



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 5th DAY OF JULY, 2000 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Katz, Presiding; Commissioners Francesconi, Saltzman (late) and Sten, 4.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Acting Clerk of the Council; Ben Walters, Senior Deputy City Attorney; and Officer Chuck Bolliger, Sergeant at Arms.

Item No. 985 was pulled for discussion and on a Y-4 roll call, the balance of the Consent Agenda was adopted.

CONSENT AGENDA - NO DISCUSSION

971 Accept bid of BL&B Contractors, Inc. to furnish NE Germantown Rd.-MP1 culvert replacement for \$61,756 (Purchasing Report - Bid No. 100109)

Disposition: Accepted Prepare Contract. (Y-4)

Mayor Vera Katz

972 Accept contract with B.J. Cummings Co. for HVAC improvements at the Portland Communication Center project as complete and authorize final payment (Report; Contract No. 32697)

Disposition: Accepted. (Y-4)

***973** Agreement with Multnomah County, acting by and through its District Attorney's Office, for the Portland Police Bureau to provide Sergeants trained in child abuse investigation to work on evenings and weekends (Ordinance)

Disposition: Ordinance No. 174629. (Y-4)

***974** Agreement with Multnomah County, acting by and through its District Attorney's Office, for three full time officers to work for the DA's office (Ordinance)

Disposition: Ordinance No. 174630. (Y-4)

***975** Authorize the Police Bureau to appoint Jeffrey Ross Myers to the classification of Police Officer at the five-year salary rate (Ordinance)

Disposition: Ordinance No. 174631.

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- *976** Pay claim of Diana Anderson (Ordinance)
Disposition: Ordinance No. 174632. (Y-4)
- *977** Extend legal services agreement with Reeve Kearns PC (Ordinance; amend Agreement No. 32278)
Disposition: Ordinance No. 174633. (Y-4)
- *978** Extend legal services agreement with Amburgey & Rubin, PC (Ordinance; amend Agreement No. 32463)
Disposition: Ordinance No. 174634. (Y-4)
- *979** Authorize the Purchasing Agent to sign a Purchase Order as a contract with SIMPLEX to upgrade fire alarm control panels in The Portland Building at an estimated cost of \$57,406 without advertising for bids and provide for payment (Ordinance)
Disposition: Ordinance No. 174635. (Y-4)
- *980** Amend contract with HDR Engineering, Inc. for track inspection services at Union Station (Ordinance; amend Contract No. 23716)
Disposition: Ordinance No. 174636. (Y-4)

Commissioner Jim Francesconi

- 981** Accept contract with S and R Roofing, Inc. for Delta Park Field House roofing as complete, authorize the final payment and release retainage for a total of \$2,689 (Report; Contract No. 32713)
Disposition: Accepted. (Y-4)
- *982** Contribute \$16,250 toward the purchase price of the Hathaway Property on the north side of Kelly Butte in the East Buttes Regional Target Area (Ordinance)
Disposition: Ordinance No. 174637. (Y-4)

Commissioner Erik Sten

- *983** Amend the omnibus contract with Multnomah County Community and Family Services to increase the McKinney funds by \$10,000 and provide for payment (Ordinance; amend Contract No. 32761)
Disposition: Ordinance No. 174638. (Y-4)
- *984** Authorize a contract with CMTS, Inc. for professional construction inspection services for the Water Bureau's Engineering and Construction Services Group (Ordinance)

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Disposition: Ordinance No. 174639. (Y-4)

- *985 Amend the water rates in two ordinances to delay and extend effective dates until Council adopts a revised water rate ordinance (Ordinance; amend Ordinance Nos. 173388 and 174507)

Disposition: Ordinance No. 174641. (Y-4)

- 986 Authorize agreement with Resolve, Inc. to assist with consensus building and public involvement for the Bull Run watershed management program (Ordinance)

Disposition: Passed to Second Reading July 12, 2000 at 9:30 a.m.

REGULAR AGENDA

Mayor Vera Katz

- *987 Accept a \$35,000 grant award from the Oregon Department of Justice, Criminal Justice Division for Marijuana Task Force (Ordinance)

Disposition: Continued to July 12, 2000 at 9:30 a.m.

- *988 Accept a grant renewal from the U.S. Department of Justice, Office of Community Oriented Policing Services, COPS MORE '98 Program (Ordinance)

Disposition: Ordinance No. 174640. (Y-4)

Commissioner Dan Saltzman

- *989 Amend the sewer user service charges and rates in two ordinances to delay and extend effective dates until Council adopts a revised sewer user service charges and rates (Ordinance; amend Ordinance Nos. 173414 and 174508)

Motion to accept amendment that the ordinance containing a revised rate schedule may be filed with the auditor within one week prior to the council meeting at which the ordinance will be adopted. Gaveled down by Mayor Katz after hearing no objections.

Disposition: Ordinance No. 174642 As Amended. (Y-4)

Communications

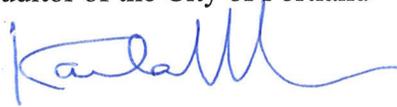
- 990 Request of Daniel De Maris to address Council regarding zoning enforcement (Previous Agenda 968)

Disposition: Continued to July 19, 2000 at 9:30 a.m.

At 10:40 a.m., Council Adjourned.

JULY 5, 2000

GARY BLACKMER
Auditor of the City of Portland



By Karla Moore-Love
Acting Clerk of the Council

WEDNESDAY, 2:00 PM, JULY 5, 2000

DUE TO THE LACK OF AN AGENDA

THERE WAS NO MEETING

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Closed Caption Transcript of Portland City Council Meeting

This transcript was produced through the closed captioning process for the televised City Council broadcast.

Key: ***** means unidentified speaker.

JULY 5, 2000 9:30 AM

Katz: Good morning, everybody. The council will come to order. [roll call] commissioner Saltzman will be up in a few minutes. I don't have -- is commissioner Hales on vacation?

Moore-Love: Yes, he is.

Katz: All right. Let's take the consent agenda item. Any items to be removed off the consent agenda? Other than 985. Anybody in the audience wanting to remove a consent agenda?

Francesconi: I don't think we can vote on it.

Katz: Anybody want to remove any items off the consent agenda? No. We'll have to come back to vote on the consent agenda.

