



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF September, 2013 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Jim Wood and John Chandler, Sergeants at Arms.

Item No. 819 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
803 Request of Renee Stephens to address Council regarding corruption in the city and state (Communication)	PLACED ON FILE
804 Request of Michael Withey to address Council regarding 10-year plan to end homelessness (Communication)	PLACED ON FILE
805 Request of Crystal Elinski to address Council regarding ecological justice and human rights (Communication)	PLACED ON FILE
806 Request of Joe Walsh to address Council regarding justice (Communication)	PLACED ON FILE
807 Request of Chris Johnson to address Council regarding a failure to rezone Errol Creek properties (Communication)	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION	
Mayor Charlie Hales	
808 Reappoint Phillip Hillaire, Jesse Beason, Kira Higgs, and Verlea Briggs to the Board of Directors of the Regional Arts and Culture Council for terms to expire June 30, 2015 (Report) (Y-5)	CONFIRMED
*809 Authorize an Intergovernmental Agreement with Portland Public Schools and TriMet for \$300,000 to continue the Student Transit Pass Project to offer public transportation for high-school students at Portland Public Schools (Ordinance) (Y-5)	186205

September 4, 2013

Bureau of Planning & Sustainability		
*810	Approve annexation to the City of Portland of property within the boundaries of the City Urban Services Boundary in case number A-1-13, in the northwest part of the City on the east edge of NW Walmar Dr and the west edge of NW Ramsey Dr (Ordinance) (Y-5)	186206
*811	Authorize grant agreement with Hacienda Community Development Corporation to develop an implementation plan to achieve equity and carbon emission reduction outcomes within Villa de Clara Vista, a multi-family low income rental property (Ordinance) (Y-5)	186207
812	Amend contract with Deborah Meihoff, Communitas LLC., to provide an additional \$20,000 to continue work on the Comprehensive Plan Facilitation (Ordinance; amend Contract No. 30002659)	PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM
813	Amend contract with Cogan Owens Cogan LLC., to provide an additional \$20,000 to continue work on the Comprehensive Plan Facilitation (Ordinance; amend Contract No. 30002661)	PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM
814	Amend contract with Smiley Joe LLC dba Solid Ground Consulting, to provide an additional \$20,000 to continue work on the Comprehensive Plan Facilitation (Ordinance; amend Contract No. 30002657)	PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM
City Attorney		
*815	Amend contract with Ball Janik LLP for outside legal counsel (Ordinance; amend Contract No. 30000350) (Y-5)	186208
Office of Management and Finance		
*816	Pay claim of Judy Loschiavo in the sum of \$13,100 involving the Bureau of Environmental Services (Ordinance) (Y-5)	186209
*817	Pay claim of Orange Splot, LLC in the sum of \$11,002 involving the Bureau of Development Services (Ordinance) (Y-5)	186210
*818	Authorize contracts for towing and storage of vehicles (Ordinance) (Y-5)	186211
Office of Neighborhood Involvement		
*819	Provide confidentiality for complainant information submitted to the Office of Neighborhood Involvement, as allowed under Oregon law (Ordinance) (Y-5)	186230
Commissioner Dan Saltzman Position No. 3		

September 4, 2013

<p>*820 Amend Intergovernmental Agreement with the Oregon Judicial Department for the care and handling of video conferencing equipment owned by the City but physically maintained at the Multnomah County Courthouse in downtown Portland (Ordinance; amend Ordinance No. 184591) (Y-5)</p>	<p>186212</p>
<p>Portland Fire & Rescue</p>	
<p>821 Authorize Intergovernmental Agreement with Metropolitan Service District for maintenance of a computerized mapping system for Portland Fire & Rescue emergency response vehicles not to exceed \$20,000 per year (Ordinance; Contract 30003562)</p>	<p>PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM</p>
<p>Commissioner Steve Novick Position No. 4 Bureau of Emergency Management</p>	
<p>*822 Amend contract with Chinook Prevention and Preparedness Group in the amount of \$8,335 for providing additional support to help with exercise conduct, control, and evaluation services (Ordinance; amend Contract No. 30002802) (Y-5)</p>	<p>186213</p>
<p>*823 Authorize application to the Federal Emergency Management Agency Emergency Management Performance Grant for an award in the amount of \$369,765 to administer an integrated all hazard emergency management program for the City (Ordinance) (Y-5)</p>	<p>186214</p>
<p>Bureau of Transportation</p>	
<p>*824 Authorize a contract with the lowest responsible bidder for the NW Thurman Street (Balch Gulch) Bridge over Macleay Park (Ordinance) (Y-5)</p>	<p>186215</p>
<p>825 Authorize Bureau of Transportation Director to enter into donation agreements for bicycle parking facilities (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM</p>
<p>826 Approve the Managing Oregon Resources Efficiently Intergovernmental Agreement between participating Oregon public entities and the City of Portland (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM</p>
<p>Commissioner Amanda Fritz Position No. 1 Bureau of Development Services</p>	
<p>*827 Transfer responsibility for Noise Control Program from Bureau of Development Services to Office of Neighborhood Involvement (Ordinance; amend Code Sections 3.30.010, 3.96.060, 18.12.020, 18.14.020, 18.17.010 and 18.18.010) (Y-5)</p>	<p>186216</p>

September 4, 2013

<p style="text-align: center;">Portland Parks & Recreation</p> <p>828 Amend contract with The Active Network to add \$1,500,000 to provide a web hosted, integrated recreation software solution and to extend the term by five years (Second Reading Agenda 792; amend Contract No. 30000729) (Y-5)</p>	<p style="text-align: center;">186217</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2 Bureau of Environmental Services</p> <p>*829 Authorize the Bureau of Environmental Services to execute easements with Speed R. Lewis and Sheryl A. Lewis, as part of the Luther Road Habitat Restoration Project No. E06947 (Ordinance) (Y-5)</p>	<p style="text-align: center;">186218</p>
<p>*830 Amend contract with Carollo Engineers, Inc. for additional work and compensation required for the completion of the Swan Island CSO Pump Station Phase 2 Project for \$222,500 and extend the term through September 30, 2014, Project No. E06901.S21 (Ordinance; amend Contract No. 38171) (Y-5)</p>	<p style="text-align: center;">186219</p>
<p>831 Authorize the Bureau of Environmental Services to amend the legal descriptions for temporary easements and to acquire said easements necessary for construction of the Safeway Pump Station Remodel Project No. E10292 through the exercise of the City's Eminent Domain Authority (Ordinance; amend Ordinance No. 186095)</p>	<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM</p>
<p>832 Authorize grant agreement with Southwest Neighborhoods Inc. to provide education, outreach and community involvement for watershed projects in Fanno, Tryon and Willamette watersheds up to \$73,000 for FY 2013-14 (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM</p>
<p>833 Authorize contract with Berger ABAM, Inc. and provide for payment for the design and implementation of the Tryon Creek at Boones Ferry Culvert Replacement Project No. E08682 for \$607,505 (Ordinance)</p>	<p style="text-align: center;">PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM</p>
<p style="text-align: center;">Water Bureau</p> <p>834 Authorize a contract with the Columbia Slough Watershed Council for \$200,000 for a period of five years to provide community education and outreach services in support of the Columbia South Shore Groundwater Protection Program (Second Reading Agenda 793) (Y-5)</p>	<p style="text-align: center;">186220</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Charlie Hales Bureau of Police</p>	

September 4, 2013

<p>*835 Accept a grant in the amount of \$15,000 and appropriate \$7,500 from FY 2013-14 for the Oregon Department of Transportation, Transportation Safety Division 2013-15 Work Zone Enforcement/Photo Radar Project for sworn personnel overtime (Ordinance) 10 minutes requested for items 835 and 836 (Y-5)</p>	<p>186221</p>
<p>*836 Accept a grant in the amount of \$130,219 and appropriate \$65,110 for FY 2013-14 for the Oregon Department of Transportation, Transportation Safety Division 2013-15 Work Zone Enforcement Program for sworn personnel overtime (Ordinance) (Y-5)</p>	<p>186222</p>
<p>*837 Amend an Intergovernmental Agreement with Multnomah County to extend the FFY 2011 Intellectual Property Crime Enforcement Program grant period in order to reimburse the County for a Deputy District Attorney through December 31, 2013, in an amount not to exceed \$5,416 (Ordinance; amend Contract No. 3002306) Motion to amend title to provide more information on the ordinance topic: Moved by Fritz and seconded by Fish. (Y-5) (Y-5)</p>	<p>186223 AS AMENDED</p>
<p>*838 Accept a grant in the amount of \$464,582 and appropriate \$360,000 for FY 2013-14 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY13 Edward Byrne Memorial Justice Assistance Grant Program to prevent or reduce crime and violence (Ordinance) 10 minutes requested for items 838-840 (Y-5)</p>	<p>186224</p>
<p>*839 Authorize an Intergovernmental Agreement with Multnomah County for the use of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY 2013 Edward Byrne Memorial Justice Assistance Grant Program funds (Ordinance) (Y-5)</p>	<p>186225</p>
<p>*840 Authorize an Intergovernmental Agreement with the City of Gresham, Oregon for the use of U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY 2013 Edward Byrne Memorial Justice Assistance Grant Program funds (Ordinance) (Y-5)</p>	<p>186226</p>
<p>*841 Accept and appropriate a grant in the amount of \$25,000 from and authorize a Letter of Understanding with the Oregon Department of Justice Criminal Justice Division for sworn personnel overtime for domestic cannabis eradication and suppression efforts (Ordinance) (Y-5)</p>	<p>186227</p>
<p>842 Authorize a Memorandum of Understanding with the U.S. Coast Guard and the Portland Police Bureau to transfer and destroy narcotics (Ordinance)</p>	<p>PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM</p>
<p>843 Delegate authority to the Chief of Police to execute and amend agreements in support of law enforcement training (Second Reading Agenda 795) (Y-5)</p>	<p>186228</p>

September 4, 2013

Commissioner Steve Novick

Position No. 4

Bureau of Transportation

844 Amend Intergovernmental Agreement with Oregon Department of Transportation for the Red Electric Trail Project to clarify Congestion Mitigation and Air Quality Program funds, reference the current Local Agency Certification Program Agreement, and update project staff contract information (Second Reading Agenda 800; amend Contract No. 30002431)

(Y-5)

186229

At 11:36 a.m., Council recessed.

September 4, 2013

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 4TH DAY OF SEPTEMBER, 2013 AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fish, Fritz, Novick and Saltzman, 5.

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

	Disposition:
845 TIME CERTAIN: 2:00 PM – Amend Portland Fire Regulations to extend the protection afforded by automatic fire sprinklers to occupants of existing buildings used as nightclubs that are not protected with an automatic fire sprinkler system (Ordinance introduced by Commissioner Saltzman; amend Code Section 31.10.050) 1 hour requested	PASSED TO SECOND READING SEPTEMBER 11, 2013 AT 9:30 AM

At 2:53 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.

September 4, 2013
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.

SEPTEMBER 4, 2013 9:30 AM

Hales: Welcome to the Portland City Council. Karla, would you please call the roll.

Fritz: Here. **Saltzman:** Here. **Novick:** Here. **Fish:** Here. **Hales:** Here.

Hales: We are going to begin with a couple of celebrations, one for something that happens every year, for thousands of years, and that is the first day of Rosh Hashanah, the Jewish new year. So on behalf of the whole community, the Jewish community and all the other faiths in our community, best wishes for the new year. And then we are also here to celebrate something that happened for the first time that we hope that it will happen every year. And with that I will ask Commissioner Fritz to read a proclamation in celebration of our Thorns.

Fritz: Thank you, Mayor Hales. It is absolutely my honor and joy to read this proclamation. Whereas Portland is proud to be home of the Portland Thorns FC, our women's professional soccer team, which chokes me right up as somebody who grew up not even being able to watch women play, never mind play it myself. Whereas the Thorns joined the national women's soccer league in 2013, and were recognized by the United States soccer federation, the Mexican football federation and the Canadian soccer association, and whereas the Portland community and soccer fans nationwide celebrate our outstanding Thorns athletes, Rachel Buehler, Marian Dougherty, Tina Ellerston, Becky Edwards, Danielle Foxhoven, Adelaide Gay, Elizabeth Guest, Tobin Heath, Angie Kerr, Karina LeBlanc, Allie Long, Nikki Marshall, Alex Morgan, Emilee O'Neil, Casey Ramirez, Meleana Shim, Christine Sinclair, Nikki Washington, Tiffany Weimer, Courtney Wetzel, and Katheryn Williamson. And I think it's important to say each one of your names because you are a team that each person plays so magnificently all season. Whereas the Portland community and soccer fans nation-wide have embraced the leadership of the head coach Cindy Parlow Cone, assistant coaches John Galas and Nate Berry, trainer Sheila Tatsunami, and manager Megan Lovich, and whereas the Thorns completed their inaugural season tied for the league lead with 38 points, 11-6 in 5 overall, and whereas the Thorns draw an average of 13,325 fans to 11 home games at Jeld-Wen Field including 17,619 at the regular season home finale, which ranks among the top single game marks in the history of women's soccer in the United States. And whereas the Rose City Riveters supporter's group is renowned as the biggest and best in women's soccer and whereas the Thorns won the national women's soccer league championship on September 1 2013, defeating the western New York Flash by a score of 2-0 before 9,129 fans in Rochester, New York. And I don't know how many at the Baghdad and multiple other places in Oregon. And whereas this win was the first national championship by any major professional sports teams in Portland since the Trail Blazers of 1977, now therefore, Charlie Hales, the mayor of the city of Portland, Oregon, the city of roses, and soccer city USA, does hereby proclaim Wednesday, September 4, 2013, to be a day of recognition for the Portland Thorns FC, champions of the national women's soccer league in Portland, and we encourage all residents to observe this day. [applause] We are honored today to be joined by the three of the national champion Portland Thorns, known fondly to their fans as Kat, KK, and Mana, and they will talk to you a little bit about their experience in this inaugural season for the Portland Thorns.

Karina LeBlanc: Thank you to all the Commissioners and the Mayor for having us. It's pretty incredible to be living out our dreams every single day and get it recognized. It has in Portland. It

September 4, 2013

has been such an incredible city to play for. I mean, every single game we stepped out on the field, it has brought us near tears just to see the love and passion from the people of Portland, and gives us such pride when we get to put on that jersey and represent this incredible city, which we think is the best in the world, for what we do, and we just love it and are so appreciative of it, so thank you very much. [inaudible] They are young.

Meleana Shim: I'm gonna lose it! I can't say enough great things about this city, and just the fact that we are here and being recognized by you folks. It's an incredible honor, and as my first year, I am a rookie, straight out of college, this is beyond anything that I could imagine as a professional soccer player. Oh really, really hope that other cities can follow our lead and see what we are doing as a city, and really bring women's soccer to another level in this country. Thank you.

Kathryn Williamson: To reiterate what both of them said, this experience has been unbelievable. Being a rookie, as well, I was not sure what to expect. Other leagues had folded in the past, and you know, we were hoping, that this one was, would last, and you know, our opening home game, bringing close to 18,000 people, that was something that I don't think that many of us have experienced, even for the people that have been playing professionally. So, I just want to say thank you, and I hope that the support continues.

Fritz: Well thank you for the joy. And indeed, the support needs to continue because there is only one thing better than winning the inaugural season, and that's gonna be winning it at home next year.

*****: That's right! [applause]

Fritz: And I know my colleagues on the council would like to say something. Commissioner Fish.

Fish: First I want to thank Commissioner Fritz for bringing this proclamation forward. She is a season ticket holder, so how about a round of applause. One of your great fans. [applause] I just want to add two more comments. First, I went to a number of games this year with my daughter, who is a college junior. And lord knows that we need role models at this time in our history, and you cannot ask for better role model than women on the field that she and I cheered for. So, thank you for, that as well. Thank you for being an inspirational role model for young girls across the country. And finally, Mayor, I just was reflecting on the fact that we are 40 years away since Title IX was adopted. I'm not sure that when Title IX was adopted by congress, and signed by the president, someone foresaw that one day we would have a women's professional soccer league. But, the reality is that because of Title IX, young women had a chance to fairly compete and pursue their dreams. Something which my sister, who was pre-Title IX did not have a chance to. So I think that we should recognize the great gift of Title IX that leveled the playing field, and now we have a league that gets the same fans here at home that the men's team does, and that was the dream. So congratulations.

