



CITY OF  
**PORTLAND, OREGON**

**OFFICIAL  
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **22<sup>ND</sup> DAY OF JANUARY, 2014** AT 9:30 A.M.

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

Commissioner Fish arrived at 9:38 a.m. and left at 11:32 a.m.  
Commissioner Saltzman left at 11:55 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Linly Rees Deputy City Attorney; and Jim Wood, Sergeant at Arms.

Item No. 70 was pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

<b>COMMUNICATIONS</b>		<b>Disposition:</b>
<b>59</b>	Request of Carey White to address Council regarding support Right 2 Dream Too (Communication)	<b>PLACED ON FILE</b>
<b>60</b>	Request of Tamara DeRidder to address Council regarding comprehensive parking implementation program, communication with developers and impact created by apartment development (Communication)	<b>PLACED ON FILE</b>
<b>61</b>	Request of Jo Schaefer to address Council regarding parking issues (Communication)	<b>PLACED ON FILE</b>
<b>62</b>	Request of Mark J. Hofheins Jr. to address Council regarding update on homelessness up to current date (Communication)	<b>PLACED ON FILE</b>
<b>63</b>	Request of Tiffany Thompson to address Council regarding support for Oregon Tradeswomen, Inc. Trades and Apprenticeship Career Class (Communication)	<b>PLACED ON FILE</b>
<b>TIMES CERTAIN</b>		

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<p><b>64</b> <b>TIME CERTAIN: 9:30 AM</b> – Accept Rapid Response Vehicle Budget Note Report (Report introduced by Commissioner Saltzman) 30 minutes requested</p> <p><b>Motion to accept the report:</b> Moved by Fish and seconded by Novick.</p> <p>(Y-5)</p>	<p><b>ACCEPTED</b></p>
<p><b>*65</b> <b>TIME CERTAIN: 10:00 AM</b> – Ratify a successor collective bargaining agreement between the City and the Portland Police Commanding Officers Association relating to the terms and conditions of employment of represented employees in the Portland Police Commanding Officers Association bargaining unit for 2013-2015 (Ordinance introduced by Mayor Hales) 30 minutes requested for items 65 and 66</p> <p>(Y-5)</p>	<p><b>186427</b></p>
<p><b>*66</b> Ratify a successor collective bargaining agreement between the City and Laborers Local 483 - Recreation for the terms and conditions of employment of represented employees in the Recreation bargaining unit (Ordinance introduced by Mayor Hales)</p> <p>(Y-5)</p>	<p><b>186428</b></p>
<p><b>67</b> <b>TIME CERTAIN: 10:30 AM</b> – Accept briefing on the CE John &amp; NWDA Clean Diesel &amp; Conduct of Construction Good Neighbor Agreement: Con-Way Master Plan (Report introduced by Mayor Hales) 30 minutes requested</p> <p><b>Motion to accept the report:</b> Moved by Fritz and seconded by Novick.</p> <p>(Y-3)</p>	<p><b>ACCEPTED</b></p>
<p><b>CONSENT AGENDA – NO DISCUSSION</b></p>	
<p><b>68</b> Reappoint Benita Legarza and James Smith and appoint Charlene Mashia to the Home Forward Board of Commissioners (Resolution introduced by Mayor Hales and Commissioner Saltzman)</p> <p>(Y-5)</p>	<p><b>37053</b></p>
<p><b>Mayor Charlie Hales</b></p>	
<p><b>69</b> Reappoint Donald Wood and Carl Farrington to the Community Budget Advisory Board for terms to expire December 31, 2016 (Report)</p> <p>(Y-5)</p>	<p><b>CONFIRMED</b></p>
<p><b>City Budget Office</b></p>	
<p><b>*70</b> Approve an Intergovernmental Agreement with Portland State University Center for Public Service for assistance with the City Innovation Fund (Ordinance)</p> <p>(Y-5)</p>	<p><b>186429</b></p>
<p><b>Office of Management and Finance</b></p>	
<p><b>71</b> Accept bid of Civilworks NW, Inc. for the SW Vermont-Illinois Neighborhood Greenway for \$761,158 (Procurement Report - Bid No. 116203)</p> <p>(Y-5)</p>	<p><b>ACCEPTED PREPARE CONTRACT</b></p>