Ben Walters City Attorney: 985?

Sten: 986.

Item No. 985

Katz: 985.

Moore-Love: Amend the water rates in two ordinances to delay and extend effective dates until council adopts a revised water ordinance.

Katz: Anybody object hearing that with 989? Hearing no objections, so ordered. All right. Let's take our regular -- that's an ordinance too. Tell dan we're up to the water rate stuff.

Sten: He has to get up here to yell at us.

Walters: I believe you could handle 987, since I think that's being continued.

Item No. 987

Katz: Oh, great. Sorry. 987. Okay. There is a request to continue one week. Anybody object to that? Hearing none, so ordered. We'll stand at ease. Would you be kind enough, special guest, and come and greet us?

Senator Ron Wyden: Where would you like me?

Katz: Right in front of the mike.

Wyden: Terrific.

Katz: Welcome.

Wyden: Thank you. You wanted me to give a filibuster --

Katz: I don't want you to do that, but we extend special courtesies to our friends in congress, and I didn't know you were here, so tell us why you're still on vacation and what you plan to do when you get back.

Wyden: I just wanted to take a minute to come on up and watch government that actually works. I was visiting with commissioner Saltzman this morning on a very innovative set of environmental issues. He has been pursuing -- I got to sit next to commissioner Francesconi last night, and of course all of us all appreciate what commissioner Sten is doing on the telecommunications front. I sat on that communications subcommittee and we like the fact the city of Portland is leading the country in terms of trying to set up a telecommunications policy, and of course mayor, you and I go back well over 20 years.

Katz: We won't talk about that.

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Wyden: We're going to get that prescription drug deal that you and I dreamed up in your kitchen a few years ago. I didn't want to interrupt your business this morning.

Katz: Tell us what we ought to know.

Wyden: You know, I --

Katz: That we can't find in the newspapers.

Wyden: I think it's the old saw, you don't want to watch laws and sausages get made, but obviously we've got a big agenda in the last few weeks of the session, certainly this question of payments to local governments, particularly for roads and transportation projects is going to be vital. That's at the top of my list for the rest of the session. We hope prescription drug coverage will get enacted. I can tell you there are senior citizens that get put in hospitals because they can't afford outpatient prescription drugs. And it's a disgrace in a country as rich and powerful as ours that we can't get that covered. There will be a number of communications issues that will be important to you as well. We're going out the next round of internet policy, and I know that's important for local government, and one of the things i've proposed, and I think we've got a good chance of seeing action on, is the idea of letting local and state government through a commission on uniform state laws have a vote in the congress on proposals that you all are advocating to deal with the internet and the various issues relating to taxes on the net. So those are some of the issues. If you have any questions i'm happy to do it, but -- happy to respond, but last thing I want to do is barge in and hold up commissioner Saltzman's ordinance. We've got summoned that his ordinance was up when we were downstairs.

Katz: You probably have a larger viewing audience here than you do on cspan. I just wanted to extend that invitation to you.

Wyden: You wash the Washington wheels of government grind through this partisan exercise. Senator smith and I are proud we tried to set an example of something very different, much more akin to what Oregonians expect, which is government that focuses on ideas and issues rather than partisanship. But it's a treat to be home and to watch you all in action for a few minutes.

Francesconi: One thing we talked about, senator, that maybe we could -- i'd like you to respond for the benefit of the rest of the council, we talked about how we could improve our working relationship even more. You just indicated you have very good relationships with people, and we know because you've told us to just call you on any issues. The question of how we work with our federal delegation is something for me I haven't quite figured out the best way. When we were talking about that last night, you suggested that in december having a meeting with the council and senator smith and yourself and others from the delegation that you would help us kind of bring that together as a way of talking about the future and what it may hold. It made a lot of sense to me. I just wanted you, if you would comment on that, please.

Wyden: I think you deserve the credit for this, jim, vera, and all of you. What we talked about last night is what you all have done in the past, you have very good people, they interview you on your various issues, and that's a constructive process. But what you might want to look at and what jim and I talked about is sort of jump-starting it with an effort, say, in december sort of shortly after the november election, I know that senator smith would be very receptive to sitting down with you and -- congress blumenauer, congressman wu, and we could look at the crystal ball about what's coming up. We're of course going to get that payments on the county and local governments bill through this year, so we'll be able to get some more stable funding. We hope for local jurisdictions, but if we could do that in december so we'd get a sense with the new president and a new congress what the outlook was for transportation for communications, for school funding, I think that that allows us to sort of accelerate the process of getting your agenda up in front of the delegation. If you want to -- i'd be happy --

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Katz: Why don't you work with marriage and susan. If we can do it here, over the holidays as opposed to having everybody traveling without a budget to dc, that would be very beneficial.

Wyden: I think that's what jim was talking about, was doing it here and sort of creating an arrangement where the delegation could get your -- the delegation could get your input quickly. Most of our delegation I find starts putting together their legislative agenda in that december kind of period, and if you all could educate us on what your priorities are, we could just save time.

Katz: That would be wonderful. And work with marriage, because it would be nice to have vicky and lynn up here.

Wyden: We'd like to have them here, we'd like to have the congressional delegation, and frankly, you've really hammered this home, mayor, and I think it's good. We ought to invite greg walden as well. We ought to constantly focus on this set of opportunities for urban rural cooperation. What commissioner Saltzman was talking to me about was some ideas he has for the willamette, which of course has implications far beyond just the Portland metropolitan area, and let's make sure that we have --

Katz: And peter.

Wyden: Congressman defazio has a key position in energy for -- for example, this session. We'll probably have a good chance at passing some legislation to deal with the reliability question, because they're going to possibly be some shortages this summer, but given the importance of energy, peter and your lobbyists and the various personnel designate would make a lot of sense to me.

Katz: Good idea. When we have those meetings, congressman walden and defazio are present, even though they're outside of our geographic districts. Good idea. Okay. Further questions of the congressman?

Sten: Senator, it's good to see you. Any chance now with this last ruling to get the fcc to act proactively on the open access question?

