



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **27TH DAY OF NOVEMBER, 2013** AT 9:30 A.M.

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

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

Item Nos. 1127 and 1129 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

	Disposition:
COMMUNICATIONS	
1114 Request of Devin James to address Council regarding ways the City can support the Hip Hop Community (Communication)	PLACED ON FILE
1115 Request of Kawika Johnson to address Council regarding parked cars and high traffic areas have caused damage to cars and homes (Communication)	PLACED ON FILE
1116 Request of Sean Aaron Cruz to address Council regarding predatory Private Property Impound towing (Communication)	PLACED ON FILE
1117 Request of Carl Wikman to address Council regarding Portland's first and only remaining covered bridge Cedar Crossings (Communication)	PLACED ON FILE
1118 Request of Lightning to address Council regarding Portland Improvement Plan (Communication)	PLACED ON FILE
TIMES CERTAIN	
1119 TIME CERTAIN: 9:30 AM – 2014 World Cup Soccer Tournament (Presentation introduced by Commissioner Fritz) 20 minutes requested	PLACED ON FILE
CONSENT AGENDA – NO DISCUSSION	
Mayor Charlie Hales	

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1120 Reappoint David Sweet to the Noise Review Board for a term to expire February 28, 2016 (Report) (Y-5)	CONFIRMED
Bureau of Planning & Sustainability	
*1121 Adopt a Waste Reduction Plan and accept and authorize an Intergovernmental Agreement with Metro to receive Metro Waste Reduction Challenge Funds of \$270,855 and \$302,249 for the Recycle at Work Program in FY 13-14 (Ordinance) (Y-5)	186346
Office of Management and Finance	
1122 Accept bid of 2KG Contractors, Inc. for the Portland Police Bureau Training Complex Project for \$4,960,000 (Procurement Report-Bid No. 115989) (Y-5)	ACCEPTED PREPARE CONTRACT
*1123 Authorize an Intergovernmental Agreement with Portland Public Schools for compliance and other services related to the City's Workforce Training and Hiring Program (Ordinance) (Y-5)	186347
*1124 Pay claim of April Coiteux in the sum of \$18,006 involving the Portland Police Bureau (Ordinance) (Y-5)	186348
*1125 Pay claim of Yaoming Luo in the sum of \$15,000 involving the Bureau of Environmental Services (Ordinance) (Y-5)	186349
*1126 Amend contract with Carleton Hart Architecture, PC to increase contract by \$4,990 to provide additional architectural and engineering services for Roof Replacement for Two Police Facilities (Ordinance; amend Contract No. 30002200) (Y-5)	186350
*1127 Create a new Nonrepresented classification of Assistant Transportation Director, which is exempt from the classified service and establish a compensation rate for this classification (Ordinance) (Y-5)	186360
*1128 Extend term of Qwest Broadband Services, Inc. cable franchise (Ordinance) (Y-5)	186351
1129 Amend Utility License Law to adjust rate for water and sewer utility license fees (Ordinance; amend Code Chapter 7.14)	PASSED TO SECOND READING DECEMBER 4, 2013 AT 9:30 AM
Commissioner Steve Novick Position No. 4 Bureau of Transportation	

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<p>*1130 Amend contract with Bicycle Transportation Alliance for Safe Routes to School bicycle and pedestrian safety education for an amount not to exceed \$266,800 (Ordinance; amend Contract No. 30002664)</p> <p>(Y-5)</p>	<p>186352</p>
<p>Commissioner Amanda Fritz Position No. 1 Portland Parks & Recreation</p>	
<p>*1131 Accept and appropriate a grant in the amount of \$200,000 from Metro Regional Travel Options grant program for start-up costs related to the creation of the Washington Park Transportation Management Association and authorize an Intergovernmental Agreement (Ordinance)</p> <p>(Y-5)</p>	<p>186353</p>
<p>1132 Amend contract with Henderson Young & Company, Inc. in the amount of \$23,770 to provide additional Park System Development Charge update consulting services (Ordinance; amend Contract No. 30003028)</p>	<p>PASSED TO SECOND READING DECEMBER 4, 2013 AT 9:30 AM</p>
<p>Commissioner Nick Fish Position No. 2 Water Bureau</p>	
<p>1133 Authorize a contract and provide payment for the construction components of the Bertha Service Area Improvements Project at an estimated cost of \$650,000 (Ordinance)</p>	<p>PASSED TO SECOND READING DECEMBER 4, 2013 AT 9:30 AM</p>
<p>REGULAR AGENDA</p> <p>Mayor Charlie Hales Bureau of Police</p>	
<p>*1134 Extend an Intergovernmental Agreement with Multnomah County District Attorney through FY 2013-2014 and increase funding in the amount of \$60,000 for child abuse investigations (Ordinance; amend Contract No. 30001158)</p> <p>(Y-5)</p>	<p>186354</p>
<p>*1135 Amend Evidence Property procedures for the return of undisputed claims for money (Previous Agenda 1080; amend Code Section 14C.20.040)</p> <p>Motion to amend dollar limit in accordance with Bureau memo dated November 14, 2013: Moved by Fritz and seconded by Novick. (Y-5)</p> <p>(Y-5)</p>	<p>186355 AS AMENDED</p>
<p>Office of Management and Finance</p>	

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<p>*1136 Amend the District Property Management License code to update the fee and cap formulas for the Lloyd Business District, add a yearly fee payment escalator and District Board's opportunity to recommend against it, and make other housekeeping changes (Previous Agenda 1096; amend Code Chapter 6.06)</p> <p>(Y-5)</p>	<p>186356 AS AMENDED</p>
<p>1137 Authorize agreement with Lloyd B.I.D., Inc. for program management in the Lloyd Business District (Second Reading Agenda 1097)</p> <p>(Y-5)</p>	<p>186357</p>
<p>Commissioner Amanda Fritz Position No. 1 Bureau of Development Services</p>	
<p>1138 Consider the proposal of Firenze Development Inc. et al, and the recommendation from the Hearings Officer for approval to change the Comprehensive Plan Map designation from High Density Single Dwelling to Attached Residential and the Zoning Map designation from R5a to R2.5 for property located in the vicinity of NE 14th Ave and NE Fremont St (Previous Agenda 1110; Adopt Hearings Officer's Recommendation; LU 13-115249 CP ZC)</p> <p>(Y-5)</p>	<p>ADOPT HEARINGS OFFICER'S RECOMMENDATION</p>
<p>1139 Amend the Comprehensive Plan Map designation and change zoning of property at 3607, 3617, 3623 and 3637 NE 14th Ave at the request of Peter Kusk of Firenze Development Inc., Kevin Palmer and Dawn M. Meaney (Second Reading Agenda 1111; LU 13-115249 CP ZC)</p> <p>(Y-5)</p>	<p>186358</p>
<p>Commissioner Dan Saltzman Position No. 3 Portland Fire & Rescue</p>	
<p>*1140 Authorize application to Federal Emergency Management Agency for a grant in the amount of \$750,000 for the FY 2013 Assistance to Firefighters Grant Program to fund awareness and operations level structural collapse training (Ordinance)</p> <p>(Y-5)</p>	<p>186359</p>

At 11:08 a.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Susan Parsons
Acting Clerk of the Council

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

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WEDNESDAY, 2:00 PM, NOVEMBER 27, 2013

**DUE TO LACK OF AN AGENDA
THERE WAS NO MEETING**

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

NOVEMBER 27, 2013 9:30 AM

Hales: good morning everyone. [roll call].

Hales: And we have a number of communications items lined up. Would you read the first one, 1114, please.

