they don't have to put up anything.

Leonard: If they're not certified you can't put up a sign --

Adams: But the impact -- just so -- the impact of that would be if there are only 68 certified accounts showing up, and we have arguably hundreds, dozens -- how many individual vendors do you have in the farmers' market more or less, citywide?

*****: [inaudible]

Adams: So you're saying those people can't put up the sign organic.

Leonard: It's not independently verified, i'm not sure -- .

Newman: That's what the federal law says. You cannot use the word "organic if you are not either exempt or certified.

Saltzman: A real world example, some will say we use organic methods. And so that's --

Newman: That's a violation of federal law.

Saltzman: To the consumer, what does that mean? It's like the old leed certification argument. We meet the standards, we just don't want to pay the money to be certified.

Newman: I agree, and the law about using the word "organic" the people who say we use organic standards, methods, you can't say that unless you're organic or exempt. Under the federal law.

Saltzman: But they say it.

Newman: I understand that. A true -- here's another true case. I run an organic farm and did for years. We had chickens that we had for pest control. We did not raise them for food. But if you have chickens you have eggs. And we sold eggs. But because we gave conventional feed to the chickens to bring them in at night, rather than turn them into coyote food, we had on our cartons,

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because the name of our farm was associated with organic, because we were certified organic, I wrote in big letters, these eggs are not organically raised. And then I gave an explanation. We were threatened with decertification because we used the word "organic" on a product that was not organic. And we literally were forced to change that label so the word "organic" did not appear in any place. So the rule is very strict.

Adams: If I could have respectfully -- thank you. Could you stay? Would you mind returning to your seats? Who's the most expert on this? Steve, and could our director of farmers' market and kathryn, do you have an opinion on any of what you've heard thus far?

Kathryn Beaumont, Chief Deputy City Attorney: I don't. I would defer to the expert.

Adams: Ok.

Fritz: May I comment?

Adams: I'm going to ask some questions first. So if we have over 200 vendors at various farmers' markets, and you don't run all the markets, you run my farmers' market in kenton, and if -- we now know that gross, I guess, \$5,000 or less in a year, means that they don't qualified for organic certification. It means they have to file some paperwork.

Newman: They have to file some affidavits and things like that with the certifying agency. But they don't get -- they're not certified.

Adams: So they're not able to use the word "organic."

Newman: They are.

Adams: And how much -- I hate to put you on the spot.

Toliver: I get to say I don't know.

Adams: What would you say the impact -- how many -- do you have any guesstimate or do you have any guesstimate going to the farmers' market a. Total guesstimate, of what percentage of farmers' market vendors have done the paperwork to either -- to be under the exempt -- they get an organic sticker or whatever it is, how many would you say are currently following the rules and how many are not?

Newman: Well, I think that depends a lot on the market. The small growers tend to go to smaller markets because they go to market less often. And if you don't go every week, you lose your space at the Portland farmers' market. You just can't be there if you're not there all the time. So the bigger markets tend to say you got to come every week. It's part of the agreement. And so these small exempt growers who are legitimately organic but not -- don't do enough volume to be certified, they just don't go to those markets. They go to smaller more local neighborhood markets. But they are legitimately organic and they legally can display the word organic under federal law.

Adams: I'm sorry, but sometimes sorting the good weeds from the bad weeds is important. The folks, 5,000 or less that are exempt, they're able to say they're organic or they're certified organic, or they look the same?

Newman: They can say they are organic.

Adams: Not certified organic.

Newman: Correct.

Adams: Do you have an answer of my question, a sense impact?

Toliver: Your answer had more -- your question had more to do about signage about use of the word.

Adams: If you can anxious it a couple fold, one is, how many of your vendors would you guess are following federal rules? And how many are following federal rules but not displaying the certification?

Toliver: I don't know how many are following federal rules. I don't know exactly how many are following rules and not displaying. However, from talking with my colleagues and from our experience over many years, all that are certified are displaying the certification. Because it is vastly to their benefit.

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Adams: Commissioner Fritz?

Fritz: I think your questioning pulled out that growers can legitimately say they're organic, even if they're not certified if they're exempt.

Newman: Correct.

Fritz: That's an important things we're trying to encourage small grows to come to market, and we already have a complaint system through the usda for people who are questioning whether a certification is valid or whether the use of the word is valid.

Newman: Yes. And in fact, if you want to file a complaint you can file one with any certifier. You don't have to go to the federal government.

Cohen: Or the oda.

Newman: Who will refer you to one of the certifiers.

Fritz: Thank you.

Leonard: Does the regulation say they can use the word "organic" if they sell less than \$5,000, or are they not regulated?

Newman: You can only use the word "organic" if you are either certified or exempt. And exempt is not a default position. Exempt is something you have to qualify for. You don't get to be exempt just because you don't sell \$5,000. You have to file with the same entities that do certification.

And you have to file some affidavits and show some records. It's just not as involved a process as certifying. And it's there -- it's there with the understanding that certification actually requires a lot of paperwork, and has a fairly significant fee. And the organic program said we don't want to force people in the lower end out, so if you're below 5,000, you can do this much simpler process. You can't say you're certified organic, but you can say you're organic.

Leonard: Is that process to become exempt include some certification to show you use organic techniques?

Newman: You file affidavits with the state -- with the certifier, you don't get anything back.

Leonard: You said entity has to submit substantial paperwork in order to become exempt.

Newman: It's not substantial, but yeah, it's not just a letter that says I follow the rules.

Leonard: Summit certification -- paperwork, any of that include the processes used to -- that one uses in growing the product that they sell?

Newman: Yeah. I haven't -- the verbiage changes over time. But basically what you have to do is sign a witnessed affidavit that says you are aware of the current organic regulations in terms of proper practices and materials, and that you grow and you list whether you grow vegetables or animals or fruit or whatever. And that you comply with the regulations. But it doesn't say I use this fertilizer and that compost and all of that. It just says I comply with those regulations.

Leonard: If one were arguably not fine with those regulations, as signed, apparently under oath -- that they were, and it was found they weren't, then what happens?

Newman: Then they get deexempted.

Leonard: So why didn't the amendment require that that process be displayed in addition to whatever entities are designated by the usda to say somebody is growing organic? Why can't it say - - why can't the amendment say you're either certified organic or you have submitted yourself to this other process and wherein you've agreed to do certain practices that --

Newman: Because you don't get anything back. If you send stuff in to say i'm exempt -- unless they've changed it, you don't get anything back that says ok -- there's nothing from the government. Anybody can say, this is a letter I sent in.

Leonard: Anybody can say they've grown organic.

Newman: I understand that. But the reason you send that in is, if there is a complaint, then the certifier, whoever you were exempted by, will then conduct an investigation. And say, you know, there's this complaint about you, and it says that you -- they know you use this fertilizer. And they'll come and look at your operation.

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Leonard: You send in the paperwork and they don't send anything back saying you're exempt --

Newman: Right. It's kind of like you submit your tax return and you get a check or you don't. If you don't, you don't want to see what you get. But you don't get anything back from the government saying you did everything right. You just get your refund.