LeBlanc: Thank you.

Williamson: Thank you.

Shim: Thank you.

Hales: Other comments? Well, we would be honored to take a picture with you here to conclude this morning, and we want to know that, that not just the five of us, and the people in this room, but all of Portland is really proud of you, thank you. [applause]

Fritz: I think another thing I appreciate about these young women is that after every game, whether they won, lost, or drew, they went around and thanked their fans for being there, and so, it's an example you can do great things if you keep at it.

Hales: Great work. There is a community celebration at noon and I hope that everyone gets to enjoy that as well. Let's move to the council calendar and communications item.

Item 803.

Hales: Good morning, welcome.

Renee Stephens: I am Renee Stephens, and I am here to talk about what I have experienced in this city and state. Now, my, my daughter was abused by the brother of a politician here, Rex

September 4, 2013

Burkholder, I don't know if you know that, but she was. And it's been covered up by every level of the administration. Not just in the city, but in the state. All the way up to the federal government. Okay. I mean, I also used to be designer at Nike and somebody tried to dry hump me up there, and I complained about it and they freaking kicked me out. And they obliterated my career. Completely done. I have been doing my best as a responsible citizen to handle these issues, and I've been going through every level. I have gone to everyone, okay, I have gone to the media. I have been shut down everywhere. And what I have recognized is that we -- there is something very wrong going on here. Not just with you, it's not just the leadership. What we have done here is we have created a place that doesn't care about people. We just care about money. And that's what I have experienced. My daughter did not matter and she does not matter because the people that harmed her are very wealthy. Very powerful people. And so that's why the police, the police department is not working for her. And that's why the hospitals are not working for her. Because she was abused and because the hospitals did cover it up. She now is suffering from osteopenia, type 1 diabetes, she's got scoliosis, something is wrong with her liver that I still can't get addressed by the hospital. She's got contusions, those are bone bruises on her left knee where she was burned, she was not treated. OHSU, Providence St. Vincent, these hospitals did not treat her. And they inserted some weird stuff into her medical records to make sure that this was covered up. Now, I've been bringing this to you. I have reported this to the police. I have reported this to the FBI, and you know what I get? I get hung up on. I get told that I can't make reports. This is the administration of our society? In this city? You know what I realize, you people are indescribably irresponsible, and you have absolutely no business, no business administering to society. Because you don't understand what is important.

Hales: I want to thank you for coming today and make sure that we get you some access to some help, so I will make sure that one of my staff before you leave today connects with you. So please do, and I know --

Stephens: Oh wait a second. I've been trying to come to you and talk to you. I got kicked out by one of your staff members.

Hales: We'll make sure that you get connected.

Stephens: Really?

Hales: So, we appreciate coming forward and --

Stephens: No, no, okay. I'm not done yet.

Hales: Well, you are because there is a time limit.

Stephens: No, I'm not done. I am not done. [applause] I'm gonna talk. There is something wrong with --

Hales: You made your point very well.

Stephens: No, I have not made my point.

Hales: And you need to finish because there is a time limit so that other citizens can speak.

Stephens: I will finish, if you stop interrupting me.

Hales: Please do.

Stephens: You are running society for the wrong reason. Okay. This is what I have come to understand. Over the past six years of dealing with this, we are running society, to own things, but we should be running society to take care of people. And that's why my wife and I, we have established a new organization, it's called the pay it forward leadership society, and our goal is to get humanity on the right track. We need to start taking care of people. You should not be erecting fences. You should be taking care of people. [applause] Life has to matter. Not money. Money is an ideological construct that has been imposed on humanity, and we impose it on each other. And it's just not right. It's irresponsible. We're hurting people. And it doesn't matter. You just do things as money dictates. But, that's irresponsible. Because if we don't have life --

Hales: We do need you to finish.

September 4, 2013

Stephens: I am going to finish. Life has to be the most important aspect of existence. It has to be because, if you don't have life, we don't have any of this. Nothing is here. Money didn't build these buildings. Or any of the technology here or anything that's helping people, people did that. People are doing that. And I'm actually very disappointed in our society that, that doctors, respected members of our community, have to sit there and lie to my face. What type of leverage have we put these people under, where they would lie about the health of a child?

Hales: Okay, we'll try to get you some access to some help.

Stephens: Are you going to try?

Hales: That guy right there --

Stephens: Because for the past six years, you have done nothing.

Hales: That guy right there, Chad Stover is on my staff --

Stephens: Really. Alright, I'm gonna talk to Chad --

Hales: And we'll see if we can get you some help.

Stephens: But this movement that we have started, it's not going away. It's gonna get bigger. There are people here that care about people. I'm not saying that what we have done here is anybody's fault. But, what I'm saying is, there is a problem. And to recognize it. And to act in a manner that suggests that we are powerless to change it is irresponsible. It is not just your responsibility. It is every one's responsibility here on this planet. Every single human being. I don't want -- we don't need a war in Syria, we need to be taking care of people. That's all we need to be doing. Because, if we were taking care of people, you would not have people trying to hurt other people, what we have is, is a condition where, where we are, we are human beings. Don't care. At all. Not just about, about other people, but don't care about themselves. Their value --

Hales: Now I need you to stop. You have done a good job.

Stephens: Their value has been taken over by an imaginary piece of paper.

Hales: Sir, thank you --

Stephens: Money doesn't exist.

Hales: Thanks for coming, you need to stop because other people are here.

Stephens: People exist --

Hales: There are people here who have signed up to testify.

Stephens: I understand, sir,

Hales: They need their chance.

Stephens: Sir, excuse me. I understand. Please, don't. Don't talk to me like that.

Hales: Well I need to talk do you like that because there are other people waiting, sir.

Stephens: I am going to finish.

Hales: You are not going to filibuster here, there is a three-minute limit for a reason, we've been very indulgent. I am going to have to ask you to leave now, and talk to Chad --

Stephens: Am I going to be called out by the police?

Hales: If we have to, and I would be sorry about that.

Stephens: I would like to see that, actually.

Hales: I imagine you would, but --

Stephens: Who is going to haul me away? Who is going to haul me away?

Hales: Sire, if you really want that, that's the only option you may leave us.

*****: Sir, you have had your time.

Hales: You have used your time. Thank you.

Stephens: Listen. We are not going away.

Hales: That's good but you've used your time today.

Stephens: We're going to get humanity back on the right track. It's not just your responsibility.

*****: Thank you, brother.

Hales: Thank you very much. Talk to Chad. [applause]

September 4, 2013

Item 804.

Hales: Good morning, Michael. [applause]

Michael Withey: Good morning. It's actually Withey. I have only got three minutes so I will make this quick. We've got an idea, actually several, to end homelessness in Portland. And it's called the six-point plan. It mainly is going to be something that we looked into to save money in the long run, and get more people indoors, whether it's sometimes even at a relief camp setting -- so we're looking at masses, as opposed to just a certain part of the homeless society. And so, the six points are, in a nutshell, eco-villages, we think that even though Bud Clark is a great building and they do great work, the 40 million could have housed 2,750 people permanently. So, we would have saved hundreds of millions of dollars, so eco-communities are definitely the way to go, I do believe. Secondly, after Katrina, I had occasion to work alongside AmeriCorps. They set up relief conference in a professional way, with federally-funded volunteers. We believe that a relief camp, or several satellite relief camps that might be a good option this winter for folks that want to get off the street and work. You wouldn't want to go there and hang out, you will have a program that you have to follow. It's a 90-day program, and that will get off the street. And we also think that the last time that the church has asked City Council to address the issue with folks that were traveling through, and needed a place to sleep, that they would be allowed to pop tents in the parking lots at night. And I believe City Council passed it, if they have cars. We want to look at that issue, see if it's possible, feasible, that outside of the realm of people, let's say, low-key areas where these might be acceptable. So, these overnight camps wouldn't be somewhere you would go to socialize, you would go there to get in your tent and go to sleep. It will be supervised by the person who owns the parking lot and hold the lease so they would have insurance and port-a-johns. So, the fourth thing is we don't believe that investing in large, expensive shelters is really the answer. So, we think that the money should go -- and the buildings that already exist that could be remodeled through volunteer services, and donated building materials, so, we could save millions that way. There is also, I think you might not like this, Ms. Fritz, but we have Dodge Park, it's a campground, it's in Clackamas County. It's closed October through May, I do believe. You would know this, you were the commissioner of parks. But we believe that if we reseed in the spring, if it's run responsibly, through a nonprofit that can have security, we see no reason why people that are responsible can't utilize that area for a campground during the winter months. But, we also believe that we could rent some land and maybe legally operate a campground that could be secured. So, that would be number five. Number six is, none of this is going to work unless we work on the issue, the core issues of homelessness. And through every person that's out there, that's homeless, there is an issue. So, it's going to be extremely complicated. That's the complicated part of homelessness, is how everyone, everyone is their own issue, that's how they got homeless. So, that's why it's so hard to wrap your head around, there is so many different variances of it. So, those are the six things that we think would make a difference. All of those things are imperative. The sixth point, let me reiterate, it's going to have to concentrate on employment, education, rehab in some cases, but all first of these five answers, all need to have the sixth element which is sort of reconditioning of the people that come in for help, not reconditioning in essence of trying to rethink life, but get them the help they need. Explore with them their potential entrepreneurship program should be included in that, too. So, everywhere you go, in the first five points, you are going to see that sixth point, which is the most important. How to keep people off the street. Get them off the street but keep them off the street.

Hales: Great. Well, thank you, I appreciate you and other advocates coming forward with creative ideas. Frankly I'm not sure that they will all work but I think some of them will, and that's what it will take is both the agencies of the city and the county and others responsible for trying to house people, and folks in the community coming up with creative ideas, and trying to make things work. I've certainly have seen evidence, you know, in recent efforts in the community, particularly, Right 2 Dream Too, where a small amount of money and a small number of people are making a

September 4, 2013

difference in a way never officially sanctioned, quite to the contrary, by the city. So I am open to those creative ideas and doing them in a way that's sustainable and legal, and that's the sense of the council, as well. So, I want to thank you for being creative and constructive and continuing to throw out ideas, some of which will work.

Withey: I have got a question for you, in finishing, in final. We would like to see if you would be interested in setting up new committee, separate from the ten-year committee to end homelessness. There are a conventional way of dealing with homelessness. And we're sure that they will always be in business, right. But we have got a lot of other people that are homeless that are not included in their realm. Not chronically homeless. So we believe that a new committee should be constructed to look into not just these six points, but any other point that anybody come up with.

Hales: I am personally interested in that, and essentially we'll talk with Commissioner Saltzman in charge of the housing bureau, and again, look for a way to, in an orderly, regular way to get these kind of ideas under consideration, and talked about. I appreciate that, and let us get back to you about that suggestion.

Withey: Okay.

Hales: Thank you, Michael. Appreciate it. [applause]

Item 805.

Hales: Is Crystal here? Okay, we'll see if she comes in later. Next one, please.

Item 806.

Hales: Good morning, Joe.

Joe Walsh: Good morning. My name is Joe Walsh and I represent individuals for justice. You just heard a really good presentation by Michael. And in conversations with Michael, and other people that are out on the street, what they're saying is those six points are not written in stone. What they are asking you to do is to consider them, but also, be creative in the sense to set up committee that includes the homeless and houseless people. Every study that I have read, the recommendations say put the homeless on the committee. And yet, we don't do that. We spend millions of dollars, but we don't have a committee where you ask the very people that you are going to serve, what is it that you need? And this is a complicated issue. Because to me, it's a different. Let me tell you a short story. There were two gentlemen living on the street right now that have enough money to pay rent. They get something like \$2,000 a month, which is -- you can pay rent on that. They can't get past the credit rating. So, when they go to get an apartment, they do a credit check, and, of course, then \$40 to \$50 to do it. They lose \$40 to \$50 because they can't get past the credit check. There is nothing in the system that can help them. That's what they have been told by, what is it, 211 emergency call. They have given up. They say, we cannot help you. Here are two people that, that can pay rent, and Commissioners, you spend millions of dollars, but we can't get them into an apartment. That's an indicator that we are failing. Terribly. That's why when Michael says, set up this committee, and all of the studies tell you, set up this committee, and include the homeless. You have heard Lightning. You heard Michael. You heard other people come before you with good ideas, and you always say that, Mayor: well, that's a good idea. When are you going to do the committee? That's what I want to know. When are you going to really do something and say, we can do something about what's going on. Let's ask the people that are involved. Because you've got very bright people. [applause] Thank you. Don't ask advocates to be on the committee like me. Don't ask -- you have to have people that feel the pain of the rain on their heads at night as a cop kicks them to wake them up. That's who you need on that committee. Not me. [applause]

Hales: Thank you, well said.

Item 907.

Hales: Chris, are you here? And did Ms. Elinski come in? Okay, if not, we'll give them a chance to come back and move onto consent calendar. Are there any items that have been removed? I don't think so. Any requests?

September 4, 2013

Moore-Love: We have a public request to remove 819.

Hales: 819. Ok. Let's pull 819 to the regular calendar. Any other requests? If not, roll call on the balance of the consent calendar.

Roll call on the consent calendar.

Saltzman: Aye.

Novick: Aye.

Fritz: Aye.

Fish: Mayor I want to especially acknowledge, we're reappointing four members to the RACC board, and by tradition we put this in consent, but I want to just thank phillip, jesse, tyra, leah briggs for agreeing to serve, and I know if they were here we would -- the council as a whole would thank them for their service. Aye.

Hales: Aye. Thank you. [gavel pounded]

Hales: Ok. Let's take up 822, and then we'll come back to 819 after the regular calendar. I'm sorry, not 822. Where is the first item, 835.

Item 835.

Hales: Good morning and welcome.

Mike Crebs, Portland Police Bureau: Good morning, commissioners, and mayor. I am Mike Crebs, the assistant chief of the Portland Police Bureau. Today we have several items on the agenda, and I brought the experts in all those. And on my right is Todd Davis, on my left is Aaron Smith, and they are going to talk about the first one.

Todd Davis, Portland Police Bureau: Good morning, Mayor Hales, and the City Council members. Sergeant Davis from the traffic division. The first grant we're going to ask is from the Oregon Department of Transportation for enhanced photo radar enforcements in ODOT work zones. And ODOT wants to do a test project to gauge the effectiveness of photo radar in these zones as opposed to traditional enforcement, and they want to do this in this year, we're expecting that the legislature is going to improve -- approve the photo radar can be used on state or on interstate freeways. So, it would also encompass a test project due to the effectiveness of that. Right now we're only allowed to use it on state highways, and on surface street work zones. So, part of the grant is for, for a project on Powell that is underway, and the rest of that grant will be, will be for future use, on i-5 or 205.

Hales: Questions from the council? Or Sergeant Davis or anyone else? Karla will check and see if we have anyone signed up. Either way, we are down in crimes, we are down in homicide, we are down in gang violence, thanks to good work by the police bureau and crime prevention staff and the community, and maybe some factors outside of our control, but the one thing we're not down in, unfortunately, is traffic deaths. And unfortunately keeping Sergeant Davis' team too busy dealing with fatal accidents and serious crashes across the community, and all modes, bicycles, cars, pedestrians. The one biggest factor we talked about this last time the council was looking at these issues is alcohol, but it's not the only factor. So, photo radar is one more tool, and an important one. Anyone signed up to testify on this?

Moore-Love: Two people signed up, Joseph Gordon and Jesse Angel.

Hales: Okay, hang on for a second. Commissioner Saltzman.

Saltzman: I have a question. If you have a photograph for someone, through your photo radar and they are texting or talking on a cell phone, are you able to issue an additional citation?