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<p>*72 Pay claim of Julee Reynolds in the sum of \$15,000 involving the Bureau of Transportation (Ordinance) (Y-5)</p>	<p><b>186420</b></p>
<p>*73 Pay claim of Yairsa Gonzalez in the sum of \$13,745 involving the Portland Parks Bureau (Ordinance) (Y-5)</p>	<p><b>186421</b></p>
<p>74 Consent to transfer revocable permit from FSH Communications, LLC to WiMac Tel, Inc. for payphone facilities (Ordinance; transfer Ordinance No. 185650)</p>	<p><b>PASSED TO SECOND READING JANUARY 29, 2014 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Commissioner Amanda Fritz Position No. 1 Portland Parks &amp; Recreation</b></p>	
<p>75 Accept the report on Evaluation of Alternative Contracting Process for Gabriel Skate Park Project (Report) (Y-5)</p>	<p><b>ACCEPTED</b></p>
<p>*76 Pay claim of Wilkins Trucking Co, Inc. involving Portland Parks and Recreation (Ordinance) (Y-5)</p>	<p><b>186422</b></p>
<p style="text-align: center;"><b>Commissioner Nick Fish Position No. 2 Bureau of Environmental Services</b></p>	
<p>77 Amend contract with Brown and Caldwell, Inc. for additional work and compensation for the Ankeny Pump Station Upgrade Project E07833 in the amount of \$93,657 (Ordinance; amend Contract No. 30000768)</p>	<p><b>PASSED TO SECOND READING JANUARY 29, 2014 AT 9:30 AM</b></p>
<p>78 Authorize a contract and provide for payment for the construction of the Grant Park Sewer Rehabilitation Project No. E10346 for \$3,570,000 (Ordinance)</p>	<p><b>PASSED TO SECOND READING JANUARY 29, 2014 AT 9:30 AM</b></p>
<p style="text-align: center;"><b>Water Bureau</b></p>	
<p>79 Authorize the Portland Water Bureau to execute a Collaborative Agreement in the amount of \$38,328 with the U.S. Geological Survey and authorize similar agreements through FY 2016-17 with other government entities to monitor activities required in the Bull Run Water Supply Habitat Conservation Plan (Ordinance)</p>	<p><b>PASSED TO SECOND READING JANUARY 29, 2014 AT 9:30 AM</b></p>
<p>80 Authorize a contract and provide payment for the construction of the Groundwater Electrical Supply Improvements Project at an estimated cost of \$1,810,000 (Ordinance)</p>	<p><b>PASSED TO SECOND READING JANUARY 29, 2014 AT 9:30 AM</b></p>

<p><b>Commissioner Dan Saltzman</b>  <b>Position No. 3</b>  <b>Portland Housing Bureau</b></p>		
<p><b>*81</b> Amend Intergovernmental Agreement with Multnomah County and the City of Gresham in support of including the unincorporated or incorporated areas within the legal boundaries of Multnomah County for the appointment of Multnomah County representatives to the Home Forward Commission (Ordinance; amend Contract No. 28047)  (Y-5)</p>		<p><b>186423</b></p>
<p><b>*82</b> Authorize Intergovernmental Agreement with Multnomah County, Environmental Health Services Department to support Healthy Homes activities (Ordinance)  (Y-5)</p>		<p><b>186424</b></p>
<p><b>Commissioner Steve Novick</b>  <b>Position No. 4</b>  <b>Bureau of Transportation</b></p>		
<p><b>*83</b> Authorize execution of an Intergovernmental Agreement with the U.S. Department of Agriculture Wildlife Damage and Conflict Management (Ordinance)  (Y-5)</p>		<p><b>186425</b></p>
<p><b>*84</b> Authorize Intergovernmental Agreement with Oregon Department of Transportation for the right of way phase of the SE Holgate &amp; SE Ramona: 122nd to 136th Avenue Sidewalks project (Ordinance)  (Y-5)</p>		<p><b>186426</b></p>
<p><b>REGULAR AGENDA</b>   <b>Mayor Charlie Hales</b></p>		
<p><b>85</b> Appoint Tracy Poole Reeve as City Attorney effective January 27, 2014 (Resolution) 15 minutes requested  (Y-5)</p>		<p><b>37054</b></p>
<p><b>Bureau of Police</b></p>		
<p><b>*86</b> Accept and appropriate a grant in the amount of \$2,000 from the Target Foundation Public Safety Grant Program for the 2013 Heroes and Helpers event, which pairs safety officials with youth in need to buy holiday gifts for their families (Ordinance) 15 minutes requested  (Y-5)</p>		<p><b>186430</b></p>
<p><b>Office of Management and Finance</b></p>		
<p><b>87</b> Authorize second issuance of general obligation bonds for fire vehicles and emergency response infrastructure (Previous Agenda 54 )</p>		<p><b>PASSED TO  SECOND READING  JANUARY 29, 2014  AT 9:30 AM</b></p>