Item 1114.

Hales: Mr. James, are you here?

Item 1115.

Hales: Kawika, are you here? Okay. 0-2. Let's try a third one.

Item 1116.

Hales: Good morning, mr. Cruz. Come on up. Good morning. Welcome. You have three minutes. Good morning.

Sean Aaron Cruz: Mayor Hales and members of the council, my name is Sean Aaron Cruz, I served as Senator Gordly's legislative staff for six years and in that capacity, conducted research into predatory towing practices -- I drafted the legislative concepts enacted in 2007, designed to curb the abusive practices. I led Senator Gordly's towing work group and feel I can speak with this expertise as to the intent of the legislation and what it means to Portland citizens. Both bills create - - unscrupulous private property impound towers. I'm here to tell you today that none of the citizen protections enacted in 2007 have been enforced in Portland, that there isn't a single apartment tenant in Portland, before recent weeks, none of the citizen rights were listed on the posts list of citizen rights, that last December the city also rolled back many of the citizen protections and had in place prior to 2007. We've gone backwards and that the towers have been allowed to create new fees and new excuses to tow a tenant's vehicle unfairly and otherwise circumvent the spirit and letter of the law. The system remains rife with fraud and abuse, probably more so today than it was prior to 2007. With higher costs being forced upon the public. I'm here to ask council to order an immediate suspension of PPI towing until the property owner or manager can show that they are fully in compliance with state law and all of their tenants have received proper notification of towing fees and of their rights and in a language that they can understand. Towers have been receiving a holiday from enforcement for six years. My research shows Portland's towing system is built upon -- these fundamentals. Uninformed public, two, failure to enforce existing state laws, and three, PPI contracts based upon illegal consideration. That is apartment owners, managers, receiving free towing services in exchange for allowing a tower the privilege of towing vehicles from the property. Four, tow drivers working on commission who make all judgment calls and create the documentation justifying the tow. Five, apartment rental agreements designed to create towing opportunities in violation of state law and where tenants are tricked into signing away their rights without knowing what they are. And exhibit B, and six, price fixing, collusion, racketeering. Not sure where I am on my time.

Hales: Keep going.

Cruz: If your vehicle was towed from an apartment complex since new laws enacted in 2007, you are probably due your money back at minimum. Probably towed under illegal contracts or under an illegal rule. Apartment tenants have the right to know the minimum of cash available at all times in order to meet the immediate demands of a tow truck driver who shows up without notice. That's

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only reasonable, and that you should as an apartment, when you are citing a rental lease agreement, you should be informed of the dollar cost if your car is towed from what is going to be your home. And in the sheets that I passed out, those exhibits there, the third page is the one that I really want to call your attention to. This is really where all of the research began in 2005, with these two cars that were towed. They were parked side-by-side in my driveway. Tow truck driver enforcing patrol agreement, property owner that is my next door neighbor towed my car out of my own driveway and my neighbor's car out of their's. So, here is two cars that are towed -- that are parked side-by-side and you would think that everything that followed from there would be the same, but I was presented with two different invoices here from retriever towing. No line item is the same. No amount is the same and the tolls around the same. Retriever insisted that both invoices were correct.

This is how we discovered, senator gordly's office discovered a system here in Portland that was bifurcated and there was a line in the -- to prevent municipalities from regulating ppi towing, if the parking facility held fewer than 10 vehicles. Who knew that? And so, the top invoice covers parking facilities where the city was regulated. The one below was for those smaller parking lots where the city had no power to regulate under the ors. And what you see there in the top one, these are the only fees that the city would permit a ppi tower to charge the public. The bottom one is -- these are all of the fees that the towers were charging where the city couldn't regulate. So, one of the things that we accomplished in the 2007 session was to eliminate that 10 vehicle bar. But what we thought was that citizens that would then have the protections and the top invoice, instead of the bottom. And what has happened is that it has swung completely in the opposite direction so that every one of these fees that are in the unregulated invoice, the public is subject to now, plus additional fees. Completely manufactured towing offenses like back-in parking, no back-in parking. You can have your vehicle, apartment tenant, parked in your assigned parking spot, registered with the apartment management, it is bearing the decal or sticker, whatever they assign to you, and yet they tow it away simply because it is parked in backwards. This is a whole new fabrication. Plus, we required in 2007 legislation that towers post warning signs at every entrance into any facility that they're monitoring. You know what, they're just now getting around to doing that in the last few months.

Fish: Can I ask you a question? Council recently took up changes to the code that deals with private parking on what appears to be a public street. A number of places where you would hardly know you are in a private parking lot. We tightened up the code oversight and went to the questions of signage, and looked at making sure that we had the right to regulate hours of operation, all of that stuff. A lot of what you are saying resonates with me. You started by saying that the action we took in december rolled back citizens' rights. Perhaps this is not the right forum because of the limited time you have. But I don't -- in the materials you gave us, it doesn't itemize where you think we rolled back rights. That's a significant concern. So, do you have a document or do you have something that you could share with us that explains why you believe whatever the council did in december goes backwards? I think we need to know that.

Hales: That would be helpful.

Fish: The other thing that would be helpful for us to know is the equity, equitable issues you're identifying here is low-income people having their cars towed without adequate notice by what you call a predatory practice. We have a bigger stick in terms of regulation around the housing that we invest in, affordable housing, I wonder, do you have a breakdown or a general sense of whether this is happening primarily in so-called affordable housing that is subsidized versus other housing that may be not subsidized but is also geared to the lower end of the market?

Cruz: Can't be sure about that. But i've seen that there are two standard forms that appear to be in common use in this city. They come from, one is from the state, multifamily agency. And the other is from the metro multifamily housing agency and they're very different. In one of them, as a tenant, if you violate a parking prohibition, there is \$50 that they will charge you.

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Hales: Landlord charges you.

Cruz: Yeah, that is in the rental agreement. But with others, there is a whole host of reasons that they're going to tow your car. And the thing is, particularly for low income people, they don't have access to this information. For one. There is no place for a citizen to learn what their rights actually are under the law.

Fish: I would hope on that point, to the extent we can use the power of our investment to curb whatever practices may be improper, subsidized housing, that's something that I think we should take up.

Hales: I think we have more authority than that. Point taken. I appreciate you bringing this to our attention. I hope we can follow up with you with particular responsibility for transportation and towing here -- I think we have your contact information. If we don't, make sure that we do and we will follow-up with you. I appreciate you bringing this to our attention and the work on the issue prior to now as well as ringing the alarm bell now. Thank you, you and senator gordly have tried to put this right, and if there is more work that needs to be done, then i'm glad you let us know about it.

Cruz: Thank you.

Hales: Thanks very much. Good to see you. All right. [applause]

Item 1117.

Hales: Mr. Wikman, good morning.

Carl Wikman: I'm going beat the timbers to show and tell. Good morning, mayor and commissioners. Oregon has the most covered bridges west of the mississippi. Once we had over 600. Today 51 remain. These covered bridges are a significant tourist attraction bringing national and international visitors. This commemorative plate celebrates the first and only covered bridge ever in Portland and Multnomah county and only remaining covered bridge in the metro region, cedar crossing. Today this signature structure is in a sad state of repair. Over two decades have passed since Portland acquired the maintenance from Multnomah county. The city's current policy of casual neglect of southeast Portland, is all too visible, especially in a place like cedar crossing. From the past -- for the past 15 years, group of family and friends have gathered twice a year at the bridge to clean litter and trim blackberries from the roadway. This year we witnessed an alarming increase of rotting and molding wood on the interior side of the bridge and potholes that expose the bridge deck and increasing graffiti. To ensure that cedar crossing is maintained a preserved, a -- steering committee members include state representative, and Multnomah county director of -- we have given presentations before the metro council, city councils of -- in our efforts to help save this reminder of Oregon's wooden bridge heritage. Additional we have completed two significant projects. The first was to replace the historical marker which had been gone from the bridge for over 20 years. And it explains the story of how and why the bridge was created. The second project was an event to rededicate cedar crossing held at the historic building -- as -- the building widely considered to be Oregon's -- I come before you today to learn how the see -- how to best proceed with doing the badly needed repairs and maintenance of cedar crossing. I thank you for your time and I hope you all have a very happy thanksgiving.