Davis: Unfortunately right now the way the law reads we're not allowed to enforce any secondary offenses for photo radar, just the speed enforcement or the red light violation.

Saltzman: Really? Are you aware of any efforts in Salem to change that?

Davis: I don't think that there is any right now. That would have to move forward from us.

September 4, 2013

Hales: Let's flag that as a potential legislative proposal from the city of Portland next session. You know. If you are violating more than one law, seems to me you ought to be able to get more than one ticket.

Davis: We have a lot of photos with cell phone use taking place, believe me.

Fish: I would love to hear the defenses on that. I was shaving while driving. [laughter] The current law is, if you have a phone in your car and it goes off, you are required to get off the road, park the car, turn off your car, and then you can take the call, is that right?

Davis: If you have a bluetooth and you can do it completely hands-free you would be allowed to do that but you are not allowed to manipulate the phone in your hand while operating your car.

Fish: So you really have to be parked, with the engine off, and then you can take that call?

Davis: I'm not sure need to go as far as having the engine off, but need to not be driving on the street. If you pull off to the side of the road and take care of that call you will be fine.

Fish: And then if you are on the Banfield or another road and you see behavior, like a drunk driver, weaving, my understanding from Mike Reese is that that's one of the exceptions that you are allowed to make a 9-1-1 call?

Davis: If there is an emergency exception in the law.

Fish: Okay.

Davis: Thank you.

Hales: Thanks. We have got folks to testify and we'll bring back up on the other items. So you had two people signed up?

Moore-Love: I think that they left the room.

Hales: Ok.

Veronica Bernier: Hi, it's me, Veronica, I am back from the outfield. Okay. Good. Yesterday I walked 20 miles, in Portland, and I just wanted to say, this about that, good morning, Charles Hales. I really like seeing you here this morning. I have come back from the outfield and I'm in the infield and I have to say this about that, Portland. Okay, it's walkable city, a doable city. There's a few schools that need help. Right now. And okay, one is Wallace school. I don't know what happened. I didn't read the newspaper, I don't listen to the radio or tv, I don't own a tv. So, I really don't know. But, on the street, you can feel the air is crackling with excitement and reactivity, and I don't know what did happen, except that there was something that did occur. Whenever you have a community of people so fluid as that, the pipeline, the grapevine goes, I want to support the men in blue, and Portland's finest and the chief, you know, the chief, at this time, for the work that they are doing in breaking down the city into bite-size pieces. It's so important, no one person, the mayor, can do their job. Not one person, not, not Commissioner Amanda Fritz, although you are doing a great job Amanda, how are you doing, working so hard on the weekends and then coming in and doing the City Council. Okay, but, for the mayor and Commissioner Dan Saltzman, and Commissioner Fish, you are doing a great job. With your new work and Commissioner Dan Saltzman, pretty good with the historic homes and supporting that. The National Audubon Society and, and the wild bird sanctuaries. I picked up more birds along the way, and I have watched the flights of birds, in the parks, and it's a very healthy city, and I just want to underscore that. We need more police. I just have to say this, and it doesn't have anything to do with the top of it. We just need more, I think and, and the biggest shift is probably 11:00 to 7:00. It's not a 1987 clock like former Mayor Vera Katz, but if they need more people on foot patrol, it's a shoe leather epidemiology, okay. Thanks a lot.

Hales: Thank you. Thanks for coming. Is there anyone else? Unless there are further questions, this is an emergency ordinance and we'll take a roll call.

Item 835 roll.

Saltzman: Aye.

September 4, 2013

Novick: I think that photo radar is extremely useful to all. I mean, drunk drivers kill, but basically, speed kills. And I know that some think that photo radar is somehow unfair, but I think that it is accurate and people being killed by people speeding is unfair. So, I am pleased to vote. Aye.

Fritz: Aye.

Fish: Aye.

Hales: Let's flag that item for future legislative advocacy along with anyone else that you are able to scroll up for us in the next few months because it's not that long until the next session of the legislature, and that seems like common sense to me. Thanks. Aye.

Item 836.

Mike Crebs, Portland Police Bureau: We're back again, Mike Crebs from the chief's office and on my left, I have Aaron Smith, a sergeant at traffic, speak about the ordinance.

Aaron Smith, Bureau of Police: Good morning, Mayor and City Council. Aaron Smith, sergeant, Portland Police Bureau, traffic division, and in this particular grant, it goes towards enforcement, in various work zones that ODOT has. Currently, the ones that pop up through the 2013 to 2015 biennium. Currently, there is two active work zones, including i-5 at the Iowa viaduct and also the Sellwood bridge reconstruction, and in this grant, it would allow for actual officers to be in those work zones, enforcing the laws and making sure that, that everybody is driving safe, especially when they do have personal, personnel out there working actively in the work zones.

Hales: And this is just to compensate us for that work and ODOT's work zones not our own, right? We pay for our own ourselves.

Crebs: Right.

Hales: But ODOT pays us to do an extra level of enforcement.

Crebs: This will be extra patrols, so officers will, will be working outside the regular work hours, and ODOT will compensate us for that.

Fish: May I ask question, Mayor, since we have the experts here and the transportation commissioner. I just got back from a vacation where I was down in Los Angeles, delivering my daughter to college. And I noticed that, and it's a city that's constantly in construction mode around the highways and the roads, and I noticed that at rush hour, at really messy intersections, there were one or two people who are there to direct the traffic, and deal with the problems. And that, at construction sites, there are generally people, and they looked like uniformed people, I don't know that they were carrying a gun, but they looked very official. Now we don't have that in Portland, I'm not as aware of having folks at difficult intersections at rush hour or construction sites, is there a reason that we don't do that, and if we do, am I missing it?

Crebs: I'll let Aaron answer that.

Smith: The laws are different in the states. In Oregon, they don't allow for that type of uniformed presence, unless it's, like, extra patrols in the work zones, so there's not that element, but in other states, they do have different laws and governing the work zones, how they will parole them or how they will staff those work zones. I know that in New York, typically, any area that's under construction, it's mandated that they have a uniform presence there in the work zone.

Fish: There is a certain irony because you see signs in work zones that say, traffic fines double, or, or urge you to use a special caution. I'm not sure that often, that message often gets through to the drivers in a rush. And whether it's an officer that is fully equipped, or whether it's someone who is, who is in traffic safety, my sense is there is a very beneficial value there of having someone, particularly at intersections that are a mess with the construction site. So you are saying that we have to change state law to authorize Portland Police to put someone at intersections?

Smith: Well, to make it mandatory. I mean, otherwise, it's up to us to know where the work zones are currently being worked, and if we have the personnel to place them in those areas, and we can but you are absolutely correct. It's -- people don't really notice those orange and black signs, until they come right up to where the, the flaggers are, the workers are, and that's why grants like this are

September 4, 2013

important because we're able to put officers there for that visible presence, to get them to slow down either prior to coming into the work zone, or as they are leaving. It makes the awareness that much more present for those drivers, when they see those, those uniformed officers.

Fish: Is it a wild and fanciful idea to shift the cost to whoever is doing the work, and have the contract require that, at least at rush hour, and at times when there is a heavy traffic, that they pick up the cost and just do an IGA with the police or the sheriff or whomever?

Crebs: Through a city ordinance. Any construction project in the city of Seattle requires a uniformed police officer present, and I am talking apartment complex going up, business office, or road project. And it is specified that the cost of that officer will be borne by the developer or the people behind that project.

Hales: That's when they are working in the right-of-way?

Crebs: We're talking if they are building a building, you will see a Seattle police officer with a hard-hat and an orange vest at the front door.

Fish: Maybe this is not the right time and place to go deeper into this, but I will say that having -- Los Angeles is a city of 3.5 million, and obviously, it's more spread out, but it was striking to me that at all the major construction sites, there was someone in uniform, in control, managing the traffic, and my guess, this is just anecdotal, but my guess is there is a big safety bump because of it, and perhaps that's something that we may want to consider the range of options, including whether that is a cost that is borne by whoever is doing the construction.

Crebs: I have a friend that -- in Boston, if you build a road or take the right-of-way, you have to hire police officers to make sure that particular intersection or that right-of-way is safe. So, I think that it's a good idea.

Hales: A good discussion, let's get a look at those ordinances when you have a chance, and explore that topic, you know, later on in the fall. You know, we had the very tragic experience of losing one of our city PBOT workers to a traffic accident when I was the commissioner in charge of transportation. And you know, this is serious danger when you have people otherwise concentrating on construction work, that's their job in the right-of-way, separated from cars by, by orange cones. It's dangerous.

Fish: And we're talking about, just to be clear, I don't want to diminish the role played by flaggers, but flaggers, generally are there -- once there's two lanes that were reduced to one, they are there to tell to slow down and let you know when you can pass. I'm talking about managing intersections that are gummed up, and in particularly rush hour, and in most cities there are people in uniforms. Now they may not be fully equipped, they maybe from a separate division, but they have experience in managing the traffic flow and impact.

Crebs: We'll take a look at that and see if we can put something together.

Hales: Good, thank you.

Novick: Commissioner. I would like to note on projects purely city projects, such as, for example, the sewer projects that occurred over the summer in southeast, we did, within the context of the limited budgets all around, worked very closely with the police bureau to ensure that appropriate safety measures were taken. The police bureau was very, very, you know, I don't want to say aggressive, but very diligent in patrolling areas where people were urged to take detours to ensure the people were not speeding through the neighborhood streets, for example. So within the limited budgets on all sides, we do what we can, although we should constantly reevaluate and see where the resources are best deployed.

Hales: Helpful, thank you. Anyone signed up on this?

Moore-Love: I believe that they are not back in the room yet. Joseph and Jesse.

Hales: So they are not here, let's take a roll call, do we have another one of yours here? No.

Crebs: All of them are ours the next while here.

Hales: Ok, stick around. Let's do a roll call on those.

September 4, 2013

Item 836 roll.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

[gavel pounded]

Hales: Ok. And do we need to combine any of these, which is something that I should have thought about before. Next one is, is -- they are all burn grants right?

Crebs: We have the folks here to testify.

Hales: Why don't we do the three burn grant items, 838 through 840.

Crebs: Ok.

Hales: Karla, go ahead and read those.

Moore-Love: We're skipping 837?

Hales: I'm sorry, 837 first and then I got ahead of myself. 837 first and then the other three as a group.

Item 837.

George Burke, Portland Police Bureau: Good morning, I am George Burke, the commander of the detective division of Portland Police Bureau. In 2011, we received a DOJ grant, that was focus on intellectual property crimes, which focuses on counterfeiting of properties and, and, and infringing on goods. We just recently received an extension to, to, to spend those grants up until December 31 of this year. And in that process, we asked for a re-appropriation of some of the grant funds, and part of that was to provide \$5416 that would go to the Multnomah County District Attorney's office, to help with the prosecution of the crimes associated with intellectual property crimes. So, I did bring the Sergeant Vic Doughty over to explain what those crimes are, if you are interested in hearing what those are.

Hales: Yeah, I am, and I want to hear about that and are we seeing an upsurge? How are we dealing with this issue?

Vic Doughty, Portland Police Bureau: Intellectual property crimes are, basically, copyright infringement or counterfeit type of goods, anywhere from health and safety, batteries, we have seen, pharmaceuticals we have seen, to just basic goods like t-shirts, jeans, purses. And most of what we see around here is on the internet. We don't see a lot of over the counter stuff like you see in New York, or L.A. There is some, we have dealt with some of that, but, the internet, we are seeing an uptake in sales over the internet of this stuff.

Hales: Ok. Thank you. Questions?

Fritz: Mayor, I believe there is a substitute to amend the title so that it's easy to find on a future Efiles search.

Hales: You are right. Thanks. Do we have a motion for the substitute?

Fritz: I move we substitute only the title, nothing else has changed, and the title would now read amend an intergovernmental agreement with Multnomah county to extend the ffy-2011 intellectual property crime enforcement program grant period in order to reinvest the county deputy district attorney. And the rest is the same.

Hales: Thank you. Roll call on substituting the new version.

Roll.

Saltzman: Aye.

Novick: Aye.

Fritz: Thank you to your staff for working with me on that. Aye.

Fish: Aye.

Hales: Aye. [gavel pounded]

Hales: Is there anyone signed up to testify on this?

Moore-Love: We have two people. Herculees and David Bentley.

September 4, 2013

Hales: Are they here? Ok. So, gentlemen, yield the floor, and we'll let these fellas come forward. Come on up. Thank you. Good morning. Good morning, and welcome. Give us your name, and you have got three minutes.

Herculees: My name is Herculees. And, and I have never done anything like there before.

Hales: Ok.

Herculees: Ok.

Hales: Welcome. Go ahead.

Herculees: Okay. Well, we're talking about the property thing, right? Okay, I am a little nervous. Well, all I have right now my property, which is just a tarp, and blankets and couple of double bags and a little bit clothes, a little bit. And I have lost everything throughout my life, and I am 20 years old, and I have never actually had anything, I have grown up poor, my family has lost everything. My mother is disabled and lives with her family, her mother, and father. And my little brother is 18 and he's homeless, now, as well, and has nothing. And I have a little sister, but she's 15 and lives with her father somewhere on the other side of the country, and I don't know her. But, I have been through a lot in my life. And I have seen a lot, and every morning we are woken up by the officers, they are kicking us awake or some harassment of a way. And they always make us want us to move our property. And it's not very much, and sometimes, when they do try to arrest us, they take our property. And then sometimes it's hard for us to get all our property back. And you know, and understanding, this is the only property that we have. We have already lost everything, and we don't want to lose anything else. And all we're asking for lately now is a place to call home. A place where we can go, a place where we can truly belong and everyone just get together and be one. I'm not just talking about all of us but I'm talking about all of you, all the police, and everybody. Because we are all equal, no matter, no matter whatever. You know. And, and I don't see it right now. I've been -- the other day I was assaulted and falsely charged by an officer. And, I am on trial for that right now. But, and I don't know what's going to happen. I know the officers are lying about everything about how it all happened, and what they did to me and I'm not sure what is going to happen, it's scary. I have a clean record, and I have never been in trouble with the law before this and, and I am not sure what's going to happen, but, I don't want to lose anything mine, and I don't want anyone to lose anything theirs because it's the last thing that we got. But, just know this, though, that no one can bring us down any more because we're already sitting on the ground. The only thing that we can do now is rise, and we will not go anywhere until someone will recognize. And that's all that I can say.

Hales: Thanks for coming forward. Good morning.

David Bentley: Good morning. Like him I have never done anything like this. And I wasn't really sure what to sign up under. But me and my wife ended up on the streets because our landlord didn't pay his mortgage. The house is now boarded up, it's owned by a foreign bank. It's got grass taller than me. And, we were told by DHS that they can't take your kids if you are homeless. But this is the reason that they took our kids almost three weeks ago. Just because we're homeless, and they took our three babies. I have until the 10th to try to come up with a place, and honestly, I'm disabled, and I have got my babies, if I get into a place, they'll give me back my babies. But, all these subsidized housing things have got two-year waiting lists, and there is no preference for a disabled family with children. There is no preference. I'm going to lose my babies because I can't get off the streets. I get social security, I can only afford like 500 dollars, that's -- I am going to lose all three of my little boys. [crying] Because I can't find place. Something has got to be done about this, it's not right. And as far as ODOT wanting all this money, if they are here, or just opened up the properties underneath the bridges, let people set up tents, stop spending so much going through and stealing everybody's stuff. And, you know, just being jerks to everybody and saying, you can't be here. If they would open up the properties, then they would have to spend less on cleanup and everything else, and security. And that would give them more money to be able to have officers at

September 4, 2013

construction zones. Just to add something to that whole thing. I don't know what else I can say. I'm hurtin' over my babies and there doesn't seem to be anything that I can do.

Hales: I appreciate having the courage to come here today and I want you to connect up with that young man in the back corner there who might be able to connect with some folks who can help. I appreciated doing this. Thank you for being here.