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**Commissioner Steve Novick**

**Position No. 4**

**Bureau of Transportation**

**88** Authorize the Bureau of Transportation to issue a quitclaim deed, bill of sale, and two assignments to TriMet for two portions of the Willamette Shore Line railroad right of way and related assets (Previous Agenda 58)  
  
(Y-5)

**186431**

At 12:03 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.

**WEDNESDAY, 2:00 PM, JANUARY 22, 2014**

**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.

**JANUARY 22, 2014                    9:30 AM**

**Hales:** Good morning, everyone, and welcome to the January 22nd meeting of the Portland City Council. Could you please call the roll.

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

**Hales:** Let's begin with -- I don't think that we had any requests to take things off the consent calendar, but we'll get to that in a moment. Let's take communications items first.

**Item 59.**

**Hales:** Good morning, Mr. White. Come on up.

**Carey White:** Good morning, my name is Carey White. According to the website Portland Oregon gov police, the mission of the Portland Police Bureau is to reduce crime in fear of crime, we work with community members to preserve life, maintain human rights, protect property, and promote individual responsibilities and community commitment. As commendable as the mission statement sounds, it is not being carried out. As I speak in front of you, there are human beings here in the city having their human rights violated. The same bureau claims to work to preserve life, is working with Clean and Safe to take very things people need to survive. I'm talking, of course, of the cruel and inhumane practice of moving Portland citizens without housing from place to place when they have nowhere to go. And often, their belongings, including medication, sleeping bags, and other cold-weather gear which they need to live through the winter months is thrown away although current policy states that it must be held for 30 days. And if you don't recognize it when it is spelled out for you, I will use the term you are more comfortable with: sweeps. When will this end and when will the people quit getting the very things they need for survival taken from them? When will the City of Portland wake up and realize that they are, essentially, giving people the death sentence by taking their blankets, sleeping bags, and other cold-weather gear. They are forcing them to face the elements without protection. There's not enough shelter space or affordable housing. Mayor Hales, as police commissioner, if you order sweeps in front of City Hall this last summer, you can stop the sweeps that are currently increasing now. Quit sweeping people from one place to another, and find solutions. These are human beings, not garbage to be tossed aside as the name implies. Thank you.

**Hales:** Thanks. [applause] If you have any information about situations where we haven't stored people's property properly, that's what's required.

**White:** Yeah, I hear it from Clean and Safe all the time.

**Hales:** Let us know in my office, because that is the law.

**White:** They gather up all their stuff and they throw it away. And we know one individual in particular that's had it done four times, and when he goes to Clean and Safe to get his stuff, they say we don't know where it is, or, is your name on it? And if his name isn't on the stuff, they go, well we don't know what stuff is yours.

**Hales:** I will check on that. Thank you. [applause] Next one, please.

**Item 60.**

**Hales:** Good morning, and welcome.

**Tamara DeRidder:** Good morning. Thank you for giving me the time to speak with you today. I have an urgent matter that needs your immediate attention. As most of you know, mobility equals

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prosperity. Due to the changing demographics, increasing densities, a shortage of transportation funds, and an anemic transit system, Portland is facing increasing roadway gridlock. I support the Oregonian editorial board in their request for the city council to convene several full-on conversations that go beyond pothole filling, to people moving. In addition, cumulative development impacts are choking quarters for the lack of parking. We need PBOT to regularly schedule on-site traffic monitoring and develop proactive strategic parking systems in these corridors. Such systems need to be coupled with an active engagement of the businesses and residential communities. Strategic parking, together with transit, bicycles, and other modes of travel can keep people moving. As you may remember, over a year ago, I spoke with you on behalf of the apartment parking task force. Our November 2012 survey of the issues at the time identified a need for action to deal with cumulative impacts of new development. An overarching concern by residents was regarding how they could retain mobility. Key issues identified include equitable distribution of parks to offset density, livability. Creating proactive approach to address increasing parking needs, mobility. And a timely notification of neighborhoods and businesses for nearby construction activities such as demolition and multi-family developments, health and livability. These issues were supported by over 70% of those respondents, over 700 residents. The fact that the city has not taken action in addressing these issues has contributed to a growing frustration with city staff and officials. These cumulative impacts continue to weigh on the community. But mobility is not just transit or just bicycles, nor is it just cars. It means it is a means by which workers can get to their jobs on time. It is a means by which products can be made and delivered on schedule. It is a core tenant by which cities grow and thrive. Leading to economic vitality for community and funds to help maintain livability. An individual's mobility may include all these modes of travel or none of them in daily commutes. Can I continue?