Hales: Thank you very much.

Fritz: Is it the city's responsibility or county?

Wikman: It is a city bridge, pbot -- there is a sign on one of the markers.

Fritz: Part of our \$800 million deferred maintenance --

Wikman: But this is a deferred maintenance that brings tourists. I have been there -- there was a group of eight from texas. You can see the picture there. It is an international and a very significant little-known cultural resource of the city.

Fish: What state has the most covered bridges, is it vermont?

Wikman: Pennsylvania. Very unusual.

Fritz: Thank you.

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Hales: Thank you very much. Okay. One more. We will go back and check to see if the others have arrived.

Item 1118.

Hales: Good morning.

Lightning: Good morning. My name is lightning. I represent Portland lightning think tank. Some stated the 10-year plan to end homelessness which is flawed should be put on the shelf and never looked at again. And those would probably be considered kind words from what activist joe walsh. In my opinion, we must not forget the preservation of the current inventory of low income affordable housing is equally as important as building more new low income affordable housing units. From the position of preserving existing units, the plan was a great success. Now, more than ever is the time real estate developers need to be offered incentives to build more low income affordable housing units. A tax abatement offered. B, low interest loans offered by the city. C, public land offered at no cost to developers to build projects for the homeless. D, we need Oregon lottery officials to provide more low-interest loans to developers to build more housing for the homeless. There is a very high percentage of people who are homeless because of gambling addictions. Real estate developers are currently building new residential units at a record pace, possibly surpassing prerecession year 2008. Although, with the current 3% vacancy factor or lower, it simply is not enough. We are still having trouble reducing homelessness. Apartment vacancy rate will begin to increase when the new residential units are absorbed throughout the market. In my opinion, the vacancy rate will double from 3% to 6% within one year. There will be ample units to reduce homelessness substantially. Also, within that same period, property tax revenue to the city will increase tremendously. We currently have 755 homeless people sleeping on the sidewalks. 315 in doorways. 213 under bridges. 162 in vehicles. 140 in the woods. 70 in the park. And also 50 in abandoned buildings. The majority of these people are considered the chronic homeless. One to 10 years outside on the street. They are the excluded, the forgotten from the system. The people who need the housing the most who are currently being excluded with increased residential unit inventory, with the guaranteed surge in property tax revenue, and with the additional funding directed toward the excluded chronic homeless, reducing homelessness significantly in Portland, multmomah county, can and will happen within the next 12 months. Thank you.

Hales: Thank you. Thank you very much. [applause]

Hales: And has devin james or kawika johnson arrived? Either one? Okay. So let's move on to time certain then please. Sorry, consent. We have one or two items removed from consent, I think. Request for 1129 from commissioner Fish and a request for 1127, is that correct?

Parsons: Correct.

Hales: With those two exceptions are we ready to take a roll call. So let's take a roll call on the balance of the consent calendar.

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

Hales: Time certain, commissioner Fritz.

Item 1119.

Fritz: That's right. We are having a presentation for the 2014 world cup soccer tournament, and before I begin, I would like to ask Mike Abbaté to come to the table. This is our wonderful director of parks and recreation, and it is not just me who says so, it is the american society of landscape architects who just this month recognized director abbate with a fellowship in their society, which is an extremely prestigious award not granted to very many folks. So, I just want to congratulate, mike abbate, and thank you. [applause]

*******:** How would you like to be addressed in the future, mike?

Mike Abbaté: Mike is just fine.

Fritz: With our funding deficit, it doesn't come with a major pay raise. It is an honor for the city that you have received this award. I'm pleased to announce this item to council which highlights a

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number of things that I value, community participation, collaboration, involvement of underserved communities, and most importantly soccer -- but it is not just about soccer, but engaging our communities in a wonderful sport. I have never played a competitive game of soccer in my life but was allowed to referee a game which was fun. We're here to talk about the 2013 world cup soccer tournament, 16 community-based organizations, bureaus, school districts. 11 boys teams, and four girls teams participated, 300 participants in all, ranging from 14-19. 25 countries were represented in the tournament. This is more than a weekend of soccer. This is about an active program that also encourages participants to learn about city jobs, city services, and how they might become involved in the future. A great partnership between the school district and number of city bureaus, as well as the Portland parks and recreation. So, with that, I will turn it over to director abbate and Elizabeth Kennedy-wong.

Mike Abbaté: Mayor and members of the council. This is an amazing event that we have annually and it brings together the community in so many ways. One of our goals as a bureau is to make sure that our facilities, our programs, activities are all accessible to everyone in the community. And this is a hallmark activity and event, and i'm going to allow elizabeth, our public relations manager, to tell you a little bit more about the story.

Elizabeth Kennedy-Wong: Good morning. So, this year the world cup soccer tournament has taken on a more significant approach to how we integrate cultures and, those who play in the tournament and organizing it. Portland parks and recreation is committed to providing youth leadership opportunities. We hire more teens in our lifeguard programs, in our educational programs and a number of other programs. The -- world cup soccer, take the youth who participated in the event and hire them to organize the event. The people behind me are the 10 youth who have been hired to organize the 2014 world cup soccer tournament, from nine different countries, speak probably among them 20 different languages. They more than anyone else know their cultures, their communities, and they know soccer. We are going to give them the chance to talk about the event and show you the significance of it through the city of Portland and the immigrant and refugee communities. Thank you. We are going to start with a video.

Hales: Okay. [inaudible-video]

*****: I --

*****: I am 18. I speak two different languages and part of the team connections --

*****: I'm 18 years old, from ethiopia, I speak two languages.

*****: My role in the cysl is team connection and I currently speak two different languages.

*****: I speak three languages.

*****: I'm 18 years old. I'm from haiti. Youth career week team and I speak two languages.

*****: I'm 17 years old, senior at clackamas, high school. I'm from Portland Oregon. My role is donations.

Hales: Good morning, welcome. Who is on first?

Ann Downing: Good morning mr. Mayor and honorable commissioners. My name is ann downing and I teach english as a second language at david douglas high school in east Portland. I spend my days teaching Portland's newcomer youth about the english language and american culture. My students are from all over the planet. And their stories are fascinating. Their experiences noteworthy. Their backgrounds and academic skills are often vastly different, however, they share many of the same dreams and passions. After all, they are teenagers. One of our -- one of those shared passions among both the girls and the boys is the game of soccer. They talk about soccer. They write about soccer. They practice soccer. They learn the english word soccer, their first week in america. Soccer is a beautiful sport. It teaches cooperation, concentration, and respect. I think you already understand the value of this tournament. And the value of connecting these young people to their city. So, i'd like to share with you something that happens from time to time in my classroom. On the rare occasion I lose the attention of my students, and i've used up all of my

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teacher tricks to bring them back to the subject at hand, I will occasionally take a deep breath and say "soccer." All eyes are back at me and I can continue the lesson. There are few things which draw teens so powerfully. Not all are as beneficial as the game of soccer. The Portland world cup is a great opportunity for all of us to practice positive collective impact. It is a great honor to be involved with this wonderful tournament. Thank you, mayor, and city council, for your time today and have a wonderful thanksgiving.