Fritz: I add my thanks for you for coming in, because there is a lot of people who don't understand that many people are in a situation that could be just like yours, that one unfortunate incident like your landlord losing his home and then you are homeless with your family. So thank you for coming in to share your story, it matters.

Bentley: Thank you for the time. I hope something comes out of it.

Hales: I do too, thank you for coming. Anyone else?

Moore-Love: That's all who signed up.

Hales: Okay so we're ready for a roll call and we'll take the other three, all right.

Item 837 roll.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye. [gavel pounded]

Hales: If you read the next three, the Byrne grants.

Item 838. Item 839. Item 840.

Hales: Welcome.

Crebs: Good morning, Mike Crebs again, and I will turn it over to Bob Del Gizzi, he's one of our analysts in the fiscal division.

Bob Del Gizzi, Portland Police Bureau: Good morning, Mr. Mayor and Commissioners, and my name is Bob Del Gizzi, and I work for the services and business operations manager. And I am going to address items 838, 839, and 840, they are interrelated. These regard the Edward Byrne memorial justice assistance grant program fiscal year 2013 award. And on July 9 2013, the city of Portland applied to the U.S. Department of Justice, office of justice programs, bureau of justice assistance, and the Edward Byrne memorial justice assistance grant program, school year 2013 solicitation. The 2013 jag funds are made under disparate certification to the city of Portland, Multnomah County, and the city of Gresham. And the solicitation required state to submit a joint application to the aggregate eligible allocation to all disparate municipalities and also to act as the fiscal agent for this grant. The DOJ has notified the city that it will award a grant in the amount of 464,582 dollars with no match requirement. The awards allocate as follows, the city of Portland will receive 228,587 dollars. Multnomah County will receive 179,604 dollars. And the city of Gresham will receive 56,391 dollars. Intergovernmental agreements must be executed with Multnomah county and the city of Gresham in order to obligate agency roles, and responsibilities. These are addressed in 839 and 840 on this agenda. This public governing body review of the grant award and the related intergovernmental agreements provides an opportunity for public comment and involvement, which satisfies the requirement of the jag grant. Portland police bureau will use 28,587 dollars in jag funding for the following two items. First is to retain one full-time equivalent senior management analyst position for period of 17 months, at a cost of 128,587 dollars. The senior management analyst will facilitate the development of directives, applicable manuals and handbooks and other written communications related to the bureau policy and procedure. The senior management analyst will also conduct research and analysis of best practices, in support of city and bureau activities, functions, and programs, and will recommend action and assistance formulating policy procedure and legislative positions related to those best practices. Second, the bureau will contract with Lifeworks NW, new options for women program at a cost of 100,000 dollars. New Options for Women, NOW, provides trauma-informed care to women in Portland, in order to help them to exit the sex industry. Most if not all of the clients are survivors of childhood sexual abuse and molestation, which includes human trafficking. They have addictions treatment, treatment for mental health disorders, including psychiatric care as needed, challenging criminality, domestic

September 4, 2013

violence education and support, parenting education, urinalysis to ensure they stay drug-free and mentoring and case management. NOW provides an environment in which the women are able to speak about their experiences of being trafficked and prostituted and truly address their issues. NOW assists women in their program with finding stable housing, legal income, and obtaining education, and it assists them in obtaining any forms of identification they need. This will be a component of east precinct's prostitution coordination team. Which is a multi-disciplinary partnership that includes police, parole and probation officers, the Multnomah county district attorney's office, and the Multnomah County's sheriff office and local treatment providers. Multnomah County will use 179,604 dollars in jag funding for the following three items. It will retain 0.43 full-time equivalent neighborhood deputy district attorney positions for a 12-month period at a cost of 59,868 dollars. It will retain 0.49 full-time equivalent parole and probation officer positions for 12 months, at a total cost of 59,868 dollars. And it will retain one you will full-time equivalent corrections deputy position for five months at a cost of 59,868 dollars. Final, Gresham will use 56,391 dollars in jag funding to purchase speech recognition software in order to increase productivity by providing sworn members with a faster, easier way to complete administrative work. At this point if you have any questions, I would be happy to address those.

Hales: So, a couple questions that I should have known the answer to, but I think that your presentation illustrates, it the Byrne grant has a broad spectrum of programs that local government use the funds on, and there is a lot of choice available to us and the county and to Gresham about how these are used. It's not strictly for parole officers or unlike the fire grant, it could be targeted at certain community issues like trafficking and prostitution, as, as your just talked about.

Del Gizzi: It's relatively broad, generally speaking, within the realm of law enforcement, it is expansive in that regard, that's correct.

Hales: And then the second thing I should have known, and I want to verify, and that is I assume that this funding is not encumbered we are by sequestration.

Del Gizzi: To best of our knowledge that is the case. This is a grant which has a start date, which is as October of 2012, and runs through 2016. The, the award was delayed. But, this is the period for which it is applicable.

Hales: Good, thank you. Other questions?

Saltzman: I guess, the senior management analyst, is that what you called it? Is this an existing person? Or is this a new person?

Del Gizzi: It is existing. It's to retain a position that was funded under the prior grant.

Saltzman: Under the prior grant? Ok.

Del Gizzi: These are successive grants.

Saltzman: And so, the outline of the uses you just listed for each jurisdiction, that was approved, that's the specific approval by the justice department?

Del Gizzi: That's the programmatic content within the application, and for which the award was made.

Saltzman: We have to stick within those awards, and those amounts.

Del Gizzi: There are opportunities for the reprogramming of the grant.

Saltzman: There is?

Del Gizzi: There are opportunities for reprogramming of the grant.

Hales: So you specify when you apply, we're going to use it for these purposes but you can, under certain circumstances change that if you want to?

Del Gizzi: You must apply for the reprogramming.

Hales: Okay.

Fritz: So, what deliverables have we had from that position, relative to the purposes of this grant so far?

Del Gizzi: Well, assistant chief Crebs may be able to speak more to it.

September 4, 2013

Crebs: That was held by retired lieutenant Dave Virtue, and he's trying to completely revamp our policy and procedure manual. This was last done in 2009. Ge's also reformatting it so that we can better take a look and find out exactly what's going on inside of that policy, because sometimes, they get very long, and he's able to break it out specifically so everyone knows exactly what's required of them. And he's also doing some study on stuff on best practices, on policies, so he talks with the police executive research forum, and other places like that, where he goes out and finds out what is the best practice and use of force? What is the best practice in vehicle pursuits? His job, or this person's job would be to do those things and make sure that there are, their policies are on top of things. I will give an example, I visited Seattle last week, and they have an entire division that does nothing but policy, they had a lieutenant, a sergeant, and four detectives do nothing but go out and revamp the policies and make sure they are in line with best practices. We'll have one person by using this grant to do just that. And I think that we have actually need more, this will be a start because literally we have nobody that pays attention to the policies on an ongoing basis. Based on our 2009 policy, that's the last one we put out was in four years ago. We're hoping this person can get us on track and make sure we can keep up with the best practices in the law enforcement industry.

Hales: And the rest of our relationship with the department of justice seems like an appropriate use of their money.

Crebs: Oh, yes.

Fritz: Did the senior management analyst provide us with any recommendations for legislative action in the last session?

Crebs: Not that I recall. I have no information like that. No.

Fritz: I believe that was one of the list purposes, and so I would like to see some recommendations. Because the position is supposed to go until October of 14. And I hear what you are saying about lots of people doing it in Seattle, but I wonder how much we need to continue examining the policies and establishing best practices.

Crebs: Ok. So, your question is, you want to make sure this person is doing some legislative work also to make sure that we get some --

Fritz: Providing recommendations to the council for the action in the next session or updates. I would hope that they were involved in the work that was done at the legislature last session on improving the protections for the survivors of human trafficking. There is more work to do, and I would certainly appreciate that person's-- and are you going to be hiring a new person?

Crebs: Yes. What happened is the, the other person, lieutenant Virtue, retired from the police bureau, and he moved into that job as a civilian and now quit the Portland police bureau and we're trying right now looking for a new person to fill in that spot.

Fritz: So it can be a civilian position?

Crebs: Correct. It is a civilian position, actually. He just retired and then worked that position for nine months or so. But, we want to have a civilian person come in and take that spot.

Fritz: And you will be advertising for that position?

Crebs: I think it's out there, and I think that they have advertised it already. Looking to fill that position, because it's an important piece of the DOJ, and the things we're doing right now, we tried to reduce the amount of gap. We knew this grant was coming up. And sometimes it takes a long time to go out and recruit, and interview, and choose the right person, but we're in the process of that right now.

Fritz: It's possible that applications are still open?

Crebs: I don't know that for sure, ma'am. I can find out if you would like.

Fritz: Yes, thank you, and you are always very responsive, I appreciate that. I want to make sure the advocacy community is aware of this opening because it would be good to have somebody with lived experience or having worked in the community, advising the police on their, on our policies.

September 4, 2013

*****: Ok. I can get back with you on that.

Hales: And I appreciate that suggestion. The discussion earlier today was about anomalies, let's call it that, and traffic law. If this position can be one that can help organize and collate and suggest to the council, hey, preparing your legislative agenda, here's some things that the bureau has identified, I want to encourage you to be fairly aggressive about that.

Crebs: Okay.

Hales: If you see things in the field or if they are bad practices, that are reinforced by bad state law, the next four months is a good time to hear about those.

Crebs: Okay. I am actually over this person, I'm actually supervised, not directly, but I am the branch assistant chief so I can watch this person's work.

Hales: Great, thank you. Other questions? For Nob or the Chief Crebs? Anyone signed up?

Moore-Love: One person, Joe Walsh.

Hales: Thanks, guys. Actually, on any of the three items.

Crebs: Thank you.

Joe Walsh: My name is Joe Walsh, and I represent the individuals for justice. There were two things that, when I was listening to presentation, that caused me some heartburn. The first one was, was they mentioned there would be public input. And I don't know when that's going to happen. If this public input, is that what we're doing?

Hales: Correct.

Joe Walsh: Okay. Since I'm the only one that signed up, would it be reasonable to suggest to you that that's not very good public input? That the publicity lacks something? Because we signed up at the last moment as we were listening to the presentation. The second part I noticed is, on the grant money, it's almost a classic example of something that we criticize often. That when the grants come in, that the bureaucracy eats it up. So, if you look at this grant, you could see that you are paying for positions, which has worth. And some of it is valuable. But, our concern is that when these grants come in, we would like to see the recipients of whatever the grant is supposed to do, receive some of the benefits, and by the time that it gets down to the people that are actually receiving help, it's very tiny. Because if you have \$100,000 going to somebody's salary, and you only have \$200,000 grant, that's 50%. And then if you do a couple of other positions, it's gone. And I didn't do the math, but it bothered me and that should be taken into consideration. When you go to do these grants, that you either get more money, or, you stop just looking at the positions, and say, we use this money in other ways? Does that make sense to any of you up there? It bothered me a lot, that the bureaucracy just eats up the money. So, that's my two concerns. The first one, I don't like the way that you did the public announcement. I don't think that there was one. And second of all, if you want to do public input, you have to tell people, please come and talk to us, or what you think about, and not do it here. That's not fair. Most people don't have the time to do it. I am retired, unfortunately for you. [laughter] Most people do not have the time to take off to come down here at 9:30 on a Wednesday morning. So, do a better job. Thank you.

Hales: Thanks, Joe.

Charles Johnson: For the record, my name is Charles Johnson. And while we're talking about this re-shuffling of the Ed Byrne memorial grant, I just want everybody in the leadership position both here on the council, and from the police department, to consider what are good practices and standards. Recently, the assistant city attorney landrum has convinced people that the city is not responsible, that they have practices that allow them to spray mace down the throats of young women. I don't know if the city is proud of that picture that circulated around the world, where Elizabeth Nicols ate mace, and the city attorney landrum was able to convince people that, in Portland, that's a good policy. So, I hope that the police department will engage, always with public safety as the number one objective. The other issue is there may be a procedural concern here, more within the police bureau. We're talking about, I don't know how long this grant has been available

September 4, 2013

but the way it's listed in the items, 838-840 is, we got a grant and we had a plan for it, and now we're changing. And if that's giving us more effectiveness and accountability, that's wonderful. If it's just creating another place in bureaucracy, that's not. So I would like to thank Amanda Fritz for her thoughts that, perhaps, it being a citizen position, people who have the most dissatisfaction with the way that the Portland Police interact with their community, can use that as a position to help us to have better policing in the city. Thank you.

Hales: Thank you both. Thanks. Anyone else?

Moore-Love: That's all who signed up.

Hales: Let's take a roll call on each of them in turn. They are all emergency ordinances.

Item 838 roll.

Saltzman: I just want to say that I'm very pleased to continue to see the Lifeworks New Options for Women included in this jag grant and, hopefully it will be, will remain a component of all future Byrne grant applications we make, and maybe at a higher level in the future. Aye.

Novick: Aye.

Fritz: Thank you to the assistant chief Crebs for briefing me on various items today and also for your diligent work on this. I do want to see more public involvement in the next round. It seems like this has come through every single year that I have been on the council. And, perhaps, involving the budget committee next year, in figuring out what should go into this would be appropriate. Because posting it on the police bureau website is -- I don't think too many are checking that on daily basis. Although, perhaps Mr. Walsh is. [laughs] I disagree with the allocation to Lifeworks, at a reduced amount of 100,000 instead of 117 as it was last year. I lost on that in the budget discussions. And so I will be supporting this emergency ordinance, but I do want to let my colleagues on the council know that commissioner Diane McKeel and I are convening a group to meet in September to look at what else could be provided to survivors of human trafficking this year. And we'll be coming to council with a proposal on that, probably in October. So, and that we have that discussion during the budget, so, with that, I vote. Aye.

Fish: Aye.

Hales: A good discussion. And we do get a lot of grants, some of them are more routine than others, and I think that having some way for the public to get a window into that set of questions, about how we spend, not just this grant, but, you know, we spend our own money, and then we spend federal money, in lots of ways. So, I am interested in exploring that question of how do we in the budget process take up that question of, we get these grants, some of them are extraordinarily targeted, like the fire grant that we're waiting word on, and that is solely for the purpose of maintenance of effort in the fire bureau, and that's all that we can spend that money on if we get it. Others, like this Byrne grant, have more flexibility. The public would have a chance to weigh in other than at the 9:30 council session on an ordinance item. Point made well, and I want to look at that in the budget process. Aye. Next one.

Item 839 roll.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

[gavel pounded]

Hales: 840.

Item 840 roll.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

[gavel pounded]

Hales: The next item, please, 841.

Item 841.

Hales: I asked the bureau to come make a presentation on this because the title alone was inflammatory. So, it need to be aired. If I can use a bad pun.

September 4, 2013

Crebs: Correct., Mike Crebs again, assistant chief. On my right is Bob Azorr and on my left is the Sergeant Bates. Both work at the drugs and vice division. I will turn it over to them, this is their expertise.

Jay Bates, Portland Police Bureau: Good morning, sir. Like many of the bureaus, we are faced with some lean times. What we use this money for, eradication money, is to continue our services to the community with drug complaints. We file about 2000 drug complaints a year and many of those are for illicit growing marijuana operations. Unfortunately, they often times require us to work overtime hours or on the weekends. And these are not funds to go after medical marijuana. A uniformed guy goes out on, on a routine call and he stumbles across an illegal marijuana grow, and the drugs and vice division has to respond to that scene, to process that marijuana grow. So, we supplement our budget with, with these funds and, and that allows, allows us to use overtime funds, and in other areas that we like to focus our investigations, heroin, methamphetamine, cocaine, and etc.

Hales: So this is a relatively small amount of money?

Bates: It is.

Hales: How do you target and focus that, that, I want to re-assure the community that this is not Portland police officers roaming around looking for three or four plants in somebody's backyard. Because 25,000 wouldn't get very you very far, frankly, in that enterprise. So, how do focus and target this on something that has a larger public safety impact than the scenario I just described?