**Hales:** Yes, please.

**DeRidder:** Key elements in fostering mobility include a robust transit system. Shared vehicle usage and strategic off-street parking. Safe bicycle alternatives and travel modes, but let's not stop there. It also includes access to high-speed internet, one-stop shop website for mobility options, parking apps for smart phones that identifies what parking is available, and tracking individual carbon use options and much more. Traveling numbers are challenging us to come to the table for this discussion. Because of aging baby boomers, and the number of Portland residents over 65 years of age will be more than double to nearly 400,000 people within the next 20 years, many of whom wish to age in place and where 80% of these households own at least one vehicle. Portland's unique attraction of residents, the age of 30 to 50, the number of over 55 will only continue to rise following the baby boomers for an additional 30 years. There is counter to the rest of the US demographic, which decreases during that time. This brings forward the consideration --

**Hales:** Tamara, I will have to get you to stop because you have used your time but we have your statement, and it's very well done.

**DeRidder:** Okay.

**Hales:** We'll give council members a chance to respond a little bit. But I appreciate your good effort on this. There's some work underway already. Commissioner Novick has launched an effort to look at transportation funding options, which I am assisting him with, and which involve some citizen input, as well, but, I bet -- we would like to hear more from you on those issues. And also, you probably already are plugged into this, but these issues of balancing mobility and livability and density are very much in play with our updated comp plan, which will be completed this year.

**DeRidder:** Which I'm very active in.

**Hales :** So, on both fronts, I think both on the land use side and on the transportation priorities and funding side, the wheels are turning and are going to produce something in the way of a specific proposal over the next six months. So, I do want you to stay engaged because this really is a year in which a lot is going to be on the table on these issues.



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**DeRidder:** Yeah. I just want you to understand and I gave you documentation about the development along Division Street. I mean, there is close to 400 additional parking spaces that have not been built. And that is an opportunity for you, with developers coming in, to at least create a common parking site. And it's not happening, and you're missing up on the resource.

**Hales:** That's why we keep tuning the code ask the comp plans.

**DeRidder:** Okay.

**Hales:** Thank you very much. Steve, anything else you want to add?

**Novick:** I wanted to reiterate one of the points that we discussed during parking requirement sessions last year, which is that if we mandate more parking for more development, then that does have the effect of increasing the cost of housing. And when you talk about TriMet's ridership reducing, I mean, if we continue, if we sort of decide we are going to do everything possible to make it easier for people to drive and assume that people are going to continue to drive, then we are building for the car and not building for transit.

**DeRidder:** Oh, totally. I'm looking at, we need to monetize the parking. And I'm not afraid of that. And having parking zones is an important thing to monetize the price of parking your car. But, you know, just not having a car doesn't fix it when transit is losing ground.