Fritz: Thank you.

Hales: Thanks. You also. Good morning.

Joe Renhard, Portland Fire & Rescue: Good morning. I work for Portland fire and rescue. I've had an opportunity to coach one of the teams for the last few years, along with my crew. I will be the first to tell you that I don't know much of anything about soccer. What we were able to do was show the kids what we do know. We know a lot about team work. We know about hard work. And that's what I got to bring to the team. I thought this was a great opportunity for the kids. They got a chance to see what we do. Fire department can be a mystery sometimes. They were able to go out to our training center and look at what the job was like. How you become a member of the Portland fire and rescue. It was, in my opinion, it was a great experience for both of us. Hopefully from this they got to see some of the opportunities for their futures. Portland fire, that is kind of what we were there for. Thought it was a great program, great experience. We really enjoyed our participation. We thank you for allowing us to do that and we hope to continue in the future.

Hales: Good morning.

Askina Sharif: Good morning. Mr. Mayor and city council, i'm an academic program volunteer. Also -- my vision for this game of soccer is to see it reaches far beyond, and bridges the gap between the community and the city by sharing ideas and thoughts and working together hand in hand. There is a lot we can gain by sharing our ideas and vision for the community and the city in general. When we came to Oregon, especially me, when I came to Oregon, I was only 14 years old. Most of us didn't speak english. We were unable to communicate, let alone to integrate into the society. But one thing helped me a great deal, and that was playing soccer for my high school, which was madison high school. This was significant for me personally because I didn't need to speak the language in order for me to participate on the soccer field. The city of Portland can do a great deal for immigrants and the city by providing and establishing fields that it can practice on all year round and only when they have tournaments. The city of Portland can play a significant role engaging and understanding the impact soccer can have in various ways throughout the community and city in general. One thing, since I have the opportunity, if you can allow me, you know, i'm from somalia. From a small city. Under control of the militia. They -- they don't let anybody play soccer. They don't allow, not only -- they don't allow -- you play soccer, you get punished. It is very privileged for us to live in this country, which is -- we can play soccer, not only boys but also girls. And from through this soccer, we find out that it is very hard for them to recruit anybody from -- from especially us, we have this problem. As you know, from minnesota, a lot of young boys, they join them, but they didn't know what to do. But those who are engaged in soccer, they never tried, attempt to go anywhere because they -- it is something that they love. Something that they just want to do it for their community, for their -- just this feeling that for soccer that they have makes them unable to do anything. So, I think, you know, from my point of view, soccer is just beyond everything for us. Especially here. That's why I became a coach for this young kids to -- not brainwashed with these maniacs who are just destroying the world in general. Thank you guys for allowing me, the mayor and the city council, and thank you.

Hales: Thank you. Thank you very much. Good morning.

Maurice Ramon: Good morning. I'm coaching youth programs -- I was invited last year to participate on this amazing tournament, and I work with the low income families. My time is volunteer all of the time. And the soccer is a big tool, big, big tool for our community and the

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whole world because, you know, I like to see our community graduation on the school, you know, finish the college. 70% of our low income families, they don't finish their school. That's why I picked this big tool, you know, soccer, for share with the younger players and development -- develop the skills mentally and physical. In 2004, seven years old. Now 18, and 90% of the players have a good, very good credits in high school, and everybody, those kids, apply for very good college, you know, universities. One of those kids is here. He has played for me for 10 years. He is going to centennial. My philosophy for these teams is -- family, school, and soccer. Those three together, they have got a big, big opportunity in their life. So, this tournament is very important because when last year they invite me to participate on this tournament, like six or eight teams. This year, like 16 teams. And maybe this year, it is going to be 20 or 25 teams, you know. And most importantly, you know, for integration for our community. That's the most important, to learn about different cultures, you know. So, thank you very much for your time and I hope one of these kids or players in the future, they finish, take your place in the future. Thank you very much.

Hales: Thank you. That's great. That's great. Others that want to speak?

Taylor Knoll: I'm a senior, clackamas high school. I am going to share with you today why I believe the world cup is so important. Not about just the aspect of playing soccer. We do career week, and every day in the entire week we have a different theme set up, whether it be with the fbi, firefighters, different stuff like that, and we go, whoever goes, you get hands-on experience with that job. And so I would like to share a story about how I -- how I know what I want to do when I get older, is I think a lot of you guys already know, junior, senior year in high school tends to be some of the most stressful years of your life. You are always thinking about what do I want to do when I get older and you have all of that pressure from your peers, grandparents, mother, dad. Summer going into my junior year, I thought I wanted to go to college and study business management. I took all of the placement tests and every time that is what it came out to be. And I started to get in love with it. But after one day of the career days for Portland and world cup, it changed all of that. So, it was a firefighting day, and I went to the -- and we got to do a variety of different tasks, like climbing the stairs, doing different scenarios, evolution, you have to pull the hose out and spray some stuff. So, that changed my opinion of what I wanted to do when I get older. Currently, right now, i'm a second year at my skill center for fire science. And i'm soon to be a gresham explorer, which is -- which will help me out in my career later in life. I plan on attended the community college and getting a duel credit there, get my paramedic, along with fire science. Portland world cup has also helped me get one of my first jobs on the youth committee. So by next year, our -- like right now, we're trying to organize and get everything going for next year's world cup. And so this is why I like to challenge you guys to maybe come at the 2014 and demo a soccer game in front of everybody before the tournament comes up.

*****: Commissioner Fritz on the field.

Fritz: Just to clarify, that is a challenge between the players there and the players in city hall. I will be refereeing. Now, of course, we have our national championship -- girls definitely do play soccer and you have to practice and play hard.

Knoll: That's it. Thank you very much.

Hales: Thank you. That's great. Thanks. Good morning.

*****: Good morning. I have been playing -- I came here when I was one year old. I have been playing soccer since I was six at the highest levels. And I had never met many iraqis playing soccer with me in my club teams, but it was two years ago when I played in the first Portland world cup. It was where a met a bunch of different refugees just arriving from iraq, and now i'm best friends with at least half of the team. We play together in other tournaments, and it has been a great opportunity for us to get to know each other. And an opportunity we never would have had. We -- a lot of those players were not on course to graduate, but because of the help they have been able to receive, three of our players graduated last year from high school. It has been a great opportunity not only to

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reunite the iraqi community, it also has been an opportunity for us to continue our relationship and we will hopefully, every single year we meet some new people that are just arriving, and it just keeps making our community larger and larger. It has been -- I hope it continues forever to be honest with you.

Hales: That's great. Thank you. Thank you very much. Good morning.

*******:** Good morning mayor and city council. I was a soccer player, walked miles barefoot to play soccer in a refugee camp without a light -- but now, i'm official coordinator of the Portland world cup soccer tournament, helping to foster peace, both new and old comers and, between the city and the different ethnic communities. In Portland, can play this tournament -- making friends from central america to east asia, from the middle east to africa, europe and north america. Have the opportunity to engage with people. We speak over 25 different languages. In the past 40 years, 1,500 youth from more than two dozen communities have participated including underserved and underrepresented -- this is more than just a sport. This is a dream about Portland and the future of america and the message of changing demographics and population of our city. This tournament provides opportunities for youth, parents, and their communities, to gain access to city sources. You can't measure the impact when -- as they start their new life in a new home, soccer -- welcoming Portland. Now we have joined youth from nine programs to serve on the committee that will organize the 2014 tournaments, Portland police, Portland fire -- this is not just soccer, but a connection to resources and opportunity for the critical integration of newcomers in an event that -- we took the youth to different city offices, all of the partners and opportunities involved. That is where tyler, one of the youth committee members, decided to become a firefighter. In 2014, marking the 5th anniversary of the tournament. The countries looking -- for parents, soccer is a -- integration. I hear parents excited to engage their kids in this tournament. This is an investment for better citizens tomorrow. Also this is the celebration of unity and differences turning challenges into opportunities.