Bates: Like I said, usually, a lot of -- a bulk of these funds are chewed up by callouts, uniformed callouts. So, on a Saturday night, a uniformed guy stumbles across everything, we need four guys to process that marijuana grow. So, you are right. These funds are not really used to actually investigator, or to, you know, focus efforts on marijuana growing operations. It's usually for a cleanup effort.

Hales: Other questions? From the council. Ok. Good. Thanks for the explanation. And public testimony on this item?

Moore-Love: We have five people signed up.

Hales: We may you need back after the testimony.

Moore-Love: The first three coming up are Joseph Gordon, Joel Sievers, and Angela Hammit.

Hales: Good morning.

Joseph Gordon: Good morning.

Gordon: Oh, I start first? Okay. Well, I am Joseph Jordan, aka Tequila, and we know this money go somewhere else. The grant. Busting marijuana, it seems so -- how can I say-- if you asked the average police officer it's a waste of time. Don't get me wrong, illicit growing, to me the problem is, marijuana. I don't smoke marijuana any more. Just, just to let you know, I do like to be, you know, with clear thought and solidarity, but, excuse me, I got, I got three minutes, and I don't think I can-- I just don't agree with accepting a fun. Because, to me, accepting these funds from the government and all of this is, basically, how can I say it, it's oversight, we give these plans and plans, and when there is also, obvious, more things that this money could be used for. I would say. Especially for the houseless situation outside. That can be used for that, and I mean to, me, wasting the police officer's time when they could be busting meth houses and heroin, and, you know, etc., etc. And, and to me, it just -- it's going out and looking for marijuana, to me, it's a waste of time and resources all together. Legalize it, and make some money from it, and that's what we like to hear, but legalize, it I mean, it's wasting their time. They can, they can actually be busting child molesters and real drug dealers, rather than finding people that's growing plants. That's all I got to say about that part.

Angela Hammit: My name is Angela Hammit, and I am in agreement. We're talking about a peaceful flower here. And don't suppress the flower. Use that money to help people get in the homes. Like, you know, vouchers, rent vouchers. I've been on the street for a little over year now, and I don't want to do another winter outside. Or spring or fall or summer. And I was offered,

September 4, 2013

offered a, someone from join, so they could get me a first, last, and security deposit. But that gives me one month, really, because, you know, that other month is through your last month, and I don't want it to be my last month. But how does person find job could sustain that apartment, if you can get one. I've been searching for a month for an apartment, and I can't find anything that's affordable, I can't find anything that is in the right area, whatever, whatever, whatever. The, the -- the fees -- that can eat up right there with all your money, just paying for another background check, and another this and that. First, last and, deposit it is not enough. It would take more time for someone to -- it will take a month to catch up on the sleep from being deprived out here for that long. I just think that the money could be better cement helping people get inside. I shouldn't be out here year later. I even -- I had a job and a car when I first came out here. But, without a home, I couldn't sustain the others. Just couldn't do it.

Fish: Thank you for your testimony. And, and you are facing a very important point, and let me put it in the context of a, a voice that we heard last year, which was homeless veterans. They were not able to use a federal program that was a voucher program. Because they did not -- eligible veterans didn't have the first and last month, didn't have bus fare, and didn't have a phone. Or access to a phone to call the landlords to set up appointments. The disabled veterans didn't have transportation. The city, the county and, and home forward, and united way all pooled 10,000 dollars each, to create a pot of 40,000 dollars, what we call soft dollars, and which were used for this purpose. And with those dollars, all the vouchers got put into use. What we found is, you know, the expression for want of nail. For, for -- because we did not have the soft dollars, we were, we were losing a fortune in underused vouchers. In hearing your testimony, and earlier testimony, from someone else, who was, was talking about a credit history, we also hear from people who have, have minor criminal justice infractions, which follow them, and imagine, all those become barriers to gaining access to programs that we funds, and as Joe points out that's nuts. And, and it's for want of a nail. I will be bringing an amendment to, to whatever proposal comes to council later this month. I think commissioner Saltzman is intending to bring the homeless appropriation package. I will be bringing an amendment, which we're currently crafting. Among other things, we'll include additional money for operation, clean slate. Clean slate is the program that we fund through PDC, that helps people remove things from their records. It allows them to get clean credit histories, and therefore, be successful renters. I think the point that you are making is a good one, and we have to be cognizant that sometimes, it's, it's -- it's a small amount of money, and a barrier like a credit history, a minor criminal conviction, those soft dollars that prevent people from accessing programs, which we invest millions in, so, I appreciate your voice, and I think that just as this council stepped up to help homeless veterans overcome those barriers, I think we have a chance in our supplemental appropriation coming to council to address this as well, and I will be talking to the housing commissioner about that. Thank you. [applause]

Gordon: Nick, you might get my vote. You might get my vote, actually.

Joel Sievers: My name is Joel Sievers. Wow. That pretty much summed it up. I don't know what to talk about. Oh, yeah. We called 2-1-1, by the way. 2-1-1 pretty much gave up on us due to I have a felony conviction on my record. For methamphetamine. You guys got me. [laughter] So somebody did their job. And, and let's see, what else happened. Let's see, what else. Oh, yeah, what was it? We went apartment searching, and a lot of the places don't even put up for rent signs because they have such a long waiting list, and the list is all filled up. Once an opening happens, somebody jumps right into the place. And so, that's what we struggled with. In that, I'm on probation, and it's pretty much a probation violation for me to be homeless. And then being over the TPI building, Bud Clark, would be a no-no because methamphetamine, crack, heroin, run that place, you know what I mean. So there needs to be some sort of structure within the United States and within the federal guidelines to house people with mental disabilities, you know, fetal alcohol syndrome, learning disabilities.

September 4, 2013

Something must be done. We're going to take a trip with the Portland housing director on Wednesday.

Gordon: We still gotta talk to him.

Sievers: Okay, never mind, we still gotta talk to him but he wants to come with us to be our eyes and ears. And then if that doesn't work we can move to federal trial if something doesn't happen. I mean, we could waste a bunch of money on lawyers, which I think sounds like a pretty good idea. Even though our suggestion will get denied. Yeah, that's pretty much it.

Hales: Thank you very much. Thank you all three of you. We encourage you to keep working with join and anyone else who can help and look for ways of closing these gaps like Commissioner Fish was talking about.

Gordon: I would say 211 gave up. They say we did everything possible. The Rent Well program only takes in the first eight people per month and it's like calling a radio show.

Sievers: Oh yeah, it's the first eight.

Gordon: Yeah, the first eight people. And it's like, you have me and him, ringing and ringing, it's busy, busy, busy, and by the time it's over. Even his probation – you try, try, try, with the Rent Well and then 211, when we call back 211 and tell them they say, just call TPI. No, credit report, and like he said, you guys did everything. And this is recorded. This is on the day -- this will be -- it will be Tuesday, of two weeks ago, if I'm not mistaken, Tuesday, it is recorded on 211 when they said there is nothing else we can do. And – you know the story, honestly it's really -- it's really ridiculous. It really is. Because we have the money to get an apartment. And we're not asking for subsidized rent or anything else now, we're just asking for a place to pay rent. That's it. I mean, that's pretty much it.

Hales: We appreciate you coming in and letting us know what is not working. I'm sorry it's not working, but if you hadn't come in, we probably wouldn't have known, you know, clearly what's not working. I appreciate you doing this.

Sievers: Yeah, totally, I mean, since housing came into Portland, they have listed the housing apartments, housing and shelters. Now that that happened, go through the cracks and we need to fix this. We need to fix this problem. I mean, I know there is a lot of things that need to be fixed in Portland, but I think housing would be a really good one. And then the Burnside Bridge, that needs to be probably be repaired or something, you know. [laughter]

Gordon: One more thing about the rent well program. If you asked me about the rent well program, to me that's really, that's a big issue that's blocking our way as well. Because everybody who says— basically, they take our application or don't take the application—they'll say, even they take it and denied in the past, and now – recently, the ones they'll say, we'll feel bad if I take your money and you don't pass the thing, but, each one, just about 99%, have you heard of the rent well program? Mhmm. So, basically what this has created, even though I understand the structure of the rent well program, how it is supposed to work, but really now it is blocking the way for so many. Everyone now wants this \$2,000 guarantee. On top of rent and deposit, you get this \$2,000 if you mess up and pretty much it became a blockage for us.

Sievers: Really state agencies of Portland picked up on this 211 thing, and a lot of them are going after it and a lot of these apartments are places that are low income, all have the same sign on them. They all -- they all sponsor the same thing. And they're all connected like it's -- like it's a 7-eleven.

Hales: Thanks very much.

Gordon: I understand the goodwill, what rent well is supposed to be, but I found the rent well program -- rent well, I found the rent well program it becomes a block for so many because everyone now wants this \$2,000.

Hales: Thank you. Appreciate the info. Thank you very much. Anyone else signed up on this item?

Moore-Love: We have Mark Hofheins and Barry Joe Stull.

Hales: Good morning. Hey, Charlie, you're on. Who's on first? Go ahead, Charles.

September 4, 2013

Charles Johnson: It's good to be back, commissioners. I do want to express a couple of -- when we look at this item 841 on the agenda, there is a eight or nine page pdf. That should have eaten up about \$25,000 in itself, knowing the way the government works sometimes. We don't have to eradicate or suppress marijuana if we spend \$25,000 on paperwork. This is over course—I, like Tequila, am not a smoker and haven't indulged in marijuana every in the state of Oregon. But, many people find this a helpful substance. The law is complicated hopefully by a ballad initiative that will be fixed. I think one thing that you can look for is the speedy, expedient, expenditure of these moneys. A couple of marijuana clean-ups from complaints from the community, this will be done. The other thing we should consider is since marijuana is a recognized medicine, it's rather silly that we're paying the government to destroy it. If it is at all possible, and maybe consult with a city attorney, these confiscated plants should be put into the medical distribution channel. Thank you.

Hales: Next, please.

Barry Joe Stull: Hello. I'm Barry Joe Stull. I have five felony convictions. Every one of them's for marijuana. In the state of Oregon, possession of more than an ounce of marijuana is a felony. And one of the interesting things that happened to me this century was cops were acting a little weird and I followed up on it and I found out that when they run my name, it comes up on the screen in the squad car, potential armed career criminal. If found in the possession of a firearm, notify the atf. I called up the atf and found out that, owing to these felony convictions where there is a status in Oregon law where you could get a 10-year prison sentence for possession of more than an ounce of marijuana, three of those are considered by the federal government the equivalent of a violent federal felony. And having three of those, if I'm found in the possession of a firearm, the reason they want -- the atf wants to be contacted is so they prosecute me for a 15 year mandatory no minimum parole, for being an armed career criminal. You can imagine what a police officer thinks, as the one did in Toledo, Oregon, when ran my name and it came up potential armed career criminal. We might look around the room here and see potential mothers. I'm not one of them. [laughter] So, the potential armed career criminal is if I am found in possession of a firearm. It is not potentially armed and dangerous, as they think, as they do the felony traffic stop. Well my bust for marijuana came in 1989, the Portland Police gave Elizabeth Susan Johnson drugs and money to act as an informant. I made that part of the record. And we claimed in that court proceeding that she was a known heroin addict and thief. Well, now, thanks to the wonders of the internet, we can find out that Miss Johnson 25 years later, has been arrested for possession of heroin, theft, and giving false information to a police officer in the last two years. So, this stinks. What we're talking about, if I can give you history, we're talking about the most important agricultural product in the history of humanity. We look on the side of lady commerce on the Portland seal and we see the sailing ships. That's cannabis. The word cannabis and canvas are the same word. This is incredibly valuable. We use it for food, fiber, oil, and as people have discussed, medicine. Once we can continue to enact prohibition, we don't have people growing a few plants in their yard as they once did when I lived in the city of Portland. What we do have, is we have criminal enterprises that are based on the fact that this prohibited substance, which is technically a weed, is so valuable, because otherwise honest, capable and honorable persons like yours truly have to be subjected to this in the name of prohibition. So, I suggest that you refuse to take this money. Or if you do take this money, that it's qualified to get those folks that are sending pods, movable storage units, to the east with hundreds of pounds of marijuana grown under the auspices of the medical marijuana act, and I would suggest that I would not accept anything that was seized by the police for medicine, because the people that are getting busted, they might be doing some things like using systemics, which are chemicals that make the plant toxic so that it looks better because it doesn't have any insects. So, so, we have a problem here, folks. And now that I've endured the experience that I've done. I've already got one lawsuit against the City of Portland as we speak, and there will be many more before the two year statute of limitations runs out for the raft of experience that I generate simply because my felony

September 4, 2013

convictions for marijuana, coming out of the city of Portland. I'm qualified to talk about this subject. The research that I have seen in the library of congress, 1985, used by four authors, hemp today--

Hales: I have to get you to wrap up.

Stull: The number one selling book on hemp, *The Emperor Wears No Clothes* by Jack Herer, includes an article that -- to quote, hemp will prove the most profitable and desirable crop that can be grown. Not here. Because it competes with timber, it competes with petroleum, and it competes with nuclear power, and those poisons only have a way to be here ruining our environment because we have outlawed and prohibited the most important agricultural product in the history of humanity. [applause]

Hales: Thanks very much. Your name.

Mark Hofheins: My name is Mark Hofheins. Well I think, yeah. I believe it is a misappropriation of funds because we could be doing so much more. Example of who I am. Actually, I am the liaison for the Occupy Movement outside. Nick Fish and I have talked about a locker system, briefly, but we still have a meeting. I think things can be used a lot better. Myself, okay, I don't do drugs. Don't smoke weed or don't drink. I'm still stuck on the streets. I have to do my treatment, I have to work through DHS, making myself- I'm actually a citizen on the streets that has to live outside on the streets. Okay. And being forced into the scenarios into which I'm forced into, and labeled as others. You know what I'm saying? But, in support of the fact that they are -- they are being neglected, I want to point this out. That, you know, there's alternate uses for this kind of funding. An example being proper police training, how to appropriately handle the transient, the handicapped, the ADA persons out here, because they are definitely not doing that. They are very ignorant and abusive towards the people. Independent investigations for the abuse of power, excessive force under the constitutional law, recognition therein through proper ethics, these kind of education for the police bureau could be more proper use. Example for this kind of abuse is examples in the bicycle officer Sanders, which is only one person's name I have currently on me. And the officer that was bitten after invading a transient's space and inciting the animal to the animalistic instincts, protection of its owner, by shoving a camera into its comfort and safety zone, as only a few of the most obvious and recent events unfold, okay. As I said, the locker system, to be discussed further September 25th, 2013, with outreach discussion prior to that date, commissioner Nick Fish are being supportive of the proposal, even as it has only been communicated verbally. Finding places for transient individuals to safely sleep instead of being forced into unsafe and inhumane places where the city is forcing the health and the life of the transient to be at risk by poisoning them with direct contact with fossil fuels known to kill rapidly, carbon dioxide -- known to kill -- which itself is known to kill in suicide attempts and incidental deaths in children and families in the middle and upper classes even. And yet we're being forced to sleep next, up against the curb where those fossil fuels and exhaust fumes are being forced within our faces on a constant bases. Henceforth, with this knowledge, I implore the council to acknowledge that the city and the bureau of police included are causing immediate, and forceful harm, whether intentional or unintentional, intentional murder, and or engaging in assisted suicide.

Hales: Thank you.

Hofheins: Tents are one safeguard against this. But not all of these dangers. I also have the Eugene ruling, which the constitution does not -- I can get you guys a copy of this. The Constitution does not end between a period of hours. And it was municipal court actually acknowledged it. So it was even a lower court. And that, I want to present to you guys so that we can get that handled. As far as the tents going, because I was told about you saying upon the news that we could put our tents--

Hales: Got that wrong.

Hofheins: Yeah, well, I'm not sure. I wasn't here, I wasn't there, so forth.

Hales: I got that wrong, I mean.

September 4, 2013

Hofheins: Okay. Well, I also have a ruling where the camping ordinance has already been ruled unconstitutional.