Wyden: Well, i'll tell you, it's been a source of considerable frustration, because to me the fcc, the federal communications commission is abdicating their responsibilities. As you know, in the middle of the impeachment discussions, I came on out for those efforts to try to build on your good work and to bring the various parties together. And we ought to see the fcc step up and do what the congress has directed them to do, which is to come up with a policy that encourage competition. The stakes are very high right now. I mean, clearly municipal advertise, citizens who want access to information technologies are looking to the federal communications commission to spell out what are going to be the responsibilities of the various parties. And I still happen to think that had we seen at&t accept what you and I proposed, for example, during that period during the impeachment session, that that might have spurred federal communications commission to action. So they have waited far too long in my view, and just know that all of us who work in this field, and I continue to sit on the communications subcommittee, really appreciate your leadership.

Sten: Thanks for all the help. We'll keep pushing.

Wyden: All right.

Katz: Thank you.

Wyden: I'm going to sit and watch commissioner Saltzman get his ordinance passed.

Saltzman: As a former staff member, i'm very proud of your performance on behalf of the state of Oregon and Washington. I think you've been bipartisan, and that's very important, but I also appreciate the issues you've chosen to exercise leadership on. Prescription drug coverage, trying to get the fcc -- you've got the fdc, you've got to get them to look into the oil prices, all the issues you've been on the cutting edge from. We're very proud of you.

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Wyden: I thank you. Every member of congress, when you come home tells how much they love being home, how much they love their local area, and very often you know that this is a little bit of eye wash, because when they retire they never come home again. For us in Oregon it's different, because we know how lucky we are to have this special corner of the planet to be part of and to have four friends i've worked with for a lot of years is a treat. I'll watch danny get his ordinance passed and then probably duck out.

Katz: Danny? Okay.

Wyden: He'll always be danny to me.

Katz: All right. Thank you, senator. We do need to vote on the consent agenda. Roll call.

Francesconi: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. All right. We are now -- hold on -- up to 988. Right, ben?

Walters: Unless you're going to take 985 first as having been pulled from consent.

Katz: No. We'll take it next. This will be very quick. 988.

Item No. 988

Katz: Will somebody come and just refresh our memory? This is a good thing.

Rita Drake Portland Police Bureau Fiscal Services Division: Good morning. I have with me susan crabtree. She's our analyst for the bureau. Just for a brief history, we originally got this grant in 1998. The funding allowed the bureau to have the salaries for five administrative support personnel in our precincts and with it we were able to redeploy officers and sergeants who in the past had done administrative tasks, including supervising the desk clerks we have there. With this - - this renewal will allow us one more year of 75% federal funding along with 25% of local funding to enable this program to be in effect probably through june 30th of this fiscal year.

Katz: And we have the money in the budget because we didn't anticipate this grant being extended.

Drake: That's correct. Part of the retention requirement of this grant originally was that we had to keep this in our budget for one year after the grant expired, and to that end we had that in our adopted budget the funding for these positions. So we have that now in the adopted budget, the matching piece of it.

Katz: Thank you. Questions?

Francesconi: But we don't have it in the future budgets.

Drake: It is.

Francesconi: Oh, it is? I couldn't tell from the wording. Thank you.

Katz: Remember, we got scolded on that by I think it was commissioner -- former commissioner kafoury, and we are now all the grant matching, if we feel this is -- well, we have to maintain a level of effort for at least as many years as the grant was extended -- help me.

Susan Crabtree Police Bureau : The c.o.p.s. Clarified that a little bit to say one budget cycle.

Katz: But we've put it in the budget permanently for most everything, because it's -- it's a good idea, otherwise why go after federal funds if you're -- you don't think this is a good idea. Okay. Anybody want to testify? Roll call.

Francesconi: Aye. **Saltzman:** Aye. **Sten:** Aye.

Katz: Mayor votes aye. All right, everybody. We're going to do 985 and 989 together.

Items No. 985 and 989

Katz: Why don't -- okay. I can turn first to commissioner Sten and then to commissioner Saltzman. If it's all right with you, do you want me to --

Sten: I'll just give a couple sentences. This is obviously disappointing news. The good news is we believe we're getting on top of it. The bad news is we continue to have problems with our new computer system in the water bureau, which does do the billing for water and sewer. As a result

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we're going to have to ask the counsel to delay the new rate structure for I hope no more than 30 days. I'll let mike walk through what's happening. It is not a situation that's -- that the media can be quick to say things are a disaster. We've got some glitches, it's going slower than we thought, but we think we're getting our arms around it. I don't know how to frame it any other way. It's disappointing to have to delay things by a month after a couple years worth of work. A month isn't going to change the ultimate result of these rate reforms, but it's disappointing to be in that position and i'll ask mike to walk us through it.

Mike Rosenberger Director Portland Water Bureau: Depending upon the extent of the conversation this morning, I do have three of my key staff here. Bob our finance director, steve, our i.t. Director, and carolyn.

Katz: Assume we don't know anything about this and explain in language that everybody watching, listening, including the council, can understand.

Rosenberger: Yes, ma'am. I'll do that. I did want to first kind of following up on what the commissioner said, apologize for you for even having to be here today. As well as I think as apologize for the fact that these glitches have caused some problems for some of our customers, and if they're all watching I want to apologize to them as well, as well as to b.e.s., Our partner in all of this. This has been a difficult experience for us in the bureau. I think it's fair to say that I don't know if we could find another example of a problem that has taken us so long to correct. It's not what we generally do. It's not our track record. But I think our track record is such that we can be assured that we will get this thing resolved in the matter of the next couple months. All of the issues with the system. The specific -- kind of in fairly straightforward objective kind of language to describe this, the fact is that there are a few problems with the system, and those problems have resulted in some people getting incorrect bills, some people not getting billed in a timely manner. A number of those problems that we've had since the end of february have been fixed, but there still has been a backlog of issues that question have with some customers, so we're constantly making return phone calls to our customers. Our hold times are longer than we want them to be, and I can report on a fair amount of progress today that we are going to be able to bring to bear to address that. Specifically right now we are open 8:00 till 5:00, we have worked with the vendor to correct the -- and shorten the length of time it takes to do the batch processes at night, print bills and do customer accounting and all of that so we will now have the system available to us from 7:00 a.m. Until 7:00 p.m., So with those extra three hours of system availability to our customer service specialists, we'll be able to have much more immediate and more responsive contact with our customers which should shorten the hold times during the day and also enhance our ability to get back to our customers. But we are -- from a perspective standpoint, I think it's important that people understand that most of the functionality of this system works. I mean, day in and day out we send out between 2 and 3,000 bills, we take in 1500 to 2500 bills, money is being accounted for by fund and by service, and accurately by customer. We're answering about 400 calls a day, 400 telephone calls a day. Those that aren't getting answered are getting queued and up and we're calling people back as quickly as we can. We're answering 9,000 phone calls per month. So if you sort of look at the bell-shaped curve, in the middle the major stuff that this system is supposed to do, it does. But still there are things it doesn't do, and it is impacting customers and customer service, and that's what we're focused on correcting. The issue before us today has to do with the fact that a piece of functionality which would prorate a water bill, a water bill for our customers, for most customers covers 90 days. Some customers larger customers get billed on a 30-day cycle. What we cannot do with this system right now is prorate those days between before july 1 and after july 1. And the way that the ordinances that have already been passed, what they do is they change the rates as of july 1st for water and sewer services. But because the system can't prorate them,