Hales: Thank you. Well said. Thanks. Others that are going to speak commissioner?

Fritz: I think that is all we invited. Thank you so much for being here. We're trying to coordinate timing of the world cup soccer tournament next year to be in line with the major league soccer all-star game which is coming at the beginning of august. And that is another reason that this is soccer city usa, and I am so proud of our youth players, of all of our participants, as well as our two professional teams. Commissioner Saltzman, you will be particularly interested in the awarding the trophy, the score in the final, 5-4.

Saltzman: Offense.

Fritz: The game on sunday with the timbers was one of the most exciting games of soccer I have ever seen and it was wonderful to see the community coming together. Team work, a lot of support, investment of money, but a lot of investment of heart and hard work. It is my honor to present the trophy. Is there somebody representing the eagles here today? [applause]

Fritz: This is heavy. Thank you for all of your service. Thanks also to anne downing who has been such a supporter over the years. [applause] [applause]

Hales: That was just excellent. Thank you all. What a great program. I loved all of the statements today about what this does for people personally and for what it does for us as a community. Really powerful message. Thank you for your great work. Happy thanksgiving. Let's move on to the regular calendar. And then we will go back to the items from consent that were pulled. Item 1134, please.

Item 1134.

Hales: I don't think we have a presentation on this. This is simply the county's contribution to the joint effort. Any questions? Anyone signed up to speak?

Parsons: We did have one person, crystal elinski.

Hales: Okay. Come on up. Good morning.

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Crystal Elinski: Good morning. Good morning commissioners, mayor. My name is crystal, and I represent 10,000. It's kind of ironic to be wearing this hat, but this is the -- this is a good day to bring up these issues. I always learn a lot during communications and I can see how -- this is the day that I will use as the juxtaposition to the day when I told you all that I would be sending a link to the video of a dysfunctional day at city council, but today is -- depending on what we decide with these agenda items, of course, I will juxtapose with it. I think concentrating on the youth is the way to go. It is a very clear path. And I applaud -- I applaud you all when that happens. In every aspect of your work, no matter what bureau you head up, who your business buddies are. If you just remember what the children need, I think it's the most helpful. And so I also want to mention that when we think of the future of our youth, as you know, I come from work in foster care and head start, and I brought this up about a year ago. That we had our youth out in front of our front door, and we were just stepping over them. We need to remember them this sunday, december 1st, is the two-year anniversary of the vigil for the homelessness, and every time I think about that, and the constant vigil that I continue to keep here, despite mayor hales and homeland security breaking up the vigil and now it has disappeared and I don't know where the parts are. I have like two parts of it. That it still exists. We still have the problem. We still have the vigil, we still have the remembrance. And I ask everyone that can, december 1st, this sunday, to light a candle for those children that may not see a future unless we get our shit together. And the homeless, like the pope, I will quote the pope, I just heard it today. The pope just gave a 40 page statement on the way the catholic church is going. I know my mother will be glad to see this when I give her this video. But he -- he asked why is it that when a homeless person dies on the streets, it doesn't make the news. But every time that the stocks go up, it's news everywhere. Thank you.

Hales: Thank you. Thanks very much. Anyone else signed up on that item? That's it. Okay. So that moves to second reading -- no, sorry emergency ordinance.

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

Hales: Aye. Okay. 1135.

Item 1135.

Hales: There were some questions and suggestions about this. Come on back up, dave.

Dave Benson, Bureau of Police: Good morning, mr. Mayor, members of council. I'm dave benson -- if you recall a couple of weeks ago we were here to amend this ordinance to return undisputed claims for released evidence moneys. It is currently at \$100. A proposal to move it to \$500 based on the discussion here. We removed that caveat. So, it's unrestricted amounts of money, which makes it consistent with all of our other policies of how we release cash.

Hales: So when we receive cash we will be able to release cash.

Benson: Within 60 days, if we receive money that is categorized as evidence and we receive a release from an officer, district attorney, or a court, we will be able to release it in cash and a lot of times these folks are indigent. They don't have bank accounts or addresses so it is really --

Fritz: I don't have an amended ordinance. The copy that I have is still the same one as two weeks ago.

*******:** And I can't --

Parsons: In the packet, the proposed ordinance amendment from the bureau was distributed.

Hales: Okay. Here is the amended one.

Fritz: Okay.

Hales: Let me see that if I can for a second.

Fritz: We need to move the amendment.

Hales: I think we do. We have not yet. It was just a discussion last week. Yes, a motion to approve the amendment would be in order.

Fish: Before we take that motion, mayor, what document are you referring to that is in our packet?

Hales: It looks like this, proposed amendment. And I didn't have it in my packet either.

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Fish: It is not in my packet.

Fritz: I -- to amend the ordinance language.

Hales: No, that's still changing the code section.

Fritz: Right. But they are amending --

Hales: Currency received by division may be held as cash or deposited into a trust fund. Return currency in the form of cash -- upon attempted notice, if property is not claimed within 60 days, the property may be disposed of by the police bureau in a manner by law. Claimant authorized by an appropriate court order or ordinance. Limitation to \$100 in that case and the dollar amounts in the other subsections have been removed from the language. So, there is no dollar limitation anymore.

Fritz: I move the amendment dated november 14th. Which includes amendment to item 6 in the ordinance and then amendment to the code section 14C.20.040, as just read by mayor hales.

Hales: Any further council discussion? Roll call to adopt the amendment. We will see if anyone wants to testify on the ordinance as amended.

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

Hales: Anyone signed up to testify?

Parsons: Crystal Elinski also signed up.

Crystal Elinski: Hello. My name is crystal, and I represent 10,000. I -- i've mentioned the property that was lost in these police and homeland security raids, and so I thought I would take this moment, this opportunity to testify about that. I would -- it's related to the questions that I asked the commissioners back on september 4th, and submitted in writing in council chambers on october 9th.

I still have not received any answers on that, and I was hoping that maybe I could find the right people here today on this agenda item. But i'm not sure who that is. If you could direct me. It is one of the -- sorry. I meant to, as evidence, I have to hold up the letter again, the questions. -- the questions that I submitted. A lot of property has been confiscated by people who need it. And one of these things is the vigil. So, maybe before december 1st, you could help me get some of these pieces back together. It is not a monetary thing. It might not apply to today's agenda item in that sense. But it is property. And it does matter a lot, especially to people in need. And i'm here all day today. I want to state to everybody here that as I requested on october 9th, I would like to meet with the commissioners and the mayor on the issue I had in october 9th, mayor hales, was -- we communicated during my testimony that he would reach out to me. I've only had two commissioners reach out to me. And the process to simply get a meeting for an average citizen like me that has something very urgent and -- to deal with, it's a bit surprising that it takes four months. In the case of the mayor's office, it is a long process. It is about a month just to find out if -- just to hear back from the request to have a meeting. Very complicated. In nick Fish's office, they're stating that he is very busy with his election campaign, and I wanted to let you know, mayor, that I read an article recently in the willamette week, I believe it was, that you were going to ask him to help you with some of your issues and I want to state that he is very busy.