Hales: Let's get a close because we have to deal with this marijuana issue, so --

Hofheins: Yeah, and that's why I'm saying this is the kinds of things that we're being subjected to which could be more focused on than the marijuana, which we have a state next to us that has already legally -- so it's going to be influxed anyways.

Hales: Right.

Hofheins: So it is a waste of our appropriated money. If you can -- if you guys can get with me somehow very soon, I can present these things to you because we need to solve these issues. As I said, now that they're being presented, you guys are aware of the risk and health factors that we are sustaining. And I'm actually one of those as well. You know, I'm well educated and I'm still stuck out here on the streets.

Hales: Thank you. Appreciate it. Thank you for coming in. Is that all who signed up?

Moore-Love: That's all who signed up.

Hales: This particular grant, how much flexibility do we have? Is it solely for the purposes of eradicating marijuana?

Bates: We can use the money for clothing and protective gear, equipment. We can use it for aircraft support that is going to be for -- supplies, training, vehicular rental. That will usually be for our large-scale marijuana seizure where we have to rent u-hauls to haul that stuff.

Hales: It is targeted at the drug eradication, not fundable to some other police--

Bates: That's correct, sir. It's actually a DEA grant that's run by DOJ.

Hales: Other council questions before we take a roll call on this?

Novick: Yes, Mr. Mayor. May I ask, what normally happens when we respond to a complaint about marijuana growing? Are there some cases where you tell people shut it down and we don't arrest them? Are there other cases where -- how often are pure marijuana growing cases prosecuted? How often do people go to jail, to prison, etc.?

Bates: In Multnomah County, I would say that prison is pretty unlikely for your first-time offender of growing marijuana.

Novick: What about jail?

Bates: Same. Pretty unlikely. So, usually we handle these things with a knock and talk. We go up and knock. We don't spend a lot of time, as I said earlier, on marijuana investigations. The first thing that we do do, and to go back to the point of what other people were bringing up, the first thing we do do when we get a complaint, is we check the address to make sure that it is not a legal site for growing marijuana. If it is a legal site for growing marijuana, we're pretty much done with our investigation. Again, these funds are not utilized for anything associated with medical marijuana.

Novick: Yeah, I was just trying to think—I mean, it is my understanding -- this is money that comes from the feds which is only for marijuana and not money we get for any other purpose. I was thinking about the impact of using the money on other public funds within the state. That's why I'm curious. Would accepting this money lead to more prosecutions, more people in jail, expenditure of more local and state funds that otherwise we would say--

Bates: To tell you that it does not at all would be untruthful. I'm sure that there are some other expenses associated with that. Unfortunately, the situations that I described to you, they are illegal. And we do have to respond to them. And these funds can supplement that so that we're not using our funds, drug and vice division funds, on those types of investigations. We're then able to use the funds that we're given in our budget to go after, you know, harder drugs.

Novick: And in many cases, you say it is knock and talk. If people are growing a few plants, you might just tell them to knock it off?

Bates: It's usually referred to the DA's office. I don't think we have the power to say what we're going to --

September 4, 2013

Novick: What does the DA normally do?

Bates: It's dependent. You know, it can go either way. Based on statements, the cooperativeness of the individual, and --

Crebs: Prior convictions, probably.

Bates: Prior convictions, etc.

Crebs: I think the big piece is if we don't accept that money, we will be using our overtime budget in drugs and vice division to do this job which would then take away from our ability to go after the more difficult drug cases, the meth and stuff like that. So, it's either we leave the money where it is at and not use it or we take it and use it now and not deplete our funds by doing these types of things. So, it's -- that's how I see it.

Bates: One thing I would tell you, oftentimes when we do see and a lot of these indoor marijuana grows is, you know, it's put together with very shoddy electrical wiring. It is not electricians doing the work on these things. And there are still people living in these homes with that, you know, that type of danger, not to mention the chemical hazards associated with growing marijuana inside a house.

Hales: Let me just comment. This has been a good discussion. I appreciate the testimony. I knew when this was on the calendar it was going to be an awkward moment. Because we are in a strange place as a community and the police bureau is in a strange place. We have a neighboring state that has legalized marijuana, we have a federal government who still treats it as a serious drug, and associates it directly with criminality, sometimes true, not always. And we have a movement afoot in our own state that might change state law at the same time. My recommendation, and plan, if we approve this, is to take this money and I -- police commissioner, I will supervise closely how it's used. I think the community sensibility about the priority of marijuana, small marijuana growers, is well understood here. It is not a high priority. And, so, when I talk with the chief about this, you know, his sense is that there will be rare occasions in which we focus these overtime hours on serious cases where probably other drugs are also involved as well. You can't forecast exactly what kind of cases the bureau is going to get. I suspect this is the last year, I'll predict this is the last year we will have this discussion. Something is going to change. Either the state law or the federal government is going to change. I bet on the state first, because the federal government is way behind the curve on this issue. The bottom line is that my pledge as commissioner on this bureau is we will manage these funds with care and sensitivity to where the community's mind is on this issue, rather than where the federal government's policy is stuck. [applause] Roll call.

Item 841 roll.

Saltzman: Appreciate the discussion. Appreciate your remark, Mayor. Aye.

Novick: I really appreciate the mayor's comments and without those comments, with a different mayor, I might vote otherwise. I agree. This is a tough issue. I mean, there is a lot of people that believe that marijuana should be legal, on the other hand, if it were legal, I think it would still be regulated like alcohol, and we would still respond to, you know, illegal manufacture of alcohol, illegal marijuana, we would still respond to illegal manufacture of marijuana. I am -- I mean, absent the mayor's remarks and your remarks, I would be concerned about the spin-off economic, you know, effects of taking this money, because if I thought that that meant that the county is going to spend more money on prosecution and jails, marijuana cases than they currently do, I would have concerns. My guess is that -- you're right, you still have to respond to these complaints anyway. You can't just tell people we don't respond to calls about illegal marijuana growing. I'm taking it on faith that accepting this money will result in more expenditure of public funds that otherwise would happen at the county or city level. So, I mean, also -- I probably somewhat influenced today by the fact that I talked to a doctor recently who said she previously thought that marijuana was fine and not dangerous and recent research has come out saying that it is somewhat problematic. I would like to follow up on that, does that research exist and what does that say in terms of future regulation of

September 4, 2013

the product. With that rambling preamble and with some misgivings and thanking the mayor for his comments, I'll vote aye.

Fritz: I'm a retired registered nurse. I strongly support medical marijuana, I strongly oppose legalization of marijuana, and I appreciate this grant. I appreciate the mayor's comments, I think in this instance, Oregon has it right, and that those states with legal marijuana, are -- that's not wise use-- prescription drugs are not for recreational use. And we have a big problem with addiction to prescription drugs. And so I have some research on the poor impacts of marijuana, in part, because my kids got it in middle school, the education about the impacts of marijuana and we have only to look at the challenges that the mayor and I are having with the Oregon liquor control commission to see that we are not doing such a bang-up job with the recreational use of alcohol in our city and our state. I appreciate this grant and your work on it. Aye.

Fish: This discussion reminds me of one of my favorite expressions, I went to fight and a hockey game broke out. This was originally bumpered as accepting a grant and it has been a thoughtful discussion about the interplay of state and federal law, the coming fight over legalization, and how we strike a balance. I too, appreciate the mayor's thoughtful comments, and this will be a conversation we will be having a lot over the next year and a half. Thank you. Aye.

Hales: These funds are marked, handle with care. Aye. [gavel pounding] Thank you. We have a couple more also rather peculiar looking item.

Item 842.

Hales: Good morning.

Crebs: I'm going to turn it over to property evidence manager division, Dave Benson.

Hales: Hi Dave. Good morning.

Dave Benson: Good morning mayor and council, my name is Dave Benson, I'm the manager of your property evidence division. The United States coast guard occasionally seizes user quantities of illicit drugs on the waterways, and in the area. They have no way to dispose of seized illicit drugs. They've asked us to do it on their behalf because we have that -- a method to do that. The quantities we're talking about are so small that the cost to us are either zero or negligible. So we have entered into this agreement with the coast guard hoping that you will concur.

Hales: Questions?

Fish: Can we slip a friendly amendment in there, Dave, that says that they won't raise the bridges without our concurrence? [laughter]

Benson: I think that would be a good idea.

Hales: That would be a bargain. Thank you. Any further questions? Public testimony on this one?

Moore-Love: No one signed up.

Hales: Okay, then let's take a roll call. Sorry, move to second reading. [gavel pounding] Thank you. And finally second reading on 843.

Item 843.

Hales: I know there were some questions about this. And assistant chief Crebs is here. Those questions have been answered. We can take a roll call.

Item 842 roll.

Saltzman: Aye.

Novick: Aye.

Fritz: Thanks assistant chief Crebs for briefing me on this, this makes it clearer what the lines of authority and the necessary sign-offs are. Aye.

Fish: Can I call you commander or do I have to call you chief now?

Crebs: You can call me commander, sir. Anything you want.

Fish: Commander was such a wonderful title for so long.

Crebs: I had it for six years. I actually enjoyed it. The word chief, I never turn around. Someone called me chief, and I'm like, who he is talking to? It can't be me.

September 4, 2013

Fish: Intuitively I think of commander as being above chief somehow. But it's always stuck with you, sir, so, anyway. Chief. Aye.

Crebs: Thank you.

Hales: Thank you Mike for all of your service here this morning, for all of this complexity of items. Aye. We are recessed until --

Moore-Love: We have one more.

Hales: I'm sorry, the deferred item from the consent calendar.

Moore-Love: I have 844.

Hales: Oh, I'm sorry Steve. Let's do 844. I have to keep my glasses on. There is no excuse for not putting them on all of the time. Other than vanity. 844, please, Karla.

Item 844.

Hales: Any further council discussion? Second reading. Roll call.

Item 844 roll.

Saltzman: Aye. **Novick:** Aye. **Fritz:** Aye. **Fish:** Aye. **Hales:** Aye.

[gavel pounding]

Item 819.

Fish: Karla, who pulled that?

Moore-Love: Mr. Lightning.

Fish: Is he still here?

Moore-Love: Yes, he's here.

Hales: Want to testify on this item? Yeah, please. Come on up. Good morning. Good morning, welcome.

Lightning: Good morning. My name is Lightning. One of the issues I have I guess with any type of city inspection or things of this nature, I think we need to have more transparency. When you call 911, are those calls confidential? Can you pull a tape and no who's making those calls and the names being provided? If there is a conflict between neighbors, would it not be better for all parties to be aware of the situation? And possibly even the city to offer a mediation process. Let's just say if a neighbor is being vindictive and doesn't like the other neighbor. Have you had a problem with the neighbor in the past? Is there some issue that you would like to discuss with us? You've called us quite a few times placing these calls and we have gone in numerous times and this owner is getting upset. But we can't give you a name of who's making these calls. I think there has to be something in place, some training that has an understanding of the city is going in there to try to fix these properties, or fix the complaints or various things like this to assist the owner and possibly the person making the call. But we also have to understand that we need to make sure that it doesn't fall into the area of harassment, somebody being vindictive just to mess with the business owner who puts a lot of time and money into their businesses. And when they own a business, they want to know what's going on and why all of these inspectors are coming to their property. And I think that's just fair. That's kind of a public safety issue and I think they have a right to know that. In my opinion, when a complaint is filed, whoever files the complaint, they should provide some sort of ID, some phone number. They should be willing to do that to show that, hey, I'm being serious about this, and I'm not -- I don't have an issue with the business or owner, but I'm going to take the time to provide you that information because, hey, I want to see something beneficial happen, you know, on the situation. And I'm not just trying to mess with the owner because I might be a competitor down the street or something like that. And I think it really needs to be watched closely. And, again, like I say, this is a public safety issue that needs to be addressed and we need to make sure that if there is any indication of some type of person that has hostility towards that owner in some manner, that we -- we view that in a different manner to make sure that that owner is also treated responsibly and they have a say in -- and they feel safe in their business, too. Because they have a right to try to operate their business in a certain manner. And I feel that my understanding of

September 4, 2013

this law in effect to make sure that this remains confidential, jeopardizing maybe the public safety of the current business owners. I think they have a right to know if somebody has concern with their business and or them, that they have a right to know that and that is my position. Thank you.

Hales: Thanks very much. Anyone else? So, let's take a roll call on that.

Item 819 roll.

Saltzman: Aye.

Novick: Aye.

Fritz: The office of neighborhood does have a contract with Resolutions NW and a full complement of crime prevention specialists who do that kind of mediation. Thanks to the council funding, both of those services last year and ongoing. And I believe it's occasionally for the complainant's best interest. If the complainant is a tenant against a landlord, they might not want to be identified as the person making the complaint. Although, the office of neighborhood involvement's staff are experts at mediating and making sure that they resolve the underlying problem as well as the surface issues at hand. So, I strongly support this ordinance. Aye.

Fish: Aye.

Hales: Lightning, I think you've raised a valid point that this particular police power also has to be used with care and make sure that there is not arbitrary and capricious use of our authority but there's also a need to protect the safety of people that make complaints. Points about training and how this authority is used I think are sound and deserve to be attended to by those of us who watch over this program. So I appreciate your testimony on that point.

Fish: My guess, the way it's worded, conform to state law with the protections that state law allows, my guess to his point though is that if someone were to use the only system in an abusive manner to gain a competitive advantage or to harass someone, and there was a legal proceeding, my guess is that our confidentiality would give way to a court order to use that information. The reason I'm comfortable at this stage supporting this, use its best judgment to screen them and I believe there is other legal recourse if the pattern of abuse of this privilege.

Hales: Yeah, good point. It does need to be watched, though. Aye. And we are now recessed until 2:00 p.m. [gavel pounded]

At 11:36 a.m. Council recessed.

September 4, 2013
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.

SEPTEMBER 4, 2013 2:00 PM

Hales: Good afternoon. Welcome back to the September 4th city council meeting. Would you please call roll, Karla?

Saltzman: Here. **Novick:** Here. **Fritz:** Here **Fish:** Here. **Hales:** Here.

Hales: One item on the agenda, would you read that please? Even Karla gets defeated by the sound system occasionally.

Moore-Love: Test, test. Sorry, I'll talk real loud.

Item 845.

Hales: Commissioner Saltzman.

Saltzman: Thank you mayor, and members of the council. I appreciate the opportunity to bring this important ordinance before you today for its public hearing, first reading. What I'm proposing is relatively straight forward and simple. This ordinance will amend the Portland's -- will amend Portland's fire code to require fire suppression sprinklers at all nightclubs. Right now the situation is, if you were to open a new nightclub today, you would be required to install fire suppression sprinklers. But if you had a nightclub that has been opened before prior to 2007, I believe that's the year, there's no requirement for sprinkling an existing nightclub. And to me this is something that is a loophole, this was really a classic example of a loophole that needs to be fixed. It's wrong headed and this is an opportunity for us to do this. And we can be preventive about this by enacting this ordinance next week, and if we don't act preventive, I'm convinced one day we're going to convene as a city council after a tragedy has occurred and we'll do the same thing that I'm proposing we do next week. So I hope we can do it now and hopefully save some lives. The ordinance does recognize the economic impact this will have on the property owners and potentially their tenants, and by recognizing that, it does allow up to 20 months for many of these buildings to install fire sprinkler systems. And we're truly talking about nightclubs here, not every bar or restaurant in Portland. The definitions of nightclub is specific and is listed in the ordinance, and to date our fire marshal, Nate Takara, who is here, has identified no more than 20 properties that would be impacted by this regulation. Portland fire and rescue chief Erin Janssens and the fire marshal Nate Takara will walk us through the details and of course we're here to answer any questions you may have or any information requests you need between now and when we take a vote on this ordinance. As I said at the outset, this is a first reading, so we'll have some intervening time if any member of council has questions or if any members of the public has questions they want to have asked, we will respond to. And with that I'll turn it over to the chief.