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what this ordinance would do is extend last year's rates, essentially, for as long as it takes to get this fixed, and we believe that is no more than 30 days. So that's what this does. It takes last year's water and sewer rates and it will keep them in effect for the month of July.

Katz: Is that the only technical glitch that's in the computer system?

Rosenberger: No. No. That is not the only glitch in the computer system, but that is the glitch that occasions the need for this ordinance until we get the functionality that will enable us to prorate the bills between the two years. And so in terms of impact, what that means as the commissioner, you know, talked about earlier, the fact we worked for two years to develop the rate reform proposal that would have gone into effect July 1st, that would be delayed for a month. And what that means is the decrease that customers would have seen in the water bill will be a month late. The increase, the average customer would have seen in the sewer bill will be a month late. The assessment of our financial people in both of the bureaus is that that -- it would cost the average residential water user 57 cents. 57 cents is what the impact on that customer would be as a result of delaying the rate reform proposal.

Saltzman: What's that add up to total?

Rosenberger: Total revenue?

Saltzman: Yeah. That customers would have saved that they're not going to save now. [no audio]

Rosenberger: Does that get at the answer?

Saltzman: No. I think what the answer would be is how many accounts you have times 57 cents.

Rosenberger: Okay.

Saltzman: That's money that ratepayers would have saved in July that are not going to save now, and they will not --

Saltzman: It's not exactly -- it's money that residential ratepayers will not save, but commercial industrial won't pay because their rates are going up.

Saltzman: I meant residential rates.

Rosenberger: That is --

Francesconi: Some residential. Some residential --

Rosenberger: Right. That's the average resident. There are those who will say -- save and those who won't save. But from the standpoint of the overall system, the expectation is that when we come in in a month, we and b.e.s. With a new rate schedule for this year, it will be revenue neutral. We will collect the same amount of money overall as has been approved in the budget. But I'm just trying to say the bill, the average resident, the cost to them of this is 57 cents, and the cost I guess I would say, savings, there will be some accounts that will end up saving money just because of the way the rate reform will be delayed by a month.

Katz: Did I understand you saying that there's a loss of revenue of a million dollars to be -- to b.e.s.?

Rosenberger: That's what Bob just said. And there is a loss to the water bureau as well.

Katz: 300 --

Rosenberger: But our attention -- our intention is that when we bring in -- tell me if I have this right -- is that when we bring in the new rate structures in, say, 30 days, they will be set at an amount that will generate that money so that for this fiscal year --

Saltzman: The rates customers will see 30 days from now will be higher than they otherwise would have been because there will be a surcharge to make up for July's lost revenue. Is that correct?

Rosenberger: That is correct. And I want to make sure that that's -- you understand exactly what I'm saying. What I'm saying is, the budget for the current fiscal year expects the water fund and the

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sewer fund to generate a certain number of dollars. And the rate structure that we put in in a month will raise that amount of money. It is the same amount of money that would have been raised had we put in the current rates today.

Katz: So there will be a surcharge to make up that difference for that one month.

Rosenberger: They -- I wouldn't say -- call ate surcharge. But the rates will be adjusted, yes, ma'am.

Katz: To cover for the one month only?

Rosenberger: That's correct.

Saltzman: If it's mixed -- fixed in one month. And I don't hear you guaranteeing it's fixed in one month.

Rosenberger: I will guarantee it to the extent that I can guarantee anything like this. I'm very confident in it. We were --

Saltzman: I asked you these same questions back in march and april and got the same answer about how confident we were. Then we get a memo three days before the rates go into effect that nothing is working.

Rosenberger: Well, I would say that I remember those conversations, and you're right. And I did say that they would be done and the things that have changed since then that make me feel confident that we can meet this 30-day deadline is a couple of things. One is progress that has been made in some of the other areas, problems that have been fixed with the system since then. So we've seen progress there. We have the attention of the senior executives of the vendor, sts in houston, the executive vice-president was out here and met with me all day last week and will be here two days next week. They have additional resources in houston working on all of the fixes, all of the issues with the system, including this one, and they know this is the highest priority right now. So I think that --

Saltzman: Are we being paid any kind of liquidated damages for missing this july 1st deadline by the contractor?

Rosenberger: sds has been put on notice by me that liquidated damages are on the table and among the things we're going to talk about next week is contract status. Sit in the contract \$250,000, and --

Saltzman: You've given them official notice?

Rosenberger: We've given them notice that we intend to negotiate liquidated damages. We have a number of bills from the company that we have been holding for months, waiting for these system problems to be corrected. And so we are -- we're entering into a negotiation process now following from the meeting with the executive vice-president last week, where they are identifying what they think the financial status of things is, and we are doing the same. And then we will begin the give and take. There are costs that we want to negotiate with them, liquidated damages, as you say, because of missing the deadlines of when this system would be up. But that has had costs that we've had to bear.

Saltzman: Why would we negotiate --

Rosenberger: I'm using negotiate --

Saltzman: It's their fault. Why would we negotiate about how much they have to pay us? Why don't we say, start paying? Or is it our fault too?