Hales: So I hear.

Elinski: Good luck on that. But I did communicate with you in person each of you once since this incident in person, and even if your office shuts me down or doesn't even call me back ever, I have - - I have a very limited time to do this because of your own regulations before I have to take drastic measures.

Hales: We'll try to get you answers. Appreciate you persevering.

Elinski: Vigil, december 1st, this sunday. I'd like to have it back. So ask the police, ask homeland security, where is it?

Hales: We will see if we can get you answers.

Fritz: Crystal for you and others who may be wondering, sometimes it is more constructive to meet with our staff whose schedules may be more open and who can dig down into the details --

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Elinski: I already spoke on that october 9th, about why I needed to speak with you each individually in a meeting.

Fritz: And the way it usually works --

Elinski: I have not received a public statement from any of your offices yet.

Fritz: The way it works best is to meet with staff and scope out the process --

Elinski: And I have met with your staff.

Hales: Thank you.

Elinski: Thank you.

Hales: So, anyone else to testify on that item? Then we need to take a roll call on the ordinance as amended.

Novick: Aye.

Fritz: Thank you for your response in this and this is an improvement. Aye.

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

Hales: Next item, 1136.

Item 1136.

Hales: This is a previous agenda item, ready for roll call.

Novick: Aye.

Fritz: Thanks again to everybody involved in this. Aye.

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

Hales: And the second lloyd district item, 1137.

Item 1137

Hales: Roll call please.

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

Hales: We have two items pulled from consent. Sorry, I didn't turn the page. 1138. Sorry.

Item 1138.

Hales: We conducted public hearing and took a tentative decision to adopt the hearing officer's recommendations and now we're ready for a roll call for adoption.

Novick: Aye.

Fritz: Thank you for everybody for their participation. Aye.

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

Hales: Still a little nervously, aye. [gavel pounded].

Item 1139.

Hales: Second reading and roll call.

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

Hales: Aye. [gavel pounded]

Hales: 1140.

Item 1140.

Hales: Mr. Saltzman.

Saltzman: Thank you, mayor. This is a pretty straightforward grant request to the federal emergency management agency. As we know, Portland is very susceptible to earthquakes and this training provides awareness, structural collapse, valuation, and rescue. If we are awarded this grant, all front line firefighters will receive some level of training in this curriculum. We have emergency operations chief duane bray here to answer any questions if you have any.

Hales: Good morning. Welcome.

Hales: Good morning. Will we conduct this at our own training center or do we need a half collapsed building to do this?

Chief Duane Bray, Portland Fire & Rescue: We will train the trainers that will be able to conduct this and it is at our training facility.

Fish: I was wondering if your daughter is coming home for Thanksgiving.

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Bray: I pick her up today.

Fish: Happy and healthy Thanksgiving to your whole family.

Hales: Thank you. Good luck with the grant application. Has anyone signed up to testify?

Parsons: Crystal also signed up for this.

Hales: Is she here? I don't think she's still in the room. That's an emergency ordinance. Let's take a roll call.

Novick: I appreciate commissioner Saltzman taking the opportunity to apply for money to help us in the aspect of earthquake preparedness. I'm glad that the federal government provides money for this purpose. Aye.

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

Hales: Decreasing numbers of places where the federal government is any help to us. Fortunately fema is one that still comes through occasionally. Thanks for seeking out every possible grant opportunity just like we're doing for our emergency staffing request to the federal government. There are a few places where they can help us do our job and cover our costs. So, thanks for seeking their help. Aye. [gavel pounded]

Hales: We have two items that we pulled from consent.

Item 1127.

Hales: 1127 is the first.

Hales: So, someone pulled this. Joe, did you pull this? Did you want to speak on this? Come on up. We have staff here to explain it before or after.

Joe Walsh: Would you like me to go first?

Kate Schmidt, Bureau of Human Resources: I'm kate schmidt from the human resources class comp group, here to answer any questions if they come up.

Hales: Go ahead, joe.

Walsh: My name is joe walsh. I represent individuals for justice. I don't understand why this is an emergency. Only in Portland would you create a position and call it an emergency. I mean, you know, why don't you just do away with all of the emergencies and just vote on things and get them done. Because if you look at the schedule -- week after week after week, everything is an emergency in this city. And I think it is nonsense. Just that point. The other point is you are creating another job at a -- as an assistant director, getting \$103,000. You are going to up it to \$148,000. You had union employees in here not long ago begging you for less than 5%, I think. I may be wrong on that but it ain't \$50,000. Why are we doing that? And this is an assistant director's position. What in god's name is the director making? I remember not long ago there were 600 people in Portland that made over \$100,000 a year. We brought that to your attention, even some of the police were making over \$100,000 a year with their overtime. You sit on this council only make about \$120,000. I may be wrong on that. Is it less -- okay. Then the mayor must be making about \$120, and you guys make around \$100. You -- you don't make \$100,000?

Fish: I have not taken a cola in five years. I'm at 99.

Walsh: Okay, cool. You have a position here that you are going to offer \$148,000 and it is an assistant director. That doesn't make any sense. If you're looking for money to do things, do things.

Don't spend all of your money on this. This is nonsense. You are going to rubber stamp this anyway and i'm -- little rubber stamp, because that is what you do. They ask, you give. But it's our money you're messing around with. And sooner or later people are going to figure it out and some of you are running for re-election, and i'm telling you, people are getting a little irritated with the water rates and when they hear about this kind of stuff, \$50,000, they get pissed. Transportation, I think it's yours. Isn't that amazing, mr. Novick.

Novick: Mr. Walsh, I hope you are being well paid by the koch brothers and the tea party because you are doing a great job for them. You know that the -- it would be hard to find a private sector organization which 700 people that didn't have a second in command making over \$100,000. And

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you know there are real issues of equity and waste, ceos running corporations into the ground making hundreds of millions. But I think it is your job to convince people in Portland that the real issue in terms of compensation in america, public servants in your view making too much money. I'm sure your friends of the tea party are very proud of you today, very, very proud.

Walsh: I don't know the koch brothers and I know their history and their background -- i'm irish, there is no way I would -- they are rich criminals, but criminals. As far as saying that individuals in the city should not make \$150,000 a year as an assistant director, yes. Put me on record for that one.

Hales: Thank you. Any questions for staff on this? Okay. Roll call, please.

Novick: Aye.

Fritz: I want to address the issue that mr. Walsh raised first, emergency ordinances, either the regular ordinance or the emergency. I think that is a problem in this day and age, although I don't think there is going to be a collection of tens of thousands of signatures to put this particular item on the ballot, think there should be an alternative, yes, it can be done immediately that isn't labeled an emergency. I don't think there is any way to not do this right away. Aye.

Fish: I want to offer one piece of context. When I had the honor of leading the parks bureau, we had a director and position assistant to the director, but the assistant was not a deputy director. And what we learned was a very large organization that had a big reach is that for the director to be effective dealing with all of the issues, including all of of the policy issues and community outreach, we needed a coo. A person who day-to-day oversaw, that kept the trains running on time for a very large organization. And we created a deputy director position and we filled it with someone with a lot of experience. And it made a huge difference at parks. And one of the things it did was freed up the director to do a range of things that he was not able to do in -- essentially performing two functions. This idea of a deputy director, who operates akin to a coo, frees up the director to address all of the -- all of the demands of the job, but in particular, frees up the time to engage the public more dynamically, I think makes this a very smart idea, steve. I hope that all of the larger infrastructure bureaus move to this. I think it is not only good policy, but it has another dividend, which is not often given enough credit, it helps us with success planning -- succession planning. We have key leadership positions of people in training and in waiting who could, if necessary move up the ladder. I'm pleased to support this. Aye.