Erin Janssens, Portland Fire & Rescue: Thank you, commissioner. Members of council, for the record, Erin Janssens, fire cheer, Portland fire and rescue. I have with me fire marshal Nate Takara, and we're here to talk about protecting people in nightclubs with automatic fire sprinklers. We have a very brief power point presentation with three different slide presentations -- video clips in them. The entire presentation will take approximately eight to nine minutes, but I hope it will clarify and make it more clear for the audience to follow along with us. So for the purpose of the Portland fire code, the official definition we're proposing for night club will be an A2 occupancy -- sorry about that, technical difficulties on my part, sorry, that was an error. The official definition we're

September 4, 2013

proposing for a nightclub will be an a2 occupancy under the 2009 international building code, which a, has areas for dancing or viewing performers, and b, serves food or drink.

Fish: Commissioner Saltzman said there are about 20 properties impacted? Are you going to give us the names of some so we get a flavor?

Janssens: I don't believe we brought those. Those are not in the power point.

Fish: I'll come back to that.

Fritz: If I could just ask a clarifying question. Does the 2009 international building code include the releases, the exemptions on nightclub, does it not include houses of worship?

Janssens: This is what we're proposing. So the houses of worship, theaters with fixed seating, banquet halls, lodge halls, those are excluded from this definition.

Fritz: And what's the reason for that?

Janssens: Given the scenario of a nightclub, people are generally fixed on a particular, they're focused on a particular thing. They're generally distracted, there's usually a lot going on, and we have very specific instances of this occurring and fire fatalities resulting from those. And if you give me a few minutes I'll get into some of those specifics. As commissioner Saltzman stated, current building or fire codes require that newly constructed nightclubs or buildings with a change in use to become a nightclub in an existing building have automatic fire sprinkler systems installed when any of the following conditions exist. That's an occupant load of 100 or more. The fire area exceeds 5,000 square feet or the fire area is located on a floor other than the level where the people actually exit the building. Because fire sprinklers save lives, we believe that all nightclubs meeting these criteria be required to have automatic sprinkler systems. Fire in the coconut grove in 1942 remains the deadliest fire, nightclub fire, in history, resulting in 492 deaths. The station nightclub fire in Warwick, Rhode Island, 100 people died. Many of you may recall that instance. I'm going to try to show a brief video of that fire. And for anybody who's a little squeamish, this can get, can show you the intensity. This is a short clip, the actual clip is about 10 or 11 minutes, we've got just a minute and a half of the earliest phases. [music playing] So this is obviously a nightclub performance. You can see the smoke, the fire is now started, smoke is starting to -- there's actual fire up there. Some of the audience is not quite sure. Now they're starting to realize this is not part of the performance. Confusion is starting to set in. We're at 30 seconds right now. This happens very, very quickly. The fire spreads exponentially. Obviously with a nightclub setting, without the fixed seating, the people are crammed in this space. They're all trying to exit. We're at one minute now. People are pushing, they're experiencing the smoke. The fire has spread exponentially now at this point. People are getting burned, who are closer or near the fire. It's rather gray, but you can see all the dark billowing smoke coming out of the exit. And that is a very, very tragic incident. I apologize for the graphics, but it kind of drives the point home of the severity of what can happen and what does happen. Just this year, 233 people were killed in April in a nightclub fire in Santa Maria, Brazil. I'm sure everybody recalls that. In the past 10 years, 757 people have lost their lives in nightclub fires that were un-sprinklered. In the past 40 years, there have been nearly 2,000. There's an informational packet that was handed out to all the Council members. There were 20 nightclub fires listed in those. Nearly 2500 people have died in nightclub fires in un-sprinklered occupancies. Seven out of those 20 fires were in the United States, resulting in nearly a thousand deaths or over 40% of the total deaths that we're talking about here today. We have a slide here with -- presented by the national institute of standards and technology. They actually recreated the station nightclub fire. So we can avoid the gruesome details in here, but you can actually see the fire growing and how it goes quickly goes from the incipient phase to the free burning phase of the fire. You can see how this quickly happens, and within 30 seconds we have a fire creating a lot of toxic smoke, and free burning, and then spreading exponentially. You can see at this point you're getting a layer of smoke and heated gases up at the ceiling. Those are quickly building and starting to bank down. And it happens very quickly. Just probably 20 seconds ago it was a very thin layer at the ceiling, and

September 4, 2013

now it's moving down very, very quickly. You can see with movement of people in there, moving, causing air movement, how that smoke will then get brought down to the level people are trying to breathe at very, very quickly. And now that's rolling, and at any point that area will flash over, because of all those products of combustion in that fire. So within a minute and a half, without any real air movement of things moving around, that fire has just very quickly banked down all the way down to the floor level.

Fish: Chief, is the cause of death for most people the smoke inhalation, the fire itself, or is it the panic that sets in and crowds kind of collapsing on each other, or some combination?

Janssens: Great question. It's actually generally -- most typically it would be the smoke that will get people first. In the station nightclub fire, or where you have areas where people are packed in there very tightly, people initially got piled up within the exit ways, those exit ways became clogged and congested and they just were packed in. So people were not able to exit, they were just literally stacked like wood. And so the products of combustion, the closer people you were to the fire, people were actually burned, but actually throughout that entire nightclub people burned, but first they suffered from being trampled to death and smoke inhalation, and then ultimately the fire.

Fish: From your point of view, you'd want not only a sprinkler system to prevent these tragic deaths, but also people to observe occupancy limit and good egress and ingress.

Janssens: Absolutely. Absolutely. I'm going to show you the same scenario, however it's set up with an automatic sprinkler system. So this is actually a great example or great opportunity to talk about, we actually had a fire in a very popular restaurant in the pearl district this spring, or early summer. It was a week night, people were there to enjoy dinner, and there was a fire in the bar area, started between some alcohol and a candle. And fortunately there was an automatic fire sprinkler system, and that fire sprinkler was activated and very quickly put out the fire, much like what you're seeing right here today.

Saltzman: The sprinklers are going now?

Janssens: They're going right now, and they're extinguishing that fire.

Hales: There's still fire on the ceiling, because the sprinklers are aiming down, but the smoke is a lot less.

Janssens: And the cooling effect from the sprinklers will help extinguish some of the other fire. So you can see within a very short time, this still has a possibility that people, while there's light smoke, or actually it's moderately heavy smoke, people can still exit this area and survive.

Hales: What started that fire?

Janssens: The station nightclub fire? It was actually pyrotechnics that went awry. You can see they make a tremendous difference. So according to the national fire protection agency, or association, I'm sorry, there's no record of more than two people dying in a fire when the building was completely protected with an automatic sprinkler system properly maintained in the U.S., which is a significant statistic. At this point, I'm going to hand it over to fire marshall Nate Takara to discuss the specifics. But we'll hope you'll support this important improvement, it's all about protecting people, avoiding a preventable tragedy, and making our city a safer place. Thank you.

Nate Takara, Portland Fire & Rescue: Good afternoon, mayor, commissioners. For the record, my name is Nate Takara, fire marshall for Portland fire and rescue.

Saltzman: Can we get the lights?

Hales: Do you have any more slides, do you Nate?

Janssens: We've got a few more.

Fish: Can we turn the volume up a bit? Maybe I'm losing my hearing, but -- thanks. Ok.

Takara: Chief Janssens and Commissioner Saltzman spoke earlier as far as the business -- the nightclubs that will be impacted, are nightclubs in the city of Portland with occupancy greater than 100 will be mandated to be protected with an automatic fire sprinkler systems. Again, I want to reiterate the fact that nightclubs does not include houses of worship, theaters with fixed seating,

September 4, 2013

banquet halls, or dance halls. Using this definition as a focus, we realize -- we come to realize there's a -- possibly 15 businesses or nightclubs that would be impacted by this ordinance. So the installation process of the fire sprinkler system, which includes design, permitting, installation, and inspections, probably take about five to six months to be completed. With that in mind we created two phases, any nightclub greater than 200 occupancy will have until December 31st 2014 to be in compliance. Smaller nightclubs with occupancy lower -- with a minimum of 101 with a maximum of 199 will have until June 30th, 2015, to be in compliance. Portland fire and rescue is committed to working with each and every nightclub that is being affected by this ordinance so that it's economically feasible. Automatic fire sprinkler system that serves the basic life safety requirements. Thank you very much for allowing me to speak on this ordinance, and we hope that you'll support it. I'm here to answer any other questions you may have.

Hales: Thank you. Any further questions?

Fish: I have a question for you, Chief. First of all, thank you for a succinct presentation. I don't know how you got the power point work so effectively. You actually got a power point and then embedded a film. So you were showing off a little bit.

Janssens: I have to give someone else credit for that. I didn't do that. But thank you.

Fish: What's the legal liability of the property owner today if there's a fire, and they don't have sprinkler systems? Are they liable for any injuries that happen? Or do -- in buildings that don't have sprinklers, do patrons assume the risk?

Janssens: That may be a good question for Ellen Osoinach to speak to, given that I'm not an attorney.

Fish: The reason I ask, I'm just thinking about what kind of notice we give to patrons. For example, in facilities that don't have this, should we be considering having a system that says there are no sprinklers? In other words, if people are assuming the risk, or is the liability already on the property owner?

Janssens: One of my concerns was -- is, I don't know if people really understand the risk. I think it's a --

Fish: No, but they often confront-- when they come into a club or see on the back of their ticket, it suggests the patron assumes a certain risk. Like when you go to a ballpark or things. I'm just curious, do you know offhand, is the owner of the building liable for the foreseeable consequences of currently not having sprinklers?

Ellen Osoinach, City Attorney's Office: For the record, Ellen Osoinach, from the city attorney's office. That's an excellent question, Commissioner Fish. I don't think there's a clearance to that, but if I was a property owner, given the state of Oregon's tort law, I would certainly be concerned that my failure to sprinkle my building could subject me to liability for -- because it's certainly a foreseeable consequence.

Fish: It's not an unreasonable expense to address-- as the data shows, as Dan's fact sheet shows, you can get 100% mitigation in terms of deaths with this technology.

*******:** M-hmm.

Fish: It is a direct correlation between sprinklers and saving lives. Thank you.

Fritz: I have a few. In terms of the definition of a nightclub, if you have one performance a year, are you a nightclub?

Janssens: You know, that would be generally be a building that is a non-assembly type occupancy, and they're getting a special permit to hold an assembly type event. So generally, I would say no.

Fritz: So how many times a week or a month do you have to have performances before you need a more general occupancy use?

Takara: It will determine the use with the building department, when you apply for an application at the building department, your application would be determined if there's a dance floor, or a stage,

September 4, 2013

and a set-up that's determined when you apply for your use at the building department. The building department determines the use. We enforce compliance.

Fritz: Okay. And I'm not clear why you're exempting places that have alcohol served, but also have seating. If you think about a similar pyrotechnic display going wrong, I would think that it would be even more difficult to people -- for people to get out if there were seats in the way.

Takara: The difference between fixed seating and spaces where the typical nightclub setting you saw in the video, is the intensity of the use. It's how the building department determines how many people can be in the building. In fixed seating, each person has a seat to sit on, and your aisles, you exit widths, is determined by the amount of seats you have in there. When you have a nightclub setting with the open dance floors, the seating arrangement -- the occupant load is almost double than the seating arrangement. So you really have intensified use in that space.

Fritz: And what if an establishment has a mixture of fixed seating and open dancing, would they be subject, or no?

Takara: If the occupancy was greater than 100.

Fritz: Okay. And I'm wondering why it says to sprinkle the floors below the story containing the nightclub but not the ones above.

Takara: Well fire usually goes up.

Fritz: Right.

Takara: So--

Fritz: Wouldn't you sprinkle the ones above rather than the ones below?

Takara: No, the ones below, because that's your exit path to get out of the building. Normally you go down.

Janssens: You want to protect the exit way. So if the nightclub is, say, on the third floor, you want to ensure the occupants are going to be able to exit from the third to the second and first and out the building.

Fritz: But in the illustration we just saw, the ceiling was still on fire because the sprinklers were going down as the mayor pointed out. So wouldn't you want to sprinkle at least the floor above?

Janssens: So you're presuming the floor above is occupied.

Fritz: Right.

Janssens: I think that's a good point. And--

Takara: How we came about the requirements is basically getting our current fire code, which talks about when you have an assembly space, what they're concerned about is if you look at the station nightclub fire, the fire was -- I understand your point where it's on the ceiling, but there's separation between the second and third floor. What they're concerned about is if the fire, if your nightclub is on the second floor, the fire starts on the first floor, that will spread to -- and block your exits, your way to get out of the building. So they want to control the fire at the level, the floor of exit, which is the ground level.

Fritz: That might be something to look at before next week, as to whether in some instances if the ceiling which is the floor right above it is on fire, you would want that level to be sprinklered if there were uses above.

Hales: Right. It might, Commissioner, be worth looking at the list. In that you raise a valid policy question which I would probably answer in favor of the current version in that we're talking about protecting life, not property. Protecting property is a good idea, but protecting life is a higher value. But, aside from these philosophical arguments, it may be that we look at these building and there are few that are three stories.

Fritz: Well, I don't have that list, so if I could get that that would be helpful.

Janssens: Also the fire is going to be separated by that floor. So even though the ceiling is catching fire, there's going to be separation between the -- with the rafter space and the actual floor of the

September 4, 2013

other occupancy, so that should buy a considerable amount of time. So there won't be a smoky environment.

Fish: Chief, can I follow up on that? And we'll take a look at the list, but, of what's covered, but as I read the definition, this would cover nightclubs that serve minors, where no alcohol is served, so the downtown clubs where kids can go, and they're allowed, under 21 because there's no alcohol served, that would be covered provided they serve food?

Janssens: M-hmm.

Fish: So you'd get venues for adults and young people.

Janssens: That's correct.

Fish: Under this definition.

Janssens: Based on the occupancy load, right.

Fish: And chief, when you and commissioner Saltzman were working this up, did you have -- do you have any related concerns about whether nightclubs downtown are observing other codes that you enforce? Like things like occupancy? It seems to me as well intentioned as this is, if there were other code enforcement issues, it could still make your job complicated.

Janssens: Sure. You know, we go out and do nighttime inspections on a regular basis, and we really work with the bar owners or the club owners and ensure that those codes are being met. So that's regularly and consistently enforced.

Fish: Thank you.

Fritz: And why did you go with the 5,000-square-foot threshold?

Takara: That's the current fire code. What you're reading, there the 5,000 square feet threshold, the 100 occupant load, and the assembly space that's above or below the exit, that's current code.

Hales: For what constitutes an A2 occupancy, you mean?

Takara: No for what an A2 occupancy in today's code, if you were to open up a new bar today, or a new nightclub today, that is a provision --

Fritz: In the proposal you don't specify, it doesn't--

Takara: No, we just speak -- we just focus on the occupant load.

Fritz: Thank you.

Hales: Ok. Other questions for the chief or fire marshall? And then testimony. I think we have some folks signed up. Thank you both.

Love-Moore: We have four people signed up.

Jim Atwood: I'm Jim Atwood, 33 southwest third, Portland, 97204. I'm here this afternoon not to say whether you should or shouldn't have the buildings sprinkled, but I did receive two letters regarding this afternoon's hearing, and so apparently I may own two of the 20 buildings that are going to be affected. I think what is significant to me is the number of people who aren't here this afternoon. This letter that I received is very innocuous. It doesn't say anywhere in it that we're going to require sprinklers or try to extend sprinklers to so-called grandfathered buildings. It says Portland fire and rescue has identified your building because it may be affected by an upcoming sprinkler ordinance. I don't think the nightclub or property owners really are aware of what is being proposed, and so I would like to encourage you -- I don't know if -- I was sent these notices as a landlord. I rent my buildings as-is to my tenants so it's up to them to maintain the buildings and to comply with the appropriate codes, and I think that these fire sprinkler systems can be very expensive on the order of maybe \$50,000, it's pretty innocuous in the letter, it talks about three or four dollars per square foot of coverage, but I don't think that includes backflow assembly or connection to the city's water supply. I would suggest that if this is something that you're going to more or less mandate among existing nightclub or property owners, that the city should at a minimum consider waiving connection fees to connect these required fire lines to the city water supply. And also it would seem to me -- my tenants don't know anything about this hearing this afternoon as far as I know. So I think it would be judicious to at least make -- get a list of all the 20 buildings, make sure that those

September 4, 2013

20 occupants are notified of the proposal, and have an opportunity to get bids and find out exactly what it would cost to sprinkle those businesses and come back and give you that information so that you're able to make an informed decision from the business or property owners' point of view. At this point, you know, I don't know what I have in the game because I rent my building the as-is, but I don't think my tenants are aware this requirement may be on the horizon, and I would think it would be appropriate to give them a couple months to get some bids and give you some real hard data as to what kind of hardships are going to be required on the other side of this coin.