Leonard: If you represent yourself as being exempt, and it is found you're not exempt, you're committing fraud.

Newman: Well, yeah. But the same thing is true is if you represent yourself as being certified and you're not. Government -- no regulation can keep people from lying and cheating.

Adams: Just a program note. How many people left to testify? Two more.

Saltzman: I think we're making a mountain out of a molehill here. We're trying to give consumers the best information available, and if somehow this is too complicated, I would offer a substitute amendment that requires every farmers' market to post the website and the phone number of the Oregon department of agriculture and say questions about organic status. We're trying to simply say --

Newman: If I may make a suggestion that would be easier --

Saltzman: I don't think we should expect consumers to shop on a saturday or sunday and many of these booths don't even have names, they're just a table. To say, ok, now i've got to go online and figure out who I do make a complaint to, find out what the mayor just found out. How long that's going to take. That's unreasonable.

Newman: If I could suggest, it might be easier since all of the farmers' markets I know of, if you claim to be organic, you have to show the farmers' market that you're organic. So if you have a certificate you have to show them the certificate. If they just keep a copy of those on file, and then the people who are exempt they list as claiming exemption, because again, there's no real way to deal with that very well.

Saltzman: There's nobody from the market on premises of each market on a saturday or sunday.

Newman: Oh, yeah, there is. There's always somebody there. From the entity.

Toliver: A manager, yes.

Newman: Every market I know of has a manager on site.

Saltzman: They don't have the documentation with them.

Newman: They could. But they could.

Fritz: It would be helpful to have a noncomplaint driven process. That's your intent, so people can trust what they see at the booths. So if the managers are responsibility for checking that, that seems to me to be a good solution.

Toliver: They're doing that anyway.

Adams: We have two more people to testify. Thank you for your extensive conversation with us. All of you. Last two. Thanks for waiting.

Amy Gilroy: Good afternoon mayor and commissioners. My name is amy gilroy, and I work for Oregon public health institute. Oregon public institute is an advocacy organization dedicated to improving the health of Oregonians through policy and environmental change. As mentioned previously, our partnership with the bureau was made possible through the Multnomah county health department's communities putting prevention to work program, and our role in this project has been to provide public health expertise on health issues for inclusion in the bureau's public materials. Health is something we all care about, but we tend to take it for granted until we get sick. This is unfortunate because it is often much easier to maintain good health than it is to cure disease. We know that good nutrition is an important part of chronic disease prevention, but many Portland residents do not have adequate access to appropriate and affordable healthful food. And similar to national trends, struggle to consume five or more fruits and vegetables every day. Only about one-third of all Multnomah county residents are achieving this recommendation. During this project ophi and bureau worked together to determine how the zoning code could address gaps in access to

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healthful food among specific communities in Portland, and what we found was that the zoning code is a tool that establishes land uses equally throughout the city but that it isn't a precise enough tool to address the gaps and access that have been identified. While the revisions go a long way in proving our communicated as access to addressing negative health trends over time, we would like to recommend that the council examine what other planning tools beyond the zoning code could be applied to support specific communities who have not yet benefited from food production and distribution activities in Portland. We'd also like to recommend that the council take into consideration health concerns that were raised during the public involvement process. Many communicated members express concern about the safety of foods grown in urban soils, and what resources are available to educate community members on appropriate food handling and preparation techniques. And best practices in soil management. We would like to recommend that the council direct that information on these health concerns be prepared in languages that reflect the multiethnic communities in Portland, included mandarin, russian, chinese, vietnamese and spanish, and the council identify programs such as the diversity and civic leadership program to work with communities to ensure they have information on these best practices. Thank you.

Adams: Who are you with?

Gilroy: Oregon public health institute.

Adams: And who is that?

Gilroy: We are a statewide advocacy organization. Our mission is child obesity prevention and we work on policy and environmental change.

Adams: So, you're supportive of this? Supportive of the code, knowing that it is just land use code?

Gilroy: Yes.

Fritz: Thank you. I thought your suggestions were very helpful.

Katy Kelker: Good afternoon, I am kathy kelker, executive director of the Portland fruit tree project. I'm a member of the Multnomah food policy council and also served on the co-development group for this project. It's an honor to be a part of this process for over two years now as co-chair of the urban food -- urban agriculture committee of the Multnomah county food policy council from whence some of this came as well as participating in very vivacious community input meetings. First I want to mention, which has already been mentioned, each proposed code update is a result of a comprehensive process and an incredible amount of collaboration and citizen involvement have gone into creating this proposal. A significant junction in time when there's both great interest and creativity blossoming in our city around urban food production and distribution and also critical need for affordable foods. The proposed zoning code changes present an opportunity for the city to remove unnecessary barriers and allow for community gardens, market gardens, food buying clubs, csas and farmers' markets to grow in our city. These activities strengthen our local economy, built self-sufficiency an make healthy food more accessible to all. I would like to offer one example. My fiance runs a small farm in the cully neighborhood, which is actually one of a number of small farms operating in the neighborhood. The farm provides weekly fresh produce to csa subscribers and to the food pantry. The neighbors love it. Vandalism at the site has gone down considerably and a children's garden program has started up. The farm brings great value to the community including farmers who generate income as a small business. It like many existing market gardens in the city is not technically allowed under the current zoning code. The proposed code changes will make it possible for this and many other market gardens of appropriate scale to operate in residential neighbors. So this is just one example of how the zoning code changes will increase opportunities for self-sufficiency, healthy eating and entrepreneurship in our fine city. I hope that you'll approve the recommended zoning changes. Furthermore, I encourage the city to make a concerted effort to raise awareness about these code updates if they are

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put into effect and the opportunities that they raise for folks in the community to engage in urban food production and distribution activities. Thanks very much.

Adams: Thank you both very much.

Fritz: Amy, could you email me your information? That would be helpful to have your work in crafting some of that language and help in translating it.

Kelker: Absolutely.

Adams: Staff, could you come back up? By the way, there's just a lot of alfalfa, organic alfalfa in the state. [laughter] i'm just shocked. Glad to know that all of my labels are certified organic. Do you have thoughts?

Saltzman: I guess I think the intent of my original amendment is probably the simplest. If you have third party certification -- if that's not acceptable to the majority of the council I would propose an alternative amendment that says a sign must be posted at each market and market managers must retain certificate documents. The sign would say Questions? Market Mangers have certification documents. I think the original version was a lot simpler.

Adams: I'll second it for discussion. The reason I think the -- this one. Motion. Did you just make a motion? [speaking simultaneously]

Adams: You don't get a piece of paper if you're 5,000 or less. They don't send you anything. You can use the word organic, you cannot use the word certified organic. There's no certification document or seal for them to display. That's the problem. So do you still want us to vote on your amendment or your second idea? I think your second idea is brilliant. [laughter]

Saltzman: How can I refuse? I'll withdraw my first amendment and offer the second that would say that market managers must retain organic certification records on site and have signage posted to the effect that market managers have this information. Questions about organic status, consult the market manager. A lot of these vendors have no names on their booths. Or tables.