Rosenberger: I don't -- I doubt -- I don't think that they will not say that there are things that are our fault. And I don't know what those are. But i'm sure that they're going to be coming from a place that says, we have a contract, here's our interpretation of the contract, here's the functionality you have, here's how much you owe us. And, you know, I don't know that I can lay the whole thing out right here, but certainly we have our arguments having to do with functionality, having to

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do with deadlines that have been missed, having to do with increased costs that we have incurred as a result of the system not working as it should have. Or being done on time. We had to do remediation on our old system in order to make it y2k compliant, which should not have happened had this system been delivered on time. So your point is that the city has issues with them related to functionality and cost, and that's our position as well. Did I answer your question about level of confidence in getting this work done? Those are my bases for -- bases --

Katz: I would prefer you to be as realistic about whatever potential delays, because it lowers the level of confidence with the council, with the public. We will be -- we'll manage through all of this, but I don't want you to sort of whitewash this and see if you can buy a month when you really might need more than that, because I think then the level of confidence is shattered.

Rosenberger: I couldn't agree with you more. The last thing that i'm trying to do is whitewash anything. I think that in the memos that I sent you and the status report i've sent you, i've tried to be as forthright and upfront about the status of this stuff as I can. They have said -- in talking about this, sts said maybe 15 education. I said, no way. Double it to 30 days.

Saltzman: Are we doing manual billing right now?

Rosenberger: What we are doing -- right. We are having to hand-calculate some bills. Not all bills. We're reviewing all bills just for accuracy because we aren't convinced yet that we should just send out the 3,000 bills that come out of the machine each day. But there are some that are having to be hand-calculated. There are fixes that are being worked on right now by sts, but there are bills that do require hand-calculation. Some of them tend to be very complicated customers with a lot of meters and some subtractive meters, primarily around various b.e.s. Components of the bill. So some of the complex accounts, commissioner, are being hand-calculated. And we've had to do some of that with some -- some of those are the extra strength customer -- commercial customers. So it's not by any means all of them, but it is some of them. And they know that that is a major issue for us, because part of the whole purpose of getting the new system was to reduce the level of manual intervention.

Saltzman: That's kind of my next question too. This whole system was supposed to save us money and make things happen more efficiently. How much over budget are we? The original budget was I believe 6 million?

Rosenberger: We were originally expecting around 6.5 million. And I would say that right now we're going to be somewhere between 500,000 and maybe a million and a half beyond that. But I do quickly want to put that --

Saltzman: As of right now?

Rosenberger: That's based on what might be expected to be the total cost of this. That number also was an estimate that was developed by a consultant that we hired to come in and review the implementation of the system, marty wilson, who's doing pge's system conversion right now. And he was estimating a cost of 8 to 9 million, when he looked at potential for all-inclusive costs. I think, though, that there are the issues -- saying 8 to 9 million as opposed to 6.5 million? That's 3 million more. You're saying --

Rosenberger: Okay. Okay. Yes.

Saltzman: The original cost is 6.5 million --

Rosenberger: Up to -- you're right. Bad math. Right.

Saltzman: At least a million and a half over budget.

Rosenberger: That's right. But what I want to say is there are still the issues that we just talked about a little while ago about additional costs and who drove them and who should be responsible for them. So there is that. The liquidated damages, the cbis retrofitting. We had 250,000 in additional costs that were almost irrelevant to the system but that had to be done to the Portland

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building to the backbone of the whole city's communication system. So the whole city got something out of it, but there was really nobody else to pay for that except us. I'm putting that in the costs too. The other thing is, if you -- if you look at the report that the consultant did, when looking at kind of the reasonableness of a cost of 8 to \$9 million when he was comparing it to pge and pacific power, he compared to it 17 different systems, at a \$9 million cost, the per capita cost was the same as the Oregon public utilities commission authorized in rate increases for northwest natural, pacific power and pge. So there are a couple of compare --

Saltzman: It doesn't have much relevance to the question here. That's an interesting comparison. But the point still remains we're way over budget, and I guess to my mind I have to say the track record to date gives me no confidence that we're going to remedy this problem in 30 days. I'm disappointed not only finding out about this mess three days before rate reform is supposed to kick in and all the rate reforms we guaranteed people, the whole city council, nowhere to be seen. I think first of all we need to do some sort of insert in the bill, but I'm very concerned that this is a mess that I don't see us getting out of. And this gives me great concern, because let me ask you one question, what if the contractor decides, we did what we're supposed to do and we're out of here?

Rosenberger: That is a very legitimate concern that's on our radar screen too, commissioner.

Saltzman: What are we going to do?

Rosenberger: I think the reality is that we need to make sure that we have a relationship with them such that they stay here and do what they need to do and support this system. This system is going to be around --

Saltzman: They could say pay us our back bills.

Rosenberger: And they have.

Sten: I understand your frustration, but I also want to weigh in fairly heavily that we have a lot of people under a lot of stress working very hard on this piece. I pushed water very hard, as you pushed b.e.s. B.e.s. Put numerous deadlines in getting this us to this July 1st date. But the council kept saying it has to be online by July 1st. We always knew it was going to be a very, very close date. And people are working their tail off to get it done. I share your frustration that we're behind 30 days, but I think publicly jumping to the conclusion that everything is completely dead in the water is something that doesn't hold up under study. I'm very concerned the council not enhance the managerial problems that Mike and I have of trying to deliver this system by creating scenarios in here that aren't what we predict. We said it would be done by July 1st because that was our best hope. And it was in response to the council's strong desire, including mine, to have it done by then. We believe it will be ready by August 1st. I'm disappointed it hasn't happened, just as I was disappointed a year ago when other bureaus didn't deliver on the dates that had been set. This thing has been slipping for a long time, it didn't just slip the last 30 days since this. We do have a relationship with the contractor. I do believe they're going to make good. Their future business plans are extremely tied to this. This is the first computer of its kind in the country, and none of this makes it any more enjoyable that it's not working, but their entire business operation assist probably at jeopardy if they walk away from the city of Portland in the kind of manner you're describing. So I do not believe the contractor is going to walk away. I do believe we'll have this up and running in 30 days. I certainly thought we would have it by today. And I think it's important to recognize, I've got people who worked all weekend over the holiday to get this fixed, and there isn't a boogeyman or people who aren't managing this. It's a situation that is complex and is not as good as we would like it to be, but it isn't going to lead to a -- if we just beat the heck out of these employees, Mike can take it, but if we beat the heck out of these employees, more, it's going to get fixed. It's a difficult situation, and I think it will get fixed. But I don't think there's an easy answer. And we are going to try to go after the contractor for what we believe we're owed.