Saltzman: Aye.

Hales: Let me speak more specifically to second the comments commissioner Fish made. A community group in my office who had -- transportation bureau, they're here, they do a great job. But there are times when people want to talk to the director, whether parks, transportation, police chief, anybody else, and to the extent that the director is locked down managing the store, if you will, inability to get out and start building those relationships and solving problems at the neighborhood level is limited and it puts into direct terms the point that you made, you know, there is enough hours in the week for people working 60 hours a week to do some amount of outreach to 90 neighborhoods, or 100 neighborhoods, and business districts as well, in a city with only five elected officials. These positions play a pretty important role of providing in-house management skills to allow the director, whether it is mike abbate at parks or leah at transportation, to get out to the community and do problem solving. On the other side of the ledger, we are conducting a control study to make sure that we don't have too many expensive overhead positions. We need to be weary of creating expensive management positions and make sure that we don't have too many of them and we will look carefully at every bureau in the city to make sure that that -- in this case it does make sense and we should do it now. Aye. [gavel pounded].

Hales: Item 1129.

Item 1129.

Hales: Commissioner Fish.

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Fish: I pulled this because I thought it warranted a broader council discussion so that we have the full factual record before the council, before our vote. And also because frankly, in reading some commentary in the press, there was so much inaccuracy about this, I thought in fairness we could help to clean that up by inviting Mary Beth and -- to explain how this is doing and how it -- I want to correct a couple of things that I have read and seen that I think the public needs to know what is factual and what isn't. So, Mary Beth is going to walk us through what is before us.

Hales: Okay.

Mary Beth Henry, Office for Community Technology: Mayor and council. Mary Beth Henry. Utility license law, a tax rate upon utilities operating in Portland, including the bureau of environmental services and the water bureau. In 2004, the city council amended the utility license law to limit the annual payments made by the bureau of environmental services and the Portland water bureau. The purpose of the ordinance in 2004, was to reduce the annual water and sewer utility license fee payments from 7.5%, to 5%. And in that ordinance, a cap was placed on the fees until such time as those fees reached 5% of gross revenues. We have now reached that point where the amount that the bureau of environmental services and the water bureau pay is 5% of the gross revenues. And, so, this ordinance fulfills the original direction from 2004. What the ordinance does is provide transparency, so that when you look at the code, it says 5% instead of 7.5%. And, in fact, my office has received a couple of calls over the last year inquiring about that. So, really we're really providing transparency and implementing the council's original intent today.

Fish: If I could, I have a couple of questions that will illuminate some issues. Mary Beth, what is the principle that the city operates under in charging a utility license fee to a private utility? The charges intended to cover what cost?

Henry: Well, for the utility license fee, it is really for the privilege of operating a utility in the city. So, any utility, whether it is public or private, would pay that 5% fee.

Fish: Is it fair to say that one of the connections here that we give our public and private utilities the right for example to dig up the streets and lay lines and that is in part what this is intended to capture?

Henry: I think it is broader than that. It is for the privilege of operating utility in the city.

Fish: City's position has been we treat public and private utilities the same, is that correct?

Henry: Yes.

Fish: For the benefit of my colleagues -- I looked at the charter of the city, because I wanted to see where this -- where this comes from, and I want to just read something from section 11 -- 104. Council may impose charges it finds equitable upon the operation of the water system, municipal services of other departments, bureaus, and offices, and may impose fees of the same character as for public utilities. So, that has been interpreted as giving the city the authority to treat public and private utilities the same. It is charter based and I would note that this is something that the voters approved. The people of Portland specifically gave us this authority to treat facilities the same. In 2004, commissioner Saltzman's ordinance was designed to address what was a perceived inequity of the public utility's paying at a higher rate than the private utilities. 5% for all utilities.

Henry: That is correct.

Fish: What we're doing today, acknowledging that we have hit -- we are at parity and we are updating the code to reflect the code language to reflect that all of the utilities are being charged at 5%.

Henry: That is exactly correct.

Fish: Now, mayor, there is, I guess, a good public policy debate out there at some point about whether we should be charging utility license fees and at what rate. I would think at some point we may want to frame that discussion. I think it is good periodically to go back and say why we do it and how we treat people. I would like to engage that issue with you at some point. I also feel it is

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important for the public to know what is going on. Currently, do we have a guesstimate of how much is generated off of the public utilities that go to the general fund?

Henry: Well, between the utility license fees and the franchise fees, approximately \$75 million for the general fund with all of those sources.

Fish: Right.

Henry: I don't have the specific figure but I can get it for you.

Fish: My understanding, public utilities about a quarter of that.

Henry: Yes, approximately.

Fish: Mayor, one thing that got my attention, I saw a story in the paper online yesterday. It got me thinking. We are going to have a debate going forward on this and other subjects relating to our utilities. I will read you what I read. It is about the petitioner for the water district being quoted in the story and saying that the city had the legal right to charge this fee for public utilities, but the charter amendments contained in the initiative don't touch the issue of utility license fees because thought that would be going too far and spark more opposition. The -- well, whether you support or oppose the initiative, we have to make sure there are clear facts in the public record. I asked the city attorney to pull the statement that they prepared for the public and it was presented to the court. And I just want to read you what they presented to an officer of the court. The measure that has been proposed would further change the existing charter language that addresses charging the utility for municipal services or fees similar to public utilities. The measure would empower the district board, governing board of the water district to determine which charges the district would pay for municipal services rendered by the city or any fees of the same character as for public utility. The proposal suggests that section 11-104 be amended to say that the council may impose charges, quote, upon the affirmative vote of the district board. So, while the petitioner has said apparently to a reporter that this petition and the proposed district would not change the current law, what I wanted my colleagues to be aware is that the specific language in this petition would change it quite dramatically because it would make any of the fees that the charter allows us to charge our public utilities to be subject to affirmative vote of the district board. I'm just guessing that a separate entity might choose to vote not to have certain taxes, fees, and levies applied to it if the charter allows them to do so. I thought it was a little misleading to say there is nothing in here that changes this subject, and because this is before us in honoring a promise that dan made in 2004, that has come to fruition, I thought it was important to note that according to our attorneys and according to my reading of the charter, this would, in fact, alter our authority to continue to treat public and private utilities the same and to apply a utility license fee and it would make the continuation of this charge, which the council has historically thought was equitable, has authorized by the charter, subject to a vote of this new district board. I think that is something that the public should know and it is regrettable that the story contains misinformation about this matter.

Hales: Thank you, very helpful information. Any other questions for mary beth? Thank you. Anyone signed up.

Parsons: I did not have a sign up sheet out.

Hales: Okay. Come on up. Good morning.

Charles Johnson: Good morning charlie, good morning, councilors. Mr. Fish touched on a general issue which is a little more specific in scope than just whether a new public utilities district could vote to be tax exempt or fee exempt. If we just consider this as a matter of public policy, we're currently charging people through the water bill -- water is from a biological perspective more important than telephone service. So, the city actually should consider opening a public dialogue about changing this revenue stream. I would appreciate if we could take a second. These moneys that are collected, which are about \$12 million and \$4 million respectively, they go into the general fund or are they specific purpose?

Hales: They go to the general fund, right.