Adams: Second. It's been moved and seconded.

Beaumont: I just want to make sure if you're going to adopt an amendment you need to have the actual language. If the language you read is precisely what we want --

Saltzman: Yes.

Leonard: What if someone is not representing their products as organic?

Adams: They still have to file the paperwork that shows they filed as exempt or they are certified.

Leonard: At a farmers' market if somebody is selling products that are not organic nor do they represent them as organic, you wouldn't want to have the organizer of the market to be in trouble for not having --

Saltzman: You're saying the product is not organic.

Leonard: Right. The seller is not representing them to be organic.

Leonard: I'm saying if somebody has a sign up that says organic they have to have paperwork.

Saltzman: If you have any question, suppose that unnamed table wanting to make that sale tells you it's organic method, you can go to the market manager and say, third table on the left, are they certified or -- whatever. Then you have your choice to make a more informed decision. Yes.

Zehnder: Can we repeat the amendment?

Adams: Yes.

Zehnder: What we got is that market managers must retain certification, organic certification information on site and must post a sign to that effect.

Saltzman: Sign saying questions about organic certification please see market manager.

Adams: It's been moved, restated, it's been seconded. Karla, please call the vote on the motion.

Saltzman: This is a good step in providing consumers the best opportunity to be aware what they are purchasing. I fully support this.

Leonard: Aye.

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Fritz: Thanks to our expert citizens in helping us puzzle through this. Aye.

Adams: I like what commissioner Saltzman says in terms of defining the legislative intent to this would also be required of commercial -- what do you call that? Commercial food -- retailers. Thank you. Thank god you're here. I understand that this isn't necessarily the legislative vehicle to do that. Aye. We move to -- yes, we have more. Commissioner Fritz?

Fritz: Thank you for all of your work, especially the citizen advisory group, thank you for moving this. I'm very supportive of it. I do want to highlight that we are proposing to allow market gardens of up to 174,000 square feet in residential zones. That's in all residential zones. That we're proposing to allow sales between 7:00 in the morning and 9 p.m. And motorized equipment between 7:00 a.m. And 9:00 p.m. Seven days a week. I'm certainly interested in hearing from the citizens who didn't take time off work to come to testify about this whether they think that might have any potential conflicts because I think we all want to make sure that this is something that's a benefit to neighborhoods rather than something that gets me more emails and gets commissioner Saltzman more emails about what can bds do about it and the answer is no, this is allowed. Hopefully if there are concerns we would hear them before next week and deal with them at the time.

Adams: I guess useful also can you remind us of the noise code because that I think applies to some if not all the equipment. If it doesn't that's an issue we might need to address.

Fritz: There are noise regulations, which as we know we have few staff to enforce. They are not supposed to be heard beyond the property line but we all know that's not the case. Construction hours are from 7:00 a.m. to 6:00 p.m., not on sundays, I don't believe. Is that correct?

Richman: I'm not sure about that.

Fritz: I'm not sure either. And leaf blowers are even longer than this is proposed. I think we should revisit leaf blowers at some point.

Adams: I couldn't agree with you more. Alright. Steve, especially, thanks for your year in and years out advocacy on this. To everyone involved we will vote next week. We're going to take a four-minute break. The second one will be voted on next week as well. In case something comes up between now and then that we need to change. Thank you. We're moving forward. We have a four-minute break.

Council recessed at 3:42 p.m. and reconvened at 3:47 p.m.

Item 670.

Adams: Can you please read the title for resolutions item number 670.

Adams: I'm pleased to bring forth this conceptual design plan for powell from east 99th to southeast 174th. That addresses many of the 20-year needs for all in this corridor. This is a state funded project that we worked hard to go out and get funding for because southeast powell boulevard is a state highway. This has been shepherded by stuart gwin and john gillam, and I want to thank you both, especially john. I know you have taken the lead on this for all your fantastic work on this. Are you going to be showing some power points? We'll go down to our seats to watch the power point. Yes.

Stuart Gwin, Bureau of Transportation: Good afternoon. Even though you're not here any more, mayor and members of the council --

Adams: We're back here.

Gwin: I know you're still here but you're not where I can see you. So anyway, i'm very happy to be here today to ask you to adopt the outer powell conceptual design plan. We have been working on this for two years and we think we have a good outcome, a good product. I'm joined here as the mayor said by john gillam, my colleague and boss and I think our other colleague april bertelsen is around here somewhere. I want to take just a second to look at this photograph that's on the first page. This right here. This in essence shows everything that's wrong with powell boulevard today no. Pedestrian facilities. No drainage. Person steps off the bus into a puddle of water. There's no

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facilities for the bus to load or unload, no left turn access for automobiles on the road. So there's just a whole host of things that are going terribly, terribly wrong. This project aims to take the first step to begin to correct some of these very bad things that are happening on Powell Boulevard today. With that I would like to get into the presentation. As the mayor said, the project limits are from southeast 99th to southeast 174th. Southeast Powell Boulevard is a state highway. Construction is to be funded by ODOT. The city will not be responsible for funding or constructing this facility. It's a state facility. The goal is to provide a conceptual design plan that will accommodate the 20-year needs of motor vehicles, bikes, pedestrians and transit. We considered a whole bunch of alternatives. Three, four, five lane cross sections for vehicles. We only had one alternative for the pedestrian and bike facilities, one an eight foot buffered bike lane together with a 12 foot sidewalk corridor with a 5 foot sidewalk zone and 4.5 foot furnishings zone. We settled on a three lane alternative, and the three lane alternative is good it from 99th to 174th for the first 15 years. I'm going to get into that in more detail in just a moment. The conceptual design plan will provide the basis for future preliminary engineering and public capital improvements and also for a guide for private development requirements for the dedication and frontage improvements for the roadway as it moves forward and is improved. This is the essence. This is the street concept recommendations from 19 -- I'm sorry, from southeast 99th to southeast 162nd. The important thing to look at here is right here. The dedication we're asking for in the roadway. It's -- I can't read it. 76 foot, right, John? That enables us to provide sidewalk, planting strip, bike lane and three travel lanes. You can see. That that's from 99th to 162nd. Now, if we go to the next slide, this includes the short term concept for segment 4, from southeast 162nd to southeast 174th. But if you look, the dedication instead of being 76 it's now 88 feet. Why did we enlarge that? We still have the same cross-section. We still have the sidewalk, the planting strip, eight foot bike lane and three travel lanes but the dedication has gotten bigger. The reason we did that is because we're expecting over time for travel to increase in the outer end segments of the corridor because of the desire for heavy travel from north Clackamas County through Gresham to access I-84 and outer southeast Portland. So there may be additional traffic that we can't nail down today because of the tremendous flux in development because of the recession. So we go to the next slide. This is what we call the long term street concept. What we do is we have added -- same dedication, 88 feet, we still have the 12 foot sidewalk corridor, eight foot buffered bike lane but we have added another lane. Two eastbound lanes and one westbound lane to accommodate future growth which may occur in the outer years. 15 plus. So that is why we have a near term and a long-term recommendation and why the dedication for both the inner segments and outer segments is different. I'll be glad to answer questions when we're done. This is the cross-section for the outer edge, the sidewalk bike. You can see we have the 12 foot, frontage zone with the trees, storm water planters, sidewalk, pedestrians, frontage zone and eight foot buffered bike lane. There may be instances within the corridor, we know where some might be but there might be others, where we have to constrain the right of way. One way to do that is by narrowing up the edges. I'm sorry that's mistake here. Instead of being 14 this should be 16 foot. We'll maintain the eight foot buffered bike lane but narrow the sidewalk down to eight foot. We have a total of 16 feet here rather than the 20 feet that we showed on the total edge treatment. Now, this is the part that kind of takes your breath away. This is the estimated cost to construct this. As you recall, we're recommending a three-lane alternative. The cost in the outer years for the three lane alternative total is \$66 million. If we wanted to go to build a four-lane alternative, that's not recommended, but if we were that would be \$98 million. I shouldn't say this but, God forbid we want to do a five-lane it would be 138 million. It's a lot of money to make these improvements on Powell Boulevard. It doesn't necessarily mean we would do this entire project all by itself. It could be done in segments or pieces but nevertheless this is a lot of money to get to where we have improved Powell Boulevard to where it should be. Now I want to take to you a little bit about the implementation strategy. You