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Francesconi: If I could follow up, first, i'm less concerned about the month delay as I am kind of as the mayor was indicating by her questions, where do we go from here beyond that. So I have a couple questions in that regard. It would have been better had it been done by July 1st, but these rates have been in effect for years. And one month change I think the citizens can understand if it's done right. And that's what i'm concerned about. Now, one question I didn't understand was on the revenue side, the revenue loss to the bureau, I just didn't understand why there's a revenue loss if the rates are still in effect, and there isn't some -- therefore not some savings to residential. Why wouldn't the revenue flow be the same and why do we need to -- the surcharge? I'm missing something. I just don't understand.

Rosenberger: I'll let Bob, who loves to explain these things, explain it.

Bob Breck Water Bureau: Both water and b.e.s for this rate change year we're in right now, July 1, asked for rates that are about 3% higher overall for water and about 9% overall higher for b.e.s.

Francesconi: I see. So it's the rate increase.

Rosenberger: It's the rate increase being delayed a month.

Francesconi: I got it.

Breck: What complicates this is we're really changing two things -- rates and the amount of revenues that we bring in, and also the structure of the rates. And it's a confusing matter when you put those two together.

Francesconi: Okay. I have a lot to learn about the technological world, but I guess two questions are, do we have the right system, number 1, are we confident we have the right system, and the other question is, do we have the capacity, the training, the right personnel, et cetera, to execute the system? So on the first question, are you confident we have the right system?

Rosenberger: The answer is yes. It's not just me talking. It's talking with people who have advised us, skull ants who have advised us on this, and are -- our own internal expertise who have learned this system and know this system and know its capabilities, and know what we think we'll be able to offer our citizens as soon as we get it stabilized and functioning.

Francesconi: Are there bugs to work out in the system before we come to the --

Rosenberger: Oh, yes, there are bugs to be worked out in the system. The one -- there are several getting attention right now, but the immediate one is this bug we're talking about today, which is making -- giving us the ability to prorate bills over the fiscal year.

Francesconi: You don't have to elaborate on this now, but it might be helpful, commissioner Sten may consider this, is you listed one bug, but there's apparently some other ones out there. And having a two- or three-page memo outlining what they are might be helpful. Can you briefly without elaborating say what the three or four top issues are that you're worried about, or working on?

Rosenberger: I would say one of the problems that we have, again, is with some complex sewer customers that have a lot of different meters, including deductive meters. So complex structures are an issue for us. Payment plans, where we want to do -- offer installment payments to our customers, and we do that with a lot of customers, that has been a problem. We had had problems with our sewer-only accounts. I think those have been fixed. We've had problems with our budget billing accounts. Some of those have been fixed. We've gotten report back from customers that they are getting an accurate budget billing. We've had some issues with addresses, and interfacing with a program called postal soft. That's being worked on right now. We still have data conversion issues that you just might expect from, you know, transferring this many millions of bits of information from one system to another. What I was going to suggest, and I think this gets maybe at your request, is that several of us in the bureau will be meeting with these executives from Houston next week. The 11th and 12th. Much of what we're intending to do there is identify

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exactly what functionality is not working, when it's going to be working, and who's responsible for making it work. And I was thinking that by about the 20th or so I could -- would want to give a report to you on where we stand with the vendor, with the functionality of the system, and with the detailed plan for remediation. Would that meet needs?

Francesconi: Yeah. Yes. I -- if we're going to grant an open-ended kind of time through this ordinance for the rates to take into effect, then we have to have these regular report. Or else it would be hard to support this. So I appreciate you doing that. Now, how about on the training side of our own staff? Do we have the capability of handling this system and is there adequate training, and is there adequate resources to pay for the train something.

Rosenberger: I think that there is -- we have done a great deal of training. We're doing ongoing training. We have just hired some more employees, both permanent and temporary, and we've trained them on at least some aspects of the system. I think we have the capacity to do it, but I think training is an area that is going to have to be pretty much constant and ongoing. We do have pretty good capacity in the bureau for doing training. We have the physical capacity in a training room and we have super users of the system who are learning it and knowing it inside out who can train people. So much of this is kind of a catch-22 thing, or a chicken and egg thing, because when you take people off the floor to do training, you're accomplishing training, but by the same token you've taken people off the floor and away from the phones, and it starts to degrade the -- their response time. But I think that we can start to get around that as more people get trained and as we can extend our hours and have more access to the system. Three more hours is a lot of hours when you multiply the number of people that can be using this system and dealing with issues with customers. A long answer, but I think the answer is yes. We have the capacity and it's clearly snag needs to be done on an ongoing basis.

Francesconi: Just two more questions. The issue of timing, I mean, of the month -- going to monthly billing, we haven't I don't think as a council yet decided that. When do we decide that and how does it play into this, and does that create more of a complication by going to monthly billing? Do we know how much more that would cost?

Rosenberger: I think I remember the questions, but maybe not in order. I have a draft report from my project people who have been working on the monthly billing issue. What I have said before is that we would be coming to the council in july with that report. Of course what did I -- I think that's still in july we will want to talk to you, and it does -- there are system ramifications associated with monthly bills. There are costs associated with it. And sort of the sneak preview might be that I would like to kind of revisit the timing of that, but still I think we're in a position to provide you with information and analysis in july, like we said we would. And so that's kind of where that is.

Francesconi: Then if we have both of these pieces of information, it might make sense to schedule some discussion simultaneously on both these issues. The last -- I don't know if this is a question as much as a comment. You can respond to it. I'm actually more concerned about the budget overruns than I am the month delay. As I recall the conversation, this figure 6 million sticks in my mind, but even if it's 6.5, when we're starting to get into a million, million and a half cost overruns, that raises a serious red flag. So we're going to have to talk about that and address that. Does that mean that increase in rates will pay for that? Or will that come from other places?

Katz: From your reserve.

Rosenberger: There will be -- there hasn't been any increase in rates as a result of this. We will -
- no, there won't.

Katz: You'll absorb it from your rate stabilization fund?