**Hales:** Fair enough.

**Novick:** Thank you.

**Hales:** Thanks very much, Tamara. Appreciate it.

#### **Item 61.**

**Hales:** Good morning, and welcome.

**Jo Schaefer:** I will try not to stumble. My left contact seems to be taking a direct suicide leap out of my eye. So, advanced apologies, okay? Okay. It's a bit of a misnomer with parking -- it is parking issues but also in regard to the micro-housing projects and no parking, and is it a good idea. As a community, many of us are concerned about what this will do to our neighborhoods. In Hollywood, there is a new development proposed on a 50 by 100-foot lot for a five-floor building, which is four above ground and one basement level micro-apartments. We heard there would be ten units in the building. We found out that there would be 56 bedroom micro-apartments ranging in size from 173 to 200 square feet. The ten units means that there are shared kitchens, two per floor, and one laundry. The developer is coming in as a group home. And the building will have no parking, no outside space for renters, and no additional storage outside of the bedroom, no common living room. There is some storage room for bicycles but not nearly enough for all 56 apartments. There is no space allotted for a janitor and/or cleaning service, and no on-site manager. If the thought is that with no outdoor space, they will utilize one of our many city parks -- good luck with that because Normandale is 15 blocks away and Grant Park is 10. Actually, how does the city define a unit? One would think that a unit would have a common door leading into a defined area outlined by walls that actually enclose each unit. This particular building has an imaginary line on each floor crossing the long hallway. The front half is one unit, and the back half is another unit on each floor. The demolition and construction for this project will also have a negative impact on the businesses adjacent to it. Mother and Child Education Center, Hollywood Community Acupuncture, and the law offices on the street depend on a calming and quiet atmosphere to serve their clients. When we met with the architect and asked about the obtrusive nature of the build-out, we were told that they would only be on-site during the normal hours dictated by the city ordinances. In other words, Monday through Friday, 7:00 to 5:00. Which, by the way, matches the hours of these businesses on the street. The architect gave the impression that he thought that construction would be of a minor inconvenience to us. Really? We also felt that the developer had a general disregard for their new neighbors. The adjacent businesses are on single family houses that are quite a bit lower and [beeping] -- do I keep going?



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**Hales:** You have 30 seconds. You can wrap up. We have your statement, so, I would say rather than finishing your statement, why don't you just wrap up and tell us what you would like us to really focus on here.

**Schaefer:** OK. Is this really the way that we want our neighborhoods to grow? No input from the neighborhood, neighborhood businesses, property owners, or tenants. It seems as though there is little or no regard for those who have worked hard to grow their businesses, live in and enrich the community. Our fear is that the developments like micro-housing [beeping] -- oh, OK. Done.

**Hales:** Thanks very much and for putting this in writing. We're working on the comp plan now and we're also trying to adjust, and Commissioner Fritz may have comments about this, to something new that that our code may be didn't fully anticipate.

**Fritz:** Right. And actually, there is no parking required even if there were regular apartments in this place because it's so close to light rail. So the mayor is correct if citizens want changes in how development happens in neighborhoods, the comprehensive plan is where to make those changes.

**Schaefer:** Right. And the map I included has an outline of why there's so many spots in this neighborhood that have no parking already.

**Fish:** Right, so that's something--

**Schaefer:** And then the street parking and then the times parking. And it's a lot of density for a lot of cars with no place to go.

**Fritz:** And that was set when the Hollywood plan district was done so that's what needs to be changed. But do I want to be clear with everybody that there is no parking required in any kind of multi-family there. The other point I've been trying to change for the last 20 years, and I would love your assistance on this, is to change the multi-family standards for things like common open space and places for people to play. So I hope that you will participate in the comp plan process. There's a link on the front page of my website.

**Schaefer:** I'm on the parks thing. I've been to the parks meeting with you.

**Fritz:** Right.

**Hales:** Thank you very much. Well done, appreciate this. This is a difficult -- this emergence of the new micro-apartments phenomenon is one more case where, you know, a zoning code is kind of a blunt instrument. We try to regulate for what we want, and then somebody thinks of something, frankly, that we had not thought of.

**Fritz:** Actually, this is what we want.

**Hales:** Well, but I'm sure we never thought of units this small.

**Fritz:** But what's interesting is that 80% of the residents of similar projects in other cities don't own cars, which is very different from what we found on the apartments on Division.

**Hales:** Larger units in those cases.

**Fritz:** Yes. So, in fact, the concern that Ms. Schaefer brought up about the bicycle parking may be more of an issue than the car parking in this particular type of development.

**Hales:** Yeah, good point.

**Fritz:** The other point is that the company who is doing one in Hollywood are being very careful to locate in places with shopping, with parks -- although ten blocks is quite a nice walk -- and near very good transit. So, I think it is a type of development that can work. It would be awful in the wrong place where people would be driving rather than using transit.

**Hales:** Thank you, thanks very much.

**Item 62.**

**Hales:** Good morning, Mark.

**Mark J. Hofheins, Jr.:** Good morning. As you hopefully know, I handed these cards to each of your offices. Hopefully you guys get up online, check it out. The sweeps have been touched up on. First, I wanted to update on the fact that no outreach workers still to date showed up out front to offer any solution to them being taken care of. I don't know how many months it has been or how

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many -- close to getting eight months, at least? But, they also touched up on the sweeps, I want to touch up on the sweeps because they are happening again especially during the winter months, it's ridiculous. You are talking about not knowing about this, Charlie Hales, where you're over the police bureau. You need to get on their case. Because I got a seven minute and 17 seconds video of an officer doing nothing but throwing people's property away.