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remember we talked about the near term and long term. These of the benchmarks for transition. How do we know when we have reached the end of the near term and are going into the long term? We look at new information from future rtp updates from metro. We monitor traffic at key intersections along southeast powell to see if it's improving, getting worse, whatever. Respond to up to high capacity transit plan. There could be right now we know that metro is working on a transit plan, high capacity transit plan for the powell division corridor. That may bring big changes to powell. We're going to evaluate changes in the traffic patterns, arterial projects outside Portland. That's what I meant when I mentioned the traffic coming from north clackamas county bound for i-84 and outer southeast Portland and gresham. But whatever we decide to do, any new plan, any new ideas will be subjected to the same project evaluation criteria that we use for this plan. So we want to keep everything on the up and up, on the level. The plan recommendation shall remain in effect for 10, 15 years. In other words we start in the near term. We want this plan as shown today to go forward at least 15 years, then we take these benchmarks, reevaluate and decide if we want to make changes. Now, we have the near term project priority improvements. Am I going too fast? I feel like i'm talking a mile a minute.

Adams: You're doing great.

Gwin: Near storm project priority improvements. This goes back to the photograph I showed you in the first slide. Safety projects for all modes including left turn access. Remember the photo, no left turn access. Pedestrian bike system gaps -- there's nothing there, so everything has to be built except there's a bicycle lane on powell that because of the context of the street it's very confusing to ride on. Pedestrian crossing improvements and access to transit. There's nothing there. It would all have to be built from scratch. Improvements for faster, more reliable transit, remember back to the photo, passenger jumping off the bus in a mud puddle? That's not acceptable, is it? Then we have to look at system management improvements. We're just showing up here the signals but there could be a whole host of things to improvement operating efficiency of powell boulevard. Moving on to additional considerations for project development. We want to reduce the design speed east of 136th to 35 miles an hour. I think today's 40 or 45. I can't remember. Address difficult turning movements for school buses. At 174th, I think, school buses that are accessing schools in the centennial school district have a hard time making that right and left hand turn. So we need to be cognizant of that when we redesign that intersection to make sure those school buss can still negotiating the -- negotiate the intersections. Avoid impacts to large trees and significant buildings. The trees are sacred in this part of the world and they would like to maintain as many of the large fir trees as we can. As we begin to rebuild this facility. Avoid impacts at benedict park. We don't want to -- then it will be really can't without going through an enormous amount of explanation with the federal highway administration we can't impact that park but we don't want to. We want to minimize impact to businesses across from benedict park. You remember I talked to you about the constrained right of way how they could pinch it down? This is one place where we may want to look at that. In fact i'm sure this is one of them. Hopefully I won't be looking at it, but somebody will be 10 or 15 years from now. Then we want to employ options for minimizing impacts to the community. We're going to employ a constrained corridor design. We're going to shift the center line or take equally from both sides. Reduce the length or width of the center median, explore alternative driveway locations and bus stop locations and pedestrian crossings. Explore a common pedestrian facility. Recognize that the u.s. Statutes will apply. That's where we have to do a lot of explanations to the federal highway administration if we were wanting in any way -- I shouldn't say we. If odot wanted to cut into that park. Last, the integration with our local plans. The street design classification will change our regional corridor to a community corridor which means it serves a completely different function. It doesn't serve regional travel any more if we can help it. It will be more of a community street. Freight classification would change from major truck street to truck access street. We wouldn't expect powell to accommodate large numbers of very large trucks.

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Traffic classification change of southeast 174th from a neighborhood collector to district collector. I told you we have -- are forecasting a lot of north/south traffic from north clackamas up to southeast Portland, gresham on to 84? Because of that increased traffic, a neighborhood collector status is not appropriate any more for southeast 174th. We would like to change to a district collector. We're going to update the master street plan map so the streets that connect to and serve powell are more focused. We want to update, we say tsp, sorry for using the acronym, the transportation system plan project list with estimated costs for this project. I just have a couple more slides. Thank you for being so patient. One of the things we didn't talk about is the huge amount of public outreach and public participation we had with this project. This is a photo of one of our open houses that we held at ron russell middle school. As I recall there were well in excess of 100 people at the meeting and it was a very, very -- we had four open houses and every one was similar to this in terms of attendance and interest and questions. We think we have done a really good job with the public participation. Our community working group, some of the members of which you'll hear from today, have been outstanding. They have been working with us every month, meeting with us, giving us their ideas and really providing the community input that we needed. So we have been very, very pleased at the public participation on this project. I just want to show you a couple of -- you saw these in the reports we gave you. Corridor improvement maps. I want to show you this for just one reason. When we say this is a conceptual plan we mean conceptual. This map shows you a conceptual plan. There's not a lot of detail here. A lot of really specific detail is being left for future planners and engineers to resolve. We show the median, where the yellow line is a sidewalk, the bike path. But it's very, very conceptual. We're just trying to provide a bare outline for future engineers and planners to work with. Here's the second one. This is 122nd. This is probably the busiest street in all of outer southeast Portland. We just have a dotted line around it. We haven't attempted to solve all the problems that are going to occur at 122nd there will be many but this is what a conceptual plan is. We're trying to point out the problems that are going to occur in the future and tell our people that have been working on this in the future, this is what you have to focus on. I think with that I am done. I'm going to turn it over to john gillam for a few comments.

Adams: Thank you.