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Rosenberger: Not necessarily there. But in our operating costs. We will ratchet things down to cover this. This is like --

Saltzman: You're speaking for the water bureau?

Rosenberger: I'm speaking for the water --

Saltzman: Are you speaking for b.e.s. and the water bureau when you say that? Or are you saying the water bureau will absorb all cost overruns?

Rosenberger: That's not what I was wanting to say. I think that what I mean to say is two things. Since you're mentioning b.e.s., I think water and b.e.s. Need to figure out how we're going to absorb these costs. And I think there are -- where they're reasonable costs they should be shared because it's a shared system. The second thing I think is that water is shared of any cost overruns or any additional costs will be absorbed in our budget. We will figure out how to cover them. We will not ask for rate increases for them, and we haven't. We'll ratchet down whatever needs to be ratcheted down.

Saltzman: I had a couple more questions.

Francesconi: Let me ask one last one. Do we know the additional cost for monthly billing or you're going to provide that to us?

Rosenberger: I'm going to proper it. It's 2 or 3 million bucks. It's real money.

Francesconi: A year?

Rosenberger: Yes.

Katz: Using the same system?

Rosenberger: Yes. Pretty much. And even if -- when we compare the cost of us doing it with the cost of a nonunion vendor contractor doing meter reads, and when we look at what we think would be the cost if we were able to do something with Portland general and northwest natural gas, it's still in that 2 to \$3 million range.

Katz: Let me -- the system doesn't have to be changed to accommodate monthly billing?

Rosenberger: This billing system? It does need to be changed.

Katz: And that will cost additional resources as well?

Rosenberger: I believe it will. And I don't have any idea of those costs. That's part of the report. Part of the issue. We can deal with -- we can pretty much identify personnel cost and vehicle costs and postage and stationery and printing and all of that. But there are certain costs that are just very up in the air right at this moment, which might -- which I think is tending me to think we ought to put this off. For at least a period of time.

Katz: That's an issue that you're going to have to have a discussion with commissioner Sten and kind of make a decision in terms of recommendation to us. But I wanted to follow up on commissioner Francesconi's question. Commissioner Saltzman, you had --

Saltzman: So let me understand now. 30 days from now we will not only hopefully have the new rates in effect, but all the key reforms of rate reform, the principle one being taking roughly 80% of the account service charge and folding that into the volume charge. That will be done, that will happen?

Rosenberger: That, yes.

Saltzman: That's the key --

Sten: We'll have everything except b.e.s.'s changes, because they're a few months away --

Saltzman: Right. But we figured that out at the outset that we're going to wait until october.

Rosenberger: Let me make sure that i'm saying this.

Saltzman: The account service charge will be folded into the rate structure along with the new rates.

Breek: That's right, right?

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Rosenberger: If what you're asking me is -- here's what i'm saying. In 30 days, on august 1st, we will have a rate structure that looks like the rate structure that was approved for july 1st. And I think that means the rate reform service charge piece, and then on october 1st, I think the -- we have said we would have one service charge. Is that right?

Breek: That's right.

Saltzman: Okay. Do you agree with that, bob?

Breek: Yeah.

Saltzman: Thank you. The last question I have, the meter reading and this forthcoming memo on monthly billing. It sounds like -- we specifically asked to you look at contracting out the meter reading function for monthly billing. I was somewhat reassured it sounds like you've looked at those, although you did say -- you didn't say we've talked to pge or northwest natural, you said from what we think it would take. So I guess my question is, have you sat down, across the table from pge, northwest natural gas and said, we want you to do our billing. What's it going to cost? We danced around that --

Rosenberger: We're not dancing around it at all. We have sat down with them. I sent all of you a copy of the letter that we received two or three months ago from Portland general and northwest natural gas describing to us the partnership they were going to enter and what their time frame for a pilot was and asking us to sit down and engage with them to see if there was something in it for all of us to work together. And that's what we're doing. They have not said, here's what we would charge to you read your meters. But -- so that's why i'm saying based on everything we can gather from them, we have made some estimates of what we think that would cost, and all of that is in our report, along with cost information that we have gotten from contract meter reading companies.

Saltzman: When will we see this report?

Rosenberger: I said in july. So i'm thinking probably toward the end of july. -- the end of july. The report i'm committing to by the 20th, but depending on how complicated some of the stuff that comes out of next week's meeting with sts is, by the 20th i'll have a report on the system. And the future and the functionality. But I just want to make sure that we're kind of getting this part. With regard to these rate changes, we're shooting for august 1st and that's what I want to do. But it will be after august 1st I think that some of these other fixes are going to be in place. Okay? So I just didn't want people to think on august 1st the system is like nirvana. It's not. By august 1st, more things will have been fixed, including this proration issue, and clearly by august 1st we will have a very clear game plan about when additional functionality will be made to work.

Sten: But you'll have the rate reform change in place.

Rosenberger: That's right.

Katz: Further questions? Let me just -- I want to ask -- i'm still going to call you ofa. Put this on the agenda for next week with my meeting with tim. So I can -- I can clearly understand the budget implications of this and get a reading from you. Okay. Further questions? Anybody else want to testify on this? Any staff members want to add anything or detract anything? All right. Let's -- anybody want to testify on 989? All right. Roll call on 985 and then we'll have roll call on 989.

Francesconi: Just my brief comments on both of them. Given the public's concern about government, it's obvious that this is something we need to handle. So we need handle it for rate reform to work, we need to handle it in a cost-effective manner, and we need to handle it in terms of our credibility with our citizens. And we will. So we look forward to those report that are coming and the discussion we're going to have. If there's anything we can do to assist in that, let us know. Aye.

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Saltzman: I vote reluctantly aye, since there's no alternative at this point. A no vote would be meaningless. I do hope we will send something in each bill to the ratepayers so they know what's going on if they don't watch channel 30. I think the city looks bad. I feel badly about this. Aye.