**Hales:** OK. Send that to us, please.

**Hofheins:** And even though I gave them the name of the person whose property it was, he still refused to take the name and refused to give the property back. I would play it but the language is a little inappropriate. So anyway, as it says, the homeless -- you are supposed to have 24-hour notice per -- or for them to, actually, be able to take their -- take them. I am looking at the ORS right now. And I don't know how the heck they think that they are just getting around this, deeming it as trash, who the heck are they to deem it as trash. It's personal property. It's not trash. A piece of plastic on the sidewalks, that's trash. Someone's blankets? That's their livelihood. So, as of today, there's at least five people have died -- and that's just what I know of -- this winter, due to being out in the streets. I am just wondering when we are going to stop beating around the bush and do something about it. That's all I have got to say.

**Hales:** Thank you. [applause]

### **Item 63.**

**Hales:** Good morning, come on up.

**Tiffany Thompson:** Good morning to you all and thank you so much for having me today. I actually wanted to come here to talk to you about Oregon Tradeswomen, Inc.'s pre-apprenticeship training class for women in the trades. We offer a scholarship-based program that gets women ready to work in the construction trades, and we continue to support them after they enter into apprenticeship and then after they're on the job. The reason I came here today is because City Council actually helped to fund 30% of our last class, and we wanted to thank you for that. It was a very successful class, the largest graduation that we have had as of yet. 24 women graduated, and we had well over 100 people attend our graduation, which was fantastic. And I also wanted to share with you one particular success story of a woman named Brenda. So I will just show you pictures of our women. This is the women on one of the job sites. When they come in to our class, their first day of the week, Tuesday, they are actually in a classroom setting, making sure that they have the mathematical skills to get through their courses to make sure that they can work on the construction trades, which do require a fair amount of math. The second day, they work on job sites like this, where we do work for local nonprofits. Mostly carpentry-based jobs. We've constructed a church before, and then like this, we are usually working on building sheds and things that other nonprofits need. And we have instructors that volunteer with us to teach the students. We also go out on field trips. So this is our group of women out with the heavy equipment operators. They get a chance to learn to drive the equipment, see if that's something that they would like to do, and they learn about those apprenticeship programs. We also have rigorous physical training for the women. Because the construction periods do require you to be so physically fit, we specifically have classes that teach them how to use the specific muscles you will need for the various trades. And this here on the right is Brenda, who I will tell you more about in a moment, and on the left is Mandy, she is our class instructor. This is our graduating class of women. They were not all able to be there because of some illness, but most of the women in this class are now employed. So, that's fantastic for us. So I will move onto Brenda's story. Brenda had worked some in the construction trades on her own. Unfortunately, she ended up having a drug addiction issue. She was incarcerated for a period of time and when she came out, despite her previous experience, it was nearly impossible for her to find a job. She spent over a year looking for a job and found nothing. She finally heard about our pre-apprenticeship class from a close friend. She decided to sign up for the class to make sure that she knew everything that she needed to know and also to be able to demonstrate to employers that she

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had, in fact, cleaned up and was a participating member of society again. During the class, Brenda was able to go on a field trip to American Heating, Inc. On that field trip, she wasn't aware but she ended up talking to the manager of that company on that specific jobsite that day. He was so impressed by her and the things that she was learning in the class that the day after graduation on December 20, he called us and asked for her by name. So, we were able to secure Brenda with a job. She wanted to be able to be here today, but clearly working is more important. So that is where she is at today and she wanted me to come and thank City Council for supporting our program today. So thank you all very much.

**Hales:** Great. Thanks for your report. That's great news.

**Fritz:** Before you go, if there's women watching that would like to get involved, how do they contact you?

**Thompson:** They can just give us a call at 503-335-8200. And all the information is there. They can also go to Oregon Tradeswomen, it's tradeswomen.net and they sign up for an informational class, and that will teach them about what's required for the class, and we'll talk to them about how to get into it. And once again, it's scholarship-based, so it's no cost to the women but it is not free. We talk to them about the significant financial impacts that it has.