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Johnson: So, I think that is somewhat of an equity issue, the city should get into conversation especially with the potential that a public utility district may be able to exempt itself from the \$12 million factor, but, also, if you just look at the big picture, think people will say there is an equity issue of fairness if people have built into their water bill a 5% tax, the same as they have a 5% tax on the century link bill. Those are two different things, telephone service, dsl. More important to modern society -- people don't go around saying that broadband is a human right but they do say water is a human right.

Fish: Can I just comment. The concern that I had, as I read the news story, was that the quote did not seem to be accurate. First I wanted just people, my colleagues to understand there is a proposed charter change in this. And, second, if there were to be an independent utility district, i'm not clear as to why we would treat that utility any different than a private utility for purposes of public policy. We can have a debate at council, but as proposed, we wouldn't have a say. It would be the board of this new entity would decide whether they are subject to our fee and charges and I think people should know that when they deliberate on this issue.

Johnson: Thank you, commissioner Fish. I think we are both deeply concerned about some of the transparency and implications of this proposed -- I think on that we're on the same page. And that concludes my comments. Thank you.

Hales: Thank you. Good morning.

Joe Walsh: Joe walsh, I represent individuals for justice. And I left the koch brothers outside, they're listening, listening. I would just second the transparency part of this whole process. I think commissioner Fish, you were asked for comment and you refused to comment on the article.

Fish: That's actually not true.

Walsh: What?

Fish: If you read the story online, there is extensive comment.

Walsh: Okay. But at one point, you asked for a comment, and you refused to comment.

Fish: That's not true, joe. I was never asked for a comment. That is why the report --

Walsh: So you are saying that the reporter is inaccurate.

Fish: And that is why he corrected his story by including my comment. You will see a full comment from me if you go online right now.

Walsh: The public, when they read that kind of stuff, they question the transparency of this body. And this body has a terrible problem with the transparency, you know. It -- it is like me playing basketball. It is a problem. You guys have to work harder so when you're asked for a comment, and you either hesitate or they say you didn't comment, I think you should react immediately.

Fish: I did, joe, because I was not asked for a comment. As soon as I saw the story, I called the reporter and gave a comment and he corrected the story and that is what appears online. It only has appeared on the internet.

Walsh: My question on the transparency part of it is this. Is this going to raise the rates of the public?

Hales: No.

Walsh: OK. That was one thing that was not clear. You can read the article and you can read this, and you came away with what the hell are they talking about?

Hales: One thing this council can't control is the quality control of local reporting.

Walsh: I'm not talking about the newspaper, I'm talking about you guys. When you read this and the background on it and they you go and try to bring up the information, you're going to get the newspaper. But you guys didn't do your job on this because nobody understood what this was.

Fish: That's why, Joe, I moved it from the Consent. I didn't place it on the calendar.

Walsh: I took it off, not you.

Hales: Actually he [Fish] did.

Walsh: Well they never notified me because I took two items off the calendar.

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Fish: Yesterday I asked that this be removed, because it was not my item and I felt there was enough confusion there should be a full council discussion.

Walsh: OK, I'm pushing you a little bit harder. This is not the place to have this discussion. You guys need to have a public discussion on this water thing because you're going to lose this damn water department and you're right mr. Novick. I'm a little bit worried about who's in back of this. But I'm telling you right now, you've done such a lousy job on the water department, you deserve to lose it. You really do. Except the people who are probably going to control it are worse than you. And that's really scary.

Mark J. Hoffheins: Good morning. Mark J. Hoffheins with u care. I just want to touch on a few things and its kind of basic. I think it's kind of redundant that we have a house that's actually a pump station that can't actually house anybody. When we can't even house homeless. But on top of that if it does go to where they are tax exempt, I do believe rates had better go down. If they don't have to pay taxes on what they are doing then there's no reason for the rates to stay even where they are at.

Fish: Nothing in the initiative addresses whether the rates go up or down.

Hoffheins: I know. And that's why I'm stating my public opinion.

Fish: I'm saying, there's nothing to keep a new board from raising your rates or lowering rates. It's agnostic as to rates. When petitioners ask for your signature, there's not a single word in this document about whether the rates will go up or down.

Hoffheins: and I have very limited information on this subject, because as he said there's not much there. We do need a public discussion about it and try get more in depth details. Otherwise we're all going in this blindly, and that's not ok.

Hales: I think you've got total agreement with this council about that.

Johnson: Do you know if the Auditor or yourselves are featuring links to the initiative, so people can find it more easily?

Hales: I don't believe we get to do that. We as individual elected officials can comment on a political matter that is in front of the voters, but we can't use city resources or staff time. So we can't put arguments about a petition on the web.

Johnson: I just meant on Auditor LaVonne's page, it could be featured.

Hales: I'm sure she is free to do that. The City Attorney might know.

Ben Walters, Chief Deputy City Attorney: The item is linked on the election officer's page.

Hales: Ah, that's where it is.

Fish: Since you mentioned the auditor, there is a specific provision which would change the charter to divest the auditor of any authority to audit the books and records of this new body. It's a specific carve out and I don't know of anyone personally who feels the auditor has not been aggressive enough in doing public oversight. So that's one of the puzzles we should also discuss, why would the auditor not have oversight over this new entity. And why would you put that in as a charter change.

Johnson: Thank you.

Hales: Thanks very much. This is a non-emergency, it passes to second reading.

Fritz: Could I make some comments? I think this is an important discussion and I appreciate commissioner Fish for pulling it because it wasn't particularly clear, although the link to the ordinance and the ordinance language, I felt was clear. It's good to have this discussion and indeed after the holidays we will be having a lot of public discussions in the community about the proposed changes to the charter. The fees are important for our general fund and much of the general fund goes to police and fire. It's essential that essential services like water and sewer are protected from acts of violence and our fire fighters have water to put fires out, and so our city government, and we're engaging on the next budget process, it's about half property taxes and the rest is half business license fees and utility license fees. So I know mr hoffheins is very concerned about

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housing services and providing for people who work outside and these fees do that. We hear a lot about how we have a 2-legged stool in Oregon and we only have income taxes and property taxes. We don't have a sales tax. This can in some ways can be looked at as Mary Beth pointed out, it's the privilege of operating a franchise in the city of Portland. I think it's absolutely fair that every franchise be treated the same. That's what this ordinance enacts following on from what the city government said it would do in 2004. The government's doing what it said it would do in an open transparent manner. That's what we try to do all the time here. I very much support this ordinance and I will be happy to vote aye on it.

Fish: Will my colleague yield for a second? Commissioner Fritz, I'm glad you framed it around public safety because, again, having read the news story where the petitioner said there was no impact on this particular issue in the change, and having worked through the charter and find in fact there is a significant potential change in which a possible future board may very likely decide the want to opt out of any fees we may oppose and for which we would have no role. That could in the midst of a future budget cycle blow a \$20 million hole in our budget, precisely around services like public safety. Whether you support that or not we should be honest about what's at stake. And so I was concerned when the petitioner was quoted as saying this was something not in the particular charter change which he has drafted and presented to the voters. I was concerned that this was significant misinformation that needed to be corrected and the public will make its own judgment as to whether it's fair to treat public and private utilities the same, whether Commissioner Saltzman's approach to cap the rate for public utilities was equitable, and furthermore whether this is an income stream to the general fund which is either completely unusual, or consistent with what lots of jurisdictions around the country do. Let's have that debate, but let's not mislead people in thinking it's not embedded in this debate, because it has been framed.

Hales: Good points all. We are adjourned until next week. Happy Thanksgiving!

At 11:08 a.m., Council adjourned.