John Gillam: I just wanted to make a point of clarification pointed out to me. This would be changing the text in the plan. It's not a change in the resolution, but on figure 6 page 19, which has the plan view of the area here at benedict park, there's a map note that says roadway shifted to avoid park impacts. That note should be deleted because it was later supplanted by language on page 17 which gives guidance on how to address that issue. Then related to that also is on page 17, the second bullet within the second grouping of bullets. There should be clarification that the dedication requirements will remain as 38 feet from center line on each side of the street in segments 1 through 3, and the point there being that there may be a difference between what will be the dedication requirement, what will eventually be the roadway buildout. As far as the dedication requirement it will comply to the 76 feet that stuart mentioned. We just felt that clarification was helpful. So city staff would support this change in the plan language but we also want to get odot concurrence on that. My conversation with them previously indicated they would be okay with that. There was on page 19, there is a note with an arrow and a dot that says there's three notes, map notes there. The middle one says, roadway alignment shifted to avoid park impacts.

Fritz: We just delete that.

Gillam: Yes. That may at the end of the day be what happens, but as far as -- it's kind of misleading because people think that's also guidance for dedication that's not intended.

Fritz: Thank you.

Gillam: The language on page 17 to support that.

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Adams: Can you also -- there seems to be -- i've gotten a lot of we'll find out based on testimony, i've gotten a lot of feedback through the process. It seems that one area of controversy is around commercial businesses. You speak to that on page 17. These are the impacts to curtis intended to reduce impacts potentially to curtis trailers. Do you want to talk about that specific issue so council has some --

Gillam: Sure. As we were preparing the plan and as we got toward the end of the planning process we became more aware of how the plan may impact curtis trailers, which is a viable business in this area, and it's a business that has great community support. It's also a business that participated closely on the process and had membership on a community working group. But that's a real difficult spot because for several reasons, one is it's across the street from ed benedict park. That part of it, benedict park, has a skateboard facility there, and it's also where the road curves and makes a sharp dip, which is a little bit unusual for the alignment compared to the rest of powell. There's also commercial buildings on curtis trailers' property. It's more of a difficult area. What we wanted to do was to add some additional notes that would recognize that as sort of a special area and give us guidance and options on how to move forward. That's what that list of bullet points are on page 17.

Adams: I have an amendment that says be it further resolved council recognizes the value to the community and economic viability of curtis trailers and the value of maintaining an attractive and functional ed benedict park. The council requests bureaus continue to discuss and evaluate right of way concept options compatible with the outer powell conceptual design plan. This would be in the resolution, so we're caught between a great business and a great park. We got more work to do to see if we can come up with the best possible option.

Leonard: Move that amendment now.

Fritz: Second.

Adams: Moved and seconded. Additional discussion? Karla, please call the vote.

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

Adams: Aye. Amendment Approved.

Gwin: Before you take testimony I would like to express my gratitude to our citizens' working groups. They have been soldiers all the way. They have helped us no end. I didn't do a very good job but I want to point out april, who was our public outreach manager. She did a terrific job as you can see from that photograph, from the open house and all the public input we had on this project. We're really happy with that aspect of it.

Adams: You're a gem. Thank you for that.

Saltzman: I'm trying to understand on segment 4 where you go to in essence four lanes. Two eastbound, then you said to alleviate issues of people from clackamas county going north to 84. I'm having a hard time trying to figure out that movement.

Gwin: He's the traffic guy.

Gillam: Well, actually because of powell butte it makes that segment of powell different. It interrupts north-south traffic routes. So we looked at it a little more closely, and there's growing north-south traffic demand in the future, and so what happens is that there's traffic that will come south on 162nd down to powell, then travel east, then travel south again on 174. So we have kind of a movement where that segment of segment 4 is serving east-west and north-south travel because 162nd go through due to powell butte.

Gillam: Yes. In the pm peak direction we found that by adding an additional through lane eastbound keeps the right of way sort of narrow and addresses the traffic issue.

Saltzman: Thanks.

Adams: Thank you, gentlemen. Karla, please call folks to testify.

Adams: Ms. Romero, would you like to go first?

Shelli Romero, ODOT Region 1, Public Policy and Community Affairs: Sure.

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Adams: Our key partner on this project. Thank you for all your great investment and evers.

Romero: Thank you. I have a letter I would like to read on behalf of Jason Tell. Dear Mayor Adams and Commissioners, the Oregon Department of Transportation is pleased to support the City of Portland's adoption of the Outer Powell Boulevard Conceptual Design Plan. We would like to express our thanks for the dedication and many hours of hard work that East Portland community members put forth towards development of this Conceptual Design Plan. There's tremendous enthusiasm for making the Outer Powell area safer for pedestrians, cyclists, transit users as well as enhancing the community's sense of place. ODOT supported the application for the grant that paid for this Conceptual Design and actively participated in the community working group meetings. We also worked closely with the City of Portland and community to resolve several technical issues that arose throughout the planning process. ODOT has committed \$5.5 million in funding in the current statewide transportation improvement program for safety improvements on Outer Powell. A significant investment given today's financial limitations. Following adoption of the plan we intend to initiate design and construction of improvements that improve safety at high crash sites. With revenue forecasts predicting further declines in transportation funding in coming years it will take substantial new revenues to fund the full buildout of major modernization projects such as the widening of Powell Boulevard. ODOT will continue to support the city and community in the pursuit of funding to improve Powell Boulevard. Sincerely, Jason Tell. Thank you.

Adams: Thank you. Hi.

Tom Lewis: I'll go next. I'm Tom Lewis with Centennial Community Association. Good afternoon, Mayor and Council members. I am representing Centennial and have most of the section 4 in Centennial area, which is actually from 142nd out to Gresham line of 174. I appreciate being called in early to be part of the Citizens Working Group and had I known that was going to be so long maybe I wouldn't have been so anxious to chime in, but it was a valuable exercise and had a lot of input from citizens. I was able to share with other citizens in my neighborhood. I wanted to point out just a couple things in that design of original design of Powell Boulevard that was stated earlier but deserves to be stated again, which is the impediment of Powell Butte in that north and south alignment. When the traffic was talked about from the north coming south on 162nd and basically dead ending at Powell Butte, that 162nd thoroughfare is down to Sandy Boulevard. So that is a collection of more than a few miles of traffic to head south and then take that jog on Powell out to 14th, which 174th right now is no more advanced than Powell is now. Maybe less or so. That could be argued. So I would hope that for the safety factor and the schools that are located on 174th at that intersection in particular gets special attention and looked at very carefully for the safety concerns and also the continued traffic on into Gresham at that point as well. That will be a very major intersection, and gathering and traffic exchange in my neighborhood. The other thing is to let you know that through the Portland Action Plan and the initiative that was brought by citizens and the plan itself for attention on Powell Butte, we did have measured amount of skin in the game from our limited resources that amounted to \$50,000 into the planning of the Citizens Working Group and the developing plan of Outer East Powell Boulevard. So I did want to let you know that that's a resource that we had to use wisely and has been I hope in the future in fact been spent well.

Adams: Thank you. Thank you for your leadership in Centennial throughout the East importantly area.