Hales: Thank you. Good afternoon.

Gary J. Honold: Thank you, Mr. Mayor, commissioners. For the record, Gary Honell, the regional director for the national fire protection association's northwest field office. A little bit about NFPA, we are an international nonprofit organization whose mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. We began almost 120 years ago when a dedicated group of citizens wanted to bring proven scientific methodology and consistency in electrical and fire sprinkler installation. Today, NFPA is responsible for over 300 codes and standards that are designed to minimize the risk and effects of fire by establishing criteria for building, processing, design, service, and installation. Our code development process is accredited by the American National standards institute and is a fully open process. We have over 200 technical committees working on every one of those documents, with over 7,000 volunteers made up of various stakeholders representing industry, the trades, scientific research, and code enforcement professionals, just to name a few. The technical committees are balanced so that no one stakeholder group can dominate the code development process, and once a draft or one of our documents is completed by the technical committee, it is open for review and input by anyone in the public, whether they're an nfpa member or not. This provides for a truly open, consensus-based process. NFPA recognizes the importance and value in automatic fire sprinklers and we're reviewing and evolving our standard for fire sprinklers which is nfpa 13 to address new technologies, building methods and the processes going on inside of those structures. The ordinance before you is outlined the historical importance of providing automatic fire sprinklers in assembly occupancies and I don't want to waste your time because it is outlined very well in the power point that chief Janssens and the fire marshal Takara did, it underscored the importance of that. But the unique circumstances of low lighting, loud ambient noise, large groups of people unfamiliar with the layout of the building and then of course alcohol consumption etc., creates challenges in providing for the safety and well-being of the citizens patronizing these establishments. Installation of automatic fire sprinklers in these buildings has proven to contain or extinguish the fire in its initial stages, and therefore providing life safety to the people occupying that building. I urge the Portland city council to pass this ordinance and require installation of automatic fire sprinklers in these establishments. You'll be providing for the life, safety, and property preservation for the business owners, employees and patrons of your city. Thank you for your time and I entertain any questions.

Hales: Thank you. Appreciate you being here. Any questions? Thanks a lot.

Honold: Thank you.

Hales: Good afternoon.

Crystal Elinski: Good afternoon mayor, commissioners. My name is Crystal Elinski. So I think this is a very good step. I'm surprised that we're actually outlining this. I figured the policies and the code enforcement was already in place, especially with all the threats from Randy Leonard and the Greek tavern—thought no one would cross that again. So it was a bit, I don't know, a surprise that some businesses were claiming that it was a hassle, and I think I read in the paper that maybe that you were all planning on giving some sort of help to them? I don't know what that would look like, but I've seen help given to Merritt Paulson [spelling?], and -- yeah, even the special session for Nike. But these are small businesses, they tend to be, and they need to be informed, as the

September 4, 2013

gentleman earlier was stating. I have some experience in small business with tight space. I was just wondering why this hadn't been done before. I'm not really -- there's a couple issues that I don't really have that much faith in also. Here it says that the Portland fire marshall's office is able to see these projects from start to finish, I was wondering why -- why it is that we would have one of these agencies that does a really good job at that, and phc northwest complaining about the biowaste disposal of hypothermic needles in our parks. I would have thought that would have been something dealt with. So if this is -- if this is a good agency, I would like to see that done in other agencies. I'm not really sure what that looks like when they say they can do it from start to finish. The other thing is new buildings, I was wondering why we had those issues with the recent fire on mlk, which at first the media was saying it wasn't built properly, it had a faulty fire sprinkler system. But again, this was something that was built in conjuncture with the city, just like the one I remember at interstate firehouse, the new building there for -- also some of the low-income housing. And I remember that was built faulty, and I'm going to start paying more attention, because I pay attention for disability compliance, but just now I was -- this morning would I have been here to speak to you, but I was being tortured in the federal building in their bottom floor bunker. And I noticed their ceilings, because they have horrible florescent lights, and I told them I'm about to have a seizure, I don't know why you're interrogating me and torturing me, but now that I think about it I didn't see any sprinklers in there. So I'm just wondering where in the city the sprinklers are. And I need help right now, I'm about to go to my doctor, but I hope that talking to Ron Wyden we can deal with our neighbors across the way. Don't cross that park. You will be tortured. Thank you.

Hales: Thank you. Good afternoon.

Suzanne Mayr: Good afternoon. Thank you for considering this proposal. I'm Suzanne Mayr, I'm with the Columbia Willamette, the local chapter of the national fire sprinkler association. And Miss Elinski, the fire sprinklers are right there, there's concealed heads right above the council chambers here.

Hales: Sometimes they're hard to see.

Mayr: They are.

Elinski: This was in the federal building, I guess we don't have any say over federal buildings.

Hales: I think you'll find that they they have those too.

Elinksi: Not in the downstairs bunker.

Hales: Ok.

Mayr: So --

Elinksi: No windows -- Pretty scary.

Hales: We'll check.

Mayr: Just a little bit about the national fire sprinkler association and our local chapter. We're made up of fire sprinkler contractors. And we provide technical assistance and our members maintain a code of ethics and level of professionalism. And in the Portland area there's at least a dozen of our NFSA members and quite a few other contractors. I would just like to talk a little bit about some of the cost mitigation that always at the heart of any fire sprinkler discussion about adding it as another requirement for businesses, there's a cost issue. And we've seen the costs that Nate pulled together, the three to four square foot for just the sprinkler systems. There's also the hook-up fees, and as Mr. Atwood suggested, I would encouraging a dialogue to talk about ways to mitigate that. There's two things the national fire sprinkler association is doing to help small businesses mitigate the cost of installing retrofitting fire sprinklers. One of those, we're working with congress to be able to depreciate the cost of your fire sprinkler system. Currently it's a 39-year depreciation schedule, and we'd like to see that moved up. And particularly for small businesses to be able to get some immediate tax relief. And that would be one helpful piece. The other thing NFSA is doing is partnering with the insurance services office to make sure that buildings that do have, commercial buildings that do have fire sprinklers are getting the credit. And also that the iso recognizes that

September 4, 2013

Portland has progressive fire sprinkler – or, excuse me, fire codes. And that helps keep the insurance rating for the community lower. So those are some things we're doing to recognize the cost impact it will have on businesses.

Fish: May I just add a comment on that? Thank you for your testimony, mayor, if I may, I have the honor of being the water bureau commissioner, and there is no current conversation about waivers or discounts involving the water bureau, but I would be remiss if I didn't put it in the larger context. The city is currently being sued by the same group that is behind a water district. And one of their claims is that discounts that we provide, sdc waivers, low-income discounts, are not authorized under our charter. And that may come as a surprise to people, it certainly comes to a surprise for our lawyers, but there is -- there is a dispute about whether we can do these things. We have a view. A plaintiff has a different view. There is no current conversation about discounts or waivers, but I will tell you this issue has become very politicized. And you should know that even where we entertain it, the likelihood is if we did so, we would be sued for violating our charter. Now we would disagree with that holding, but that is a typical claim that we are currently defending in a lawsuit against the city. So I just want to put that in context. I appreciate the fact that Commissioner Saltzman has put in a time line here for compliance which gives people time to figure out how to do it and how to get convention -- if necessary, how to get financing for it. And presumably a property owner or a lessor in good standing can go through a bank or find a way to finance it. The city is not going to be in a position now to offer that financing, but I think the time line that he is suggesting, and I'm sure he's going to be criticized for giving this much time, I mean, that's the next thing that will happen, he'll be criticized for even having a transition period, but the fact there is a transition period seems to me gives people time to figure out what's the cost and how to finance it. When you look at this data, though, and you see that the absence of this sprinkler system is going to cost lives, I think it's pretty clear where this council is headed. Anyway, thank you for your testimony.

Mayr: Just along those notes, as a mother of two 20-somethings who like to go to music venues, they're not thinking of fire sprinklers. I call them and remind them to look up, but that's not top of their -- it's who the band is and how much fun they're going to have, and I think that that's something we need to keep in mind, that we're providing a level of protection to people who just aren't there to think about their safety for the night. Just two quick things. I always feel compelled to address the fire sprinkler myths. Just so you know, fire sprinklers are only heat activated, smoke does not make them activate. So in the videos that you saw, it was when the level of heat intensity is what made the sprinklers go off. The other myth is that usually only the fire sprinkler closest to the fire will activate, and so just two things to keep in mind when you're considering those for your own buildings.

Fritz: Let me ask your opinion as a mother and also as someone who is familiar with sprinklers, are you comfortable with the exemptions for houses of worship, theatres with fixed seating, banquet hall and lodge halls?

Mayr: I'd have to see what the code requires. But I think the point that when you're in a club, you probably have had a couple drinks, there's no clear exit aisles. When you're in a church you're in a pew, maybe some communion wine, but you've got your faculties about you. [laughing] Hopefully. There's also provisions for disabled folks to get out as well. The exits are clearly marked, and so I think that's a big difference.

Fritz: Thank you.

Hales: Other testimony?

Moore-Love: Lightning has requested to speak.

Elinski: Just in regards to my question, I see there is no plan yet to have any offers or discounts, just the implementation of the policy and the code enforcement?

Hales: Giving people time to comply, so, there's no--

September 4, 2013

Elinksi: So if they have to apply for the waiver, or the extension, is that a point where you might consider giving offers? I don't know why that has been in the media.

Fritz: Not everything you hear in the media is real.

Elinksi: That's why I'm asking right now.

Hales: There's no provision in here for an extension, is there, commissioners?

Saltzman: No, I mean, the fire marshal—we did put in the ordinance, the fire marshal has discretion to grant an applicant if they're showing they're making good faith progress to meeting the deadline. So the fire marshal does have some discretion, but other than that that's the way it is.

Elinksi: So there's the appeal process on the --

Saltzman: Yeah. You can appeal the fire marshal.

Elinksi: Thank you.

Hales: Oh, I see, ok. Thank you.

Lightning: My name is lightning. Mr. Atwood brought up a real good point. Basically from the tenant to the landlord perspective, looking at it, and I find it interesting on the as-is clause on the leases that he would say the tenants possibly are responsible to putting the system in. Now, one of the concerns I do have is that this very well could interrupt certain businesses, actually close certain businesses because a lot of tenants are going to throw their arms up and say there's no way I'm going to pay this expense that the landlord will benefit from in the future. It's not going to happen. So there's going to be some real disputes there that need to really be looked at. Another concern I have is just really from a tenant's position is to find some creative financing for these tenants if they do have to bear that cost, and maybe even the PDC enterprise funding, because this is the business that needs to continue to go forward, and maybe there is some low-interest financing that could be applied and still get a reasonable interest rate returned on that. Another area that I have some concern with too is watching the videos, which I thought were very effective, I didn't notice anybody reaching for any fire extinguishers to try to put the fire out immediately. And I think that maybe that might be an area to look at also, to make sure that there are adequate extinguishers in various areas that people are trained to go and grab and try to put these fires out immediately, because some of these systems may not operate quite the way they want to, and I think that might be an area to look at also. And basically again, maybe the fire chief could explain this, I understand there's two different type of systems of -- wet systems and dry systems as far as on the sprinklers. Maybe that can be explained a little bit on that issue if there is a cost that might save some people money on what direction they can go on those sprinkler systems. And again, Mr. Saltzman, I'd like to commend you on this, this is something that definitely needs to be looked at, and definitely is a public safety issue, and I hope the landlords and tenants can work together in an effective manner to get this put through. Because I think it is necessary. Thank you.

Hales: Thank you.

Fish: I have a follow-up question for the chief.

Hales: Chief, come on up. Ellen, fire marshal.

Fish: Chief, based on the testimony, I have the following question. I don't know what the code provides, but I think Dan is doing something very important here. But I don't -- we don't want your job to become unduly complicated. And it seems to me the cleanest way to enforce this is against the owner, and let the owner work it out with any tenant or successor. But as I read it, it says that a person, owner, or occupant can appeal. So as it's currently written, is it streamlined so that you have a clean shot against the owner and then the owner can figure out cost sharing with the tenant? And the reason I say that, sometimes as you know, harder to figure out who is the lessee, and the tenant or successor, and it seems to me it's very clear who the owner is.

Janssens: That's a great question. I think a lot of it may get tied up into the contracts between the owner and the lessee, though.

September 4, 2013

Fish: But let me just jump in on that. They can -- by contract, and I'm not the lawyer on this case, but by contract, a landlord and tenant can apportion rights and responsibilities and costs. But by code, we certainly have the right to impose an obligation on an owner, and I don't think that's necessarily a delegable duty. And so, Ellen, can't we just be very clear that the owner has the obligation, so that the chief doesn't have to chase down the tenant today, or the new tenant tomorrow, or whatever, and make it harder to comply?

Osoinach: Yes. Commissioner Fish, I think that's right. You certainly could make that policy choice. I think the intent in listing out all of the people to whom the code applies was to expand rather than narrow the ability of the fire bureau to impose the requirement.

Fish: But I mean, we did get testimony here about, you know, well, my tenants may or may not have gotten adequate notice. With all due respect on this one, I don't think it should be our burden to make sure every tenant or successor in interest gets notice. I think we should give the chief a clean shot to deal with the owner, have the owner who's the responsible party take care of the problem, and then apportion the cost with any tenant.

Hales: I want to reinforce that point. Most commercial leases pass imposed costs from the government on automatically to the tenant. That is, if you own a building and I'm leasing from you, and the city requires you to do something, you do it and charge me for it. That's the deal in most commercial leases. So I think focusing on the owner, as commissioner Fish is suggesting, might be practical.

Fish: The other thing, and just to amplify what the mayor said, if the fire marshal spends the first six months dealing with the current tenant, and that tenant ends up going out of business, or being replaced by another tenant, you could see a situation where there's a bit of a shell game there, as opposed to dealing with the owner and making sure the obligation resides with the property owner, which is I believe how most of our code is written, it's the owner who has the primary obligation.

Janssens: And ultimately the owner benefits from their building being improved. Also for future --

Fish: Well, just making sure--and the intent here to be clear, is to make the code enforcement as streamlined as possible, and not allow changes of tenancy to delay or create hardship claims simply because of a change of tenant.

Saltzman: You bring up a good point, commissioner Fish. Why don't you give us the intervening week here to look at this issue and provide more informed answer and possible change amendment next week.

Hales: It's a fine point, but it's a valid point. Other suggestions, questions? Concerns? Great. Very good presentation. You plan to bring this back for second reading next week? The opportunity to possibly bring amendments or --

Saltzman: If we need to amend it it would require another reading.

Hales: Ok. So this is --

Saltzman: Or we can do it on emergency.

Fish: Dan, I have one last question, just to be clear. I notice in your public outreach which looks quite robust, you met with boma, which is the building owners and managers association. My -- am I correct in assuming that boma is the trade association, if you will, for the 20 nightclubs in question?

Janssens: No. They are a building owners association, but there's no -- it's a voluntary membership. So there's no requirement.

Fish: It may not capture everybody.

Janssens: It may not capture every one.

Fish: But it is the group we deal with often on this council that represent commercial property owners.

Janssens: Yes.

Fish: Thank you.

September 4, 2013

Hales: Great. This will move to second reading. [gavel pounded] We'll see it again next week. Thank you. We're adjourned. Good job, Dan.

At 2:53 p.m., Council adjourned.