Sten: Well, we're going to watch very hard to get this moving forward. I think it's important for people to put this in perspective. There is no rate reform under the old computer. It wasn't capable of running anything differently than we did. We've set a time line to try and get the new computer in place, and it's a costly system and it's really one of the first of this kind, and I think the vendor will continue to work to make it hard, and I wish that it was simple enough to say that the way you measure an organization is that things never go wrong. That would be terrific. It's not true in the private sector and it's not true in government, and the way you measure an organization is how they respond to adversity. I believe we'll get this fixed and I believe that in the long run the 30-day window will not be a major problem, and I believe we will be able to, why aren't we suing them right now, because we have a relationship with this company and we're going to attempt to negotiate something that's both sides think is fair and that gets us back our money for the time that we've lost. And ultimately negotiated settlement resist cheaper than litigated settlements if you can reach that. That's what we're going to attempt to do with the company, and I hope we'll get there. The water bureau last week at the natural step and form I always think, this is the only bureau who could take something complex like that on. It's a smart, well-led organization that's working very hard from the customer service end up to the very top to try and get this problem fixed. And i'm as advertise appointed as everybody else to have this delay, but am quite confident we'll get it fixed. I think we have to not try and send the signal to citizens that this thing is screwed up so much as it's complex, just like anything else, and we were very aggressive, and i've been aggressive for about 21/2 years towards pointing towards this date. In terms of trying to get rate reform in line with this fiscal year, and we're off by reply days -- 30 days, but I think we will succeed and we'll get to a fair settlement, and the numbers are the numbers. This is the public sector. These are public records and people understand what the full cost was, and in terms of the monthly billing, I think we'll have to as we said all along, bring back a cost estimate in july, and then that's a policy decision. It will cost more money to go to monthly billing. I may want to do it. I've always thought monthly billing would be better, but we'll have to weigh the cost against the price and we'll do that in the next couple of weeks. So just as we -- there was honesty in people's voices and certainly including mine and mike's a couple months ago when we thought we would make the july 1st date. It is a joint system with b.e.s. And water. There's been all sorts of glitches along the way to rate form. It's a major undertaking. We think we'll be there in 30 days. That's all we can give people. Aye.

Katz: A sign of a strong and effective organization is one that's forthcoming and honest about the problems that they face for one reason or another. And I think that's what you've done. It's not happiness, but I didn't want to you sugar coat it. And I don't think you have. And if you have, then you better let us know as soon as possible. The other sign of a strong organization is to problem-solve. And that's really what you're going to need to be doing in the next 30 days, and probably much longer than that, and I expect -- I expect that of you, mike, and of the organization that has been a good partner with the city for all these years. Aye. 989. Roll call.

Moore-Love: We need to move on the amendment.

Katz: I'm sorry?

Walters: There's an apparent amendment.

Katz: Why didn't you let me know that? Where is it?

Moore-Love: Those were handed out in the tuesday memo.

Francesconi: I'm glad you caught it.

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Walters: It was handed to me before --

Katz: I just found it. What's the amendment?

Saltzman: I don't have a copy.

Katz: It should be attached to your 989.

Katz: Add the following directive notwithstanding the lead time ordinarily required for filing ordinances containing code amendment, the ordinance to implement new sanitary sewer and storm water rates as described in directive c above may be filed with the auditor within one week prior to the council meeting at which the ordinance will be adopted.

Walters: I believe this is intended to address the auditor's policy of having code amendments filed two weeks previously.

Katz: I have another question. Trying to get a handle on vacation schedules, if we really want to do this or have this come back in 30 days, will there be enough people here at the council? Because we've had trouble getting complement of members for emergency ordinances, or even sometimes for a meeting.

Moore-Love: That's august 9th. We have two commissioners out. And the 16th is also three commissioners.

Walters: There will be a time period through most of august where the council will only have three members present for each meeting.

Katz: So that will delay the implementation.

Walters: To the extent that only having three members here would prevent the council from approving any emergency ordinances, yes.

Katz: Right.

Sten: Mike, can you hang on? There may be an issue with having four members for an emergency ordinance. Do you need a vote of the council after this ordinance to implement the rate structure once you're ready? My feeling, and i'm looking at the -- is that we authorize through the budget and the rate ordinance the existing rates --

Francesconi: But.

Sten: I think this action today, I want to make sure, we may have to get a legal interpretation, but I think this action allows mike to delay the implementation of rates we've already authorized. So i'm not sure legally he needs another vote to implement the rates once he's ready.

Rosenberger: How are we doing on august 19th? July 19th?

Katz: I don't want to get into dates right now.

Sten: We'll work on dates if we need a vote.

Walters: July 19th there are 4, is my understanding. After july 19th, and I think through the duration of the month and then through the month of august, there will be three at every --

Katz: By the way, that creates a big problem for the urban renewal -- interstate urban renewal. We spent \$40,000 sending notices out on that. And i'm going to need a commissioner here to do that. So that is a whole other issue. But we have real problems with quorums.

Sten: If you--

Walters: I will confer with the city attorney about--

Sten: If you could look into whether or not we actually need a vote, because i'm not convinced we do, and if we do we'll file it on july 19th one way or the other.

Walters: I'll have our office respond to that.

Sten: If we need a vote we'll craft something for the 19th.

Katz: Let me ask you also, can we do anything electronically?

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Walters: There is -- there are provisions in the code for the electronic attendance, and I would have to confer with our office about whether these circumstances would allow you to meet electronically.

Katz: I have a real issue with one of them, and I think we can get commissioner Francesconi electronically.

Walters: I'll confer with the city attorney about it. We'll get a response to you in the next couple of days.

Katz: All right. So let me know what the status of the ordinance will be.

Walters: I will -- we'll get a response back to you on the question posed regarding the effectiveness and how we would proceed with getting these into effect by August 1st should that be allowed, given the development of the computer system, and also your question, mayor, on the possibility of electronic attendance.

Katz: That one is a very cost -- is a costly one.

Walters: I understand that.

Sten: We would not have needed a vote to implement rates July 1st. The council voted to do that - that vote has already been passed.

Katz: Correct.

Sten: Today we voted to allow a delay of that vote for 30 days. So I'm convinced we need another vote.

Katz: Check all that out, but we have a problem with four being here on other issues. Okay. Good. So you'll let me know and you'll let the council know? All right. We voted on 989.

Moore-Love: We need to move on the amendment.

Katz: Anybody object to the amendment? Hearing none, 989, roll call.

Francesconi: Aye.

Saltzman: Aye.

Sten: Aye.

Katz: Mayor votes aye. Thank you, gentlemen. We stand adjourned.

At 10:40 a.m., Council Adjourned.