Tom Barnes: I have spoken in front of you before. I'm extremely nervous always being up here. I have comments to read so I hopefully won't screw it up too much. I'm Tom Barnes, co-chair of the Powell Board Subcommittee, a member of the Powell Boulevard Citizens Working Group. The CWG worked with Oregon Department of Transportation and Powell Boulevard Portland Bureau of Transportation to help create the current plan that is in front of City Council today for adoption. This plan for Powell Boulevard is supported by ODOT, effected neighborhoods, overwhelming majority of East Portland residents that came to the open houses held by PBOT, hopefully City Council. I'm here

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as a member of the cwg representing the powell hurst neighborhood. I have been asked to speak for donna dion, who represents the business association and could not be here today to ask the city council to adopt the powell boulevard plan. The citizens working group, Oregon department of transportation, Portland bureau of transportation and many others have been working on this project over two years. Those two years we have had multiple open houses to capture public input and extensive outreach to local businesses through the midway business association and on. Through these efforts and multiple -- multitude meetings we have had, I believe we have created the plan for powell boulevard that will work for the best for all concerned. With the plan we were able to move from a five-lane neighborhood freeway that would have effectively cut my neighborhood in half to a three lane roadway that will improve traffic flow while remaining the feel of a neighborhood boulevard. This will also meet the needs of bicyclists and pedestrians with improved bike lanes and street crossings throughout the project. With council's adoption we can move to the next step, to find funding for this project. We know with the current economy this will be an uphill battle and our hardest fights are still ahead of us. But one that we are willing and ready to help odot with to take, but we need city council to adopt this plan to move forward. So I again ask city council to please adopt the powell boulevard plan so we may determine -- with a main street corridor that we envision it can be. That's all I have.

Adams: You did a great job. I just want to underscore the point that unless we start with the conceptual plan, then leads to implementation plans, this stretch of road is ineligible for state or federal funding. They don't just give you a check and say, here's a check. Go out and do good things on the worst roads. You actually have to have a plan on how you're going to improve the roads. I want to underscore the point that you made that this allows for this part of town and these corridors to be eligible for state and federal funding that they haven't been eligible for. Your work is really important.

Barnes: Thank you.

Adams: Welcome back.

*******:** Good to be here.

Adams: Do you like our humble little --

*******:** Home away from home?

*******:** Yes. It works.

Adams: Yes. Who would like to go first?

Jim Chasse: I will go first. I'm jim chasse representing the east Portland action plan. I sat on different transportation committees before, and have dealt with council on most recently the bike transportation, which is nice to be able to see the product is finally being built in the neighborhood, which is really nice. So mayor, commissioners, in the process of formulating the east action plan we were fortunate enough to have odot region 1 manager jason tell at the table to address issues regarding powell boulevard and other odot facilities in the neighborhood. They funded the transportation growth management study and carried out over the last few years and the result is the outer powell conceptual design plan. This plan meets all the criteria set forth in the study and calls for three-lane cross-section out to 162nd and cross-section 247th. It's kind of difficult, commissioner Saltzman, to understand how that all figures, but it's critical that four-lane cross-section. It reduces the cost of the improvements to powell boulevard from the approximately \$10 million called for in the order study which was a five-lane cross-section, five and four lane, I think, throughout powell, down to \$70 million, which was one of the considerations in the study. It also -- 29 different action items in the east Portland action plan. The powell boulevard conceptual design plan has overwhelming support from the community and unanimous support from the east Portland action plan committee and we urge council to adopt this plan so we can address funding issues and make these improvements real. I also want to thank john for all the effort put forth in this plan and bringing it to council.

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Adams: Thank you. Mark?

Mark White: I'm Mark White, president of the Powell Neighborhood Association. I brought copies of the letter I e-mailed to Council already. I would like to take this opportunity for the public record to reiterate the public investment along Powell Boulevard. My email talks about the impact on the community and level of poverty and lack of infrastructure but it's important to remember that along Powell Boulevard and just this short stretch the city has tremendous investment. There's Kelly Butte and Powell Butte, which are the core of our water facilities for the city as well as the emergency coordination center which is like the heart and soul of our emergency planning for the city. In addition to that is Benedict Park right next door and also there's also another water bureau facility at 123rd and Powell. The picture you saw at the beginning of the presentation is just a couple of blocks from a major trimet facility. There's tremendous public investment in addition to the really dense residential areas that go along almost the entire corridor. Goes from 99th all the way to 142nd, so it's quite a substantial amount of the project that we're talking about today. I think it's important to remember that this part of Powell Boulevard has tremendous impact on the city as a whole and that citizens throughout the community will benefit from improvements along the roadway. That's something to keep in mind when we aggressively pursue funding once we adopt the plan today.

Fritz: Mayor, Mark and I have spent a considerable amount of time together over the past six months at various candidate forums. I want to honor you for the way you represented both neighborhood associations and East Portland and helped the communities understand some of the challenges. I particularly appreciate the way you pulled that together. Powell Boulevard is important to our entire city is East Portland important to our entire city. I commend you. I thank you for your representation of our neighborhood system as well as your family and community.

White: Thank you.

Teresa Keishi Soto: Good afternoon. Thank you for giving me the opportunity to speak. I am Teresa Soto. For the past two years I have been a volunteer with Opal organizing people, activating leaders, environmental justice Oregon. Environmental justice means that all communities deserve to be healthy and safe. All people deserve to have clean air to breathe, affordable transportation to get to jobs or services, and safe communities with sidewalks, cross walks and bike lanes. Opal currently focuses on organizing bus riders and community partners to secure efficient, safe, reliable transportation, especially for those who depend on the bus for our survival. I live on Southeast 125th Place and Southeast Powell Boulevard. I represent Opal in my community and the CWG, because Outer Powell Boulevard is my community, and this planning process is critical to the safety and well-being of my community. We the members of the CWG have met with representatives of the City of Portland and ODOT in good faith. I'm strongly in favor of the current plan to renovate Outer Southeast Powell Boulevard. I urge you to adopt our plan and to consider air quality and asthma concerns as we plan for future development. I mention air quality because I must constantly run the air filter in my apartment in order to keep myself from coughing up the congestion that builds up in my lungs as a result of the contaminated air that seeps into my apartment from the traffic on Powell Boulevard. Our citizens working group adamantly opposes expanding Southeast Powell Boulevard beyond three lanes. I have lived in Southeast Outer Powell Boulevard for nine years. Our community is made up of people of color, working class families, lots of children and the elderly. The plan we have collectively labored on represents our vision for a vibrant, healthy, safe Outer Southeast Powell Boulevard community. I want to tell you how disappointed and how angry I feel every time you find funding sources for other parts of the community and you continue to turn a blind eye to our community. Some of the folks on our committee have been trying to get your attention for almost 12 years. Our community feels cheated and they have every right to feel this way. How would you like to wheel yourself down a street without sidewalks or push your baby through the puddles? Every time I see parents walking with children on the side of the road I

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become scared for their safety. Odot doesn't live on southeast outer powell boulevard. They are not going to advocate for those of us who live there. We, the cwg, need for you as city council to adopt our plan and support the acquisition of funding to see sidewalks, cross walks and bike paths become a reality. It shouldn't be a matter of risking your life every time you want to cross your street n. Closing, I urge you on city council to listen and to give my community the same opportunity to thrive, to be healthy, and to be happy as you give yours. Thank you.

Jean DeMaster: I didn't intend to be a group of one, but thank you. I'm jean demaster, director of human solutions at 123rd and powell boulevard. I was also a member of the citizens working group and i'm here today to support the outer east powell conceptual design plan. On behalf of human solutions I feel like this plan protects the thousands of people who come to human solutions. Gives them easier access to human solutions but more importantly it gives them safe access. But the reason that human solutions so solidly in support of this plan is protects the thousands of people who live on powell boulevard and are subject to living in very dangerous conditions as the street stands now. There are five groups of people that we feel we represent by supporting this plan. The first are people in wheelchairs. There's a lot of people in wheelchairs that live on powell boulevard and are barely able to walk to move the wheelchairs up and down the streets because it's gravel and the wheelchairs are not able to move and they bounce around. The second group of people are people that have babies in strollers. When the babies in strollers hit the potholes on the side of the street they tip, which means the babies can fall out of the stroller, and babies do fall out of the strollers. Thirdly we represent groups of kids who are fooling around as they walk up and down powell boulevard, unaware cars are coming close to them at 5 miles an hour and it's extremely dangerous for these kids to be right in the path of existing traffic. There are people with disabilities who walk on powell regularly because they don't have any other way to get back and forth to the grocery stores or other places they have to go. They walk on powell and because they are unsteady and unsafe they become unsafe by walking up down powell boulevard no. Long alan elderly woman fell on to powell boulevard. She couldn't get up and traffic stopped for blocks while emergency workers helped her get up. Guy having no seahawks' puts people who are elderly and with disabilities at serious risk. Finally there's many people who are walking along powell boulevard unaware that as cars go to make a left turn the cars behind them regularly swing out to the right and come around them to the right. The cars coming around to the right can't see the pedestrians over here and many accidents are nearly occur and many accidents do occur. On behalf of human solutions we strongly support the east powell conceptual design plan and feel it will make it safer for people in our community. Thank you.

Adams: Thank you very much.

Edward Sullivan: Good afternoon, mayor and council. I'm ed sullivan, 121 southwest morrison, suite 1100 in Portland. I represent curtis trailer along with ron murray to my far right. Cammy is the representative of the company. We participated in the proceedings leading up to this plan. We support the plan with the amendment that the staff has given to you today. I submitted a letter which was written before the amendments that were given to you today were presented to you. We had concerns over that part of our property across from benedict park. You may remember that because the federal highway administration doesn't want park land to be acquired as part of road projects that the federal government participates in, swing was made and that legend that you see on page 19 of the plan was there, staff has recommended that it be deleted. We certainly support that. The limitation on the right of way acquisition for dedication at 38 feet from center line as would be the case for everybody else in that segment, we support that. The only thing that I heard that I want to make sure that you understand is that staff said mr. Gillam said that this is subject to odot approval. As far as the resolution that you're to adopt, I think that has nothing to do with odot. We'll deal with odot if we have to. We do support the plan. We support the amendment to the plan and we're happy to answer questions. I know my colleagues want to speak as well.

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Ron Murray: Good afternoon. I want to thank John Gillam and council for putting this together on short notice to make this work for Curtis Trailers. The family. It's been here in Portland since 1948.

I'm a native Oregonian plus attorney here. Anyways, Curtis did try very hard to work within the plan boundaries only at the point where we came into a circumstance where we couldn't function within segment 1 did we work one on one with Mr. Gillam and the council members to proceed on this. Basically Curtis Trailers certainly is a long-term, excellent member of the community, a substantial taxpayer -- around \$40,000 in taxes. Contributes to the community. Myron H. Curtis, founder of the business, father, passed away a few years ago, and you can see his very young daughters in some of the pictures here. She's doing real well now. This is Cammy Pierson Curtis.

Saltzman: Which one of you, Cammy?

Cammy Pierson: I'm the oldest daughter.

Murray: Okay. Probably the tallest. Okay. And so we did work hard to work towards a constrained corridor, to work towards a fixed right of way because trailers have a real difficulty in moving through cross traffic on the property and any type of access in and out require on the hillside require some tailspin and dragging. So this would have been very difficult without what council has done today. So it's very much appreciated. The fact is also any type of corridor plan like this poses a real cloud on property interests and if the business has to move or handle any matters like this it can be placed in a difficult position. Again, we thank council for the efforts today. One thing I want to clarify as a point of order for Mr. Gillam and he can respond if he thinks this is not accurate, in segment 1 on page 20 of the plan, we understand the center line adjustment item on that page doesn't impact any properties to the west of 104th. If he has any disagreement with that I would like to hear that.

Adams: He does that later.

Murray: Excuse me?

Adams: He will do that later.

Murray: So it's our understanding that that only refers to center line adjustments to the east of 104th avenue.

Adams: You testify, then we'll have John come up and clarify that.

Murray: Okay. Thank you. I think everything has been taken care of on this regard. So I'm going to turn this over to Cammy Pierson so she can make some testimony here.

Pierson: First of all, Mayor and Council -- Commissioners, excuse me, thank you so much for giving me the opportunity to speak. Quite honestly, I have this whole several pages that I have prepared and I'm so thankful that what's transpired here within the last hour I don't have to do it. So again, I certainly appreciate the fact that John Gillam and the group has been very willing to look at the issues that we have. Our business has been located in the area as a matter of fact we were on the southside of Powell in 1947, my father built a home on the southside of Powell, and unfortunately that was torn down when the Mt. Hood Freeway was proposed to go through. But our business on the north side of Powell is up and running, and we plan to be there for a long time. We have third generation working in the business. I think with regard to obviously the center line, constrained corridors, so forth, the issues, it appears that we are going to have those resolved and be able to come to consensus on that. I feel very fortunate because obviously we need to get back to the community. We're a big part of the community. We need to do our share. We are also in a pinch there. So the only other thing I guess that I would like to comment on that I have repeatedly besides our individual specific issues with regard to our property, the only other issue that I was not in favor of with the plan, which by the way I do support the plan completely, I thank CWG members for their time and effort. They did spend a lot of time, especially the members that showed up and actually gave input into the plan. It was a long time. A lot of involvement in it. I think a lot of good has come out of it. The only other consideration that I would ask for is quite frankly I was very disappointed that the roadways went from 12 feet to 11 feet. I guess I would just ask for

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reconsideration of narrowing that. The plan exceeds the bike-ped recommendations going from 12 to 20 feet, and it currently is now below odot standard minimum standards. A couple of things were the criteria for the plan requires improved safety and equality for all modes. I don't see that either of those two are really fitting into narrowing lanes to 12 feet. I don't think it's a very difficult fix. I believe that you could take four inches off of the bike, four inches off the sidewalks and four inches off the planters, but to return the travel lanes to 12 feet. I think it is a safer -- there are many, many wide vehicles, oversize vehicles, towing. To stop safely and turn tail swings on trailers, --

Adams: Your time is up, ma'am. Any final thoughts?

Pierson: No, other than to say thank you. I certainly do appreciate it.

Adams: Thank you. Congratulations on your third generation -- fourth generation?

Pierson: Actually fourth.

Adams: That's fantastic.

Pierson: Thank you.

Adams: We'll make sure that continues on. You can return to your seats. We're out of microphones. Welcome back.

Nick Sauvie: Thank you. I'm Nick Sauvie, with Rose Development. I'm not affiliated with Curtis Trailers but we provide housing in one place.

Adams: Thanks for the verification.

Sauvie: Nonprofit working to revitalize outer southeast. We have been active with the southeast Portland action plan and economic development plan and I support the Powell Boulevard plan. The proposed design has broad public support. We also appreciate the pedestrian transit and cyclists improvements that are envisioned. I wanted to emphasize a few points. The first I know is outside of the study area, but I would like council to consider that Powell and I-205 need a complete interchange. It's currently not possible to travel east on Powell from southbound 205 or to enter the freeway southbound from westbound Powell, and this impedes access to neighborhood businesses and it also drives through traffic and other residential neighborhoods. I would ask that that be considered. Second, the Powell plan states because transportation needs across Portland and the metropolitan region are many, and competition for limited funds is intense, funding for future improvements of Powell will require city and regional consensus addressing needs on outer Powell is a priority that takes precedence over transportation needs elsewhere. I'm sure you've seen locked out the Oregonian series on affordable housing. Monday's article described how east Portland and Gresham are carrying most of the burden for providing affordable housing in the region. Powell is a main commercial artery serving those communities. E-Pap and other community members would be happy to support the city in working with Metro to prioritize transportation funds to communities that are doing the right thing, providing a place to live for a region's moderate income households. I would like to thank the council, staff and the citizens who have worked on this.

Adams: Thank you all very much. All right, John, do you want to come up and speak to the issue raised by the folks from Curtis Trailer?

Gillam: I believe the issue had to do with the right of way dedication maximum even east of 104th, if I understood that question correctly. The plan would limit dedication to 38 feet on each side or 76 feet total as far as the dedication requirement. Now, as something moves forward to project development, then more detailed engineering, it may end up being in addition to the 38 feet, but as far as the dedication requirement that is part of the plan at that limit. The park land avoid the park land is a major criteria in the U.S. DOT code. If we were to use park land for roadway purposes then that requires a special process that's pretty involved, but our conversations with the Parks Bureau indicates that they are open at least to looking at maybe having a combined facility for serving the park as well as the roadway. That could save some space. That's an example of how we might be able to find a good resolution of safe space. And as far as the constrained corridor, the plan recognizes that would only be used in special circumstances because if you apply it broadly you

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lose the effect of the plan over all in terms of having adequate pedestrian bike facilities and storm water drainage facilities because part of that 12 foot edge beyond the curb is for storm water purposes. So the constrained right of way would be sort of limited in application as the intent of the plan. Then in regards to the lane width, our plan recommends 11 foot lanes and eight foot buffered bike lanes. Our plan was reviewed by the state freight mobility committee and they supported the plan. What their concern would be is that there at least be a 20 foot operating space between curbs.

That could include some space in the bike lane for moving large vehicles on special occasions. So we felt with their concurrence that the plan was adequate. As far as the practical matter, the eight foot buffered bike lanes, it actually can help with turn radiuses of large vehicles, straight ahead movement. We feel the 11 foot is sufficient.

Adams: Council questions? Commissioner Fritz?

Fritz: I have a couple of questions. Do I understand odot says after 15 years this plan sunsets? Is that not correct?

Gillam: This plan was when this plan was started we were operating under traffic projections from 2005, so pre-recession. So the growth in clackamas county was tremendous. That's part of what drove the original the five-lane cross-section. Then with the recession those traffic projections shrank quite a bit, so we applied the reduced traffic projection as a result of the recession, but we wanted to put in some benchmarks because things might change in the future. So we're not sure yet.

This part of the region is one of the most -- in terms of how growth may occur.

Adams: We think travel projections are good for roughly 15 years.

Fritz: But there isn't an automatic sunset.

Gillam: What would happen is there's benchmarks in the plan. So as a new regional transportation plan is adopted, updated projections, then we would look at how that applies to the plan. Our sense is that it would still retain within the plan for beyond 15 years.

Fritz: Adds urgency to get the projects done now that plan is going to be adopted. The last speaker spoke about turning off 205 west of this project area. Is there any study going on to make that even just allowing a u-turn at the corner of 92nd would be helpful.

Gillam: We have heard a lot about that.

Fritz: I'm sure you have.

Gillam: This plan was really designed to be an arterial plan. If we added the interchange redesign that would be a different level of complexity.

Fritz: I was hoping it was on your list.

Gillam: We talked about that a number of times. I think we're also hopeful that when the high capacity transit corridor study is launched in that area that could be a place to look at that.

Fritz: Let me know if you need help advocating for that. I heard good things about your work in particular not only from folks in outer southeast but also in hayden island and in southwest too. You're all over the city addressing these kinds of tricky issues. I really appreciate your work.

Gillam: Thank you.

Adams: Okay, additional council discussion? Karla, please call the vote on the resolution.

Saltzman: Mayor Adams and citizens of east Portland and transportation department for good work here. Looks like a great plan. Now we have to work on the money to do it. Great plan. Aye.

Leonard: This is something that needed to be done a long time ago. I use this corridor often and really appreciate the cooperation with all the parties. [audio not understandable] legislature to identify funds for the plan. Aye.

Fritz: I agree this is something that needs to be done a long time ago. Under mayor Adams it got done in cooperation with the community. It's refreshing. We get so many emails saying it was a good community process and folks supported it. Also to see mayor Adams continuing to work down to the final hour to find a solution for the only outstanding issue. It does matter when people show up and when people participate throughout the process as well as at the end. This council and

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the mayor and I made sure we funded the east Portland action plan fully in this budget, despite hard times when everything else got cut. So that's been a wonderful community organizing structure to continue advocating. In our last report I posted on my blog a cross-section, a smattering of some of the things that east Portland funded over the past year or two. I was reminded about the mother with the stroller with the babies. I live in se Portland where we also have very few sidewalks. That was me. In fact if you were to walk on capital highway today that would still be the mom 25 years later. It's not yet built. The important thing is to get the plan done, then to keep citizens engaged. We can't do it all. You know that. And we know that. I invite you to come to my and the Mayor legislative agenda setting process august 7 and july 26th. I'll posting that on my blog so we get that as a high priority on our state and federal legislative agenda. We want to continue to work in partnership with you and I thank you all for the good work on this plan. Aye.

Adams: In addition to those I have already thanked I want to recognize the city council and the continued support of funding the action plan that commissioner Fritz mentioned. Thank you for your great work, colleagues, and catherine, who is transportation director in the mayor's office, thank you for your continued great work. I'm very pleased to vote aye. We are adjourned.

At 4:55 p.m., Council adjourned.