**Hales:** Great work. Thank you very much. All right. Let's move on to consent calendar. We have had a request to pull one it up, which is number 70. Any other items to be pulled from the consent? If not, a roll call on the remainder of the consent calendar, please.

**Roll on consent calendar.**

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

[gavel pounded]

**Item 64.**

**Hales:** Commissioner Saltzman.

**Saltzman:** Thank you, Mayor. It's a pleasure to introduce the rapid response -- the report to council on the Portland Fire and Rescue Bureau's rapid response vehicles. And before I turn it over to the chief to present that report, let me give a little bit of perspective. It's now been about seven months that we've had 24-7 rapid response vehicles as part of the Fire and Rescue's fleet. It's also been about seven months that I've been honored to be in charge of Portland Fire and Rescue. And you know, I enjoy being the fire commissioner because I really enjoy and appreciate the good, hard work that the people in Portland Fire and Rescue do every day to save lives and to keep people safe. But also, one of my goals as the commissioner-in-charge is to work with the chief and the bureau to become more modern, efficient, and effective in how we deliver services. When one recognizes the 70% of all calls for service that Portland Fire and Rescue receives are medical in nature, it doesn't take a great leap of faith to understand that there is a role for something like a rapid response vehicle, a small, two-person vehicle that can respond to low level medical calls without, so to speak, calling out the cavalry every time. And that's one of the most visceral reactions I get from people is, you know, why is there a fire engine, and a fire truck, and an ambulance all responding to somebody with a sprained ankle? Well, part of the philosophy of rapid response vehicles is to get away from that so that we can have the appropriate number of personnel responding to the appropriate level of low level medical incidents. And it doesn't take just -- it's not just a fire bureau that is a player in this. It's also the bureau of emergency communications and the Multnomah County emergency medical office. And the budget note directed us to report back to council in January on the success so far of the period of implementation, which, as I said, has been seven months now of full implementation. And I think that as the chief will tell us, and Ken Burns can also tell us, I think that it's working well. And they will go into more details on the data. But, as I said, it is not working without having appropriate dispatch responses at BOEC and the support and the work of the Multnomah County emergency medical office. And those remain works in progress. Our work is going well, they remain works in progress, and I commit to you that and to the council and to all

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Portlanders that we will continue to refine and improve the system so we get the most out of every firefighter and our equipment. And by using the smaller nimble vehicles, I think that you will see in the report also, we are saving wear and tear on our larger fire engines and trucks. And probably saying wear and tear on the firefighters, as well. And saving some money in the process, as well. So, with that, I'm going to turn it over to the Chief Janssens and battalion chief Ken Burns to give us the details.

**Erin Janssens, Chief, Portland Fire and Rescue:** Good morning, mayor and commissioners. For the record, Erin Janssens, fire chief, and I have with me the battalion chief Ken Burns, who oversees our EMS section and specifically is involved with the delivery of this pilot program, and does an enormous job of staying on top of the data and the statistics and doing analysis, making sure that we are utilizing the program and are finding any efficiencies that we can. So, I thank you for all of your interest in it, and specifically, Commissioner Saltzman, for his advocacy of the program. That was really the impetus of this program beginning, not just seven months ago, where we put the four RVs into service, but really, the program beginning back in 2012, where we started an analysis, and we actually utilized some peak staffing for our RVs. So thank you for that. Appreciate it. We've got a short presentation. We'll probably take 10 to 12 minutes, and then hopefully, we'll be able to answer any questions that you might have. So, the RRV program consistently has been an effort to improve response reliability and response times of our critical four-person fire and emergency response apparatus. Also to reduce mileage, therefore, wear and tear on more expensive apparatuses, as Commissioner Saltzman stated. And also save fuel, maintenance, and replacement costs of these apparatuses. While the RRVs are incapable of performing critical and fire rescue interventions, and they do not maintain Portland's ISO or other fire protection ratings, when added they are a very effective way to improve our response reliability of critical fire apparatus and crews. Therefore, we believe they are a beneficial addition to the system. The RRV program, with its focus on lower acuity health care calls, is a modification of the design recommendation by Triad Data in 2011. And the program has had some success improving our response reliability of the four-person crews, which we'll get into shortly. It also provides cost savings, although it's minimal because of the lower acuity calls -- while medical calls are 70% of the overall call volume, the low acuity calls are actually about 7% of our overall call volume. So it's a higher percentage of the medical calls, but a smaller percentage of overall call volume, if that makes any sense, and I will get into more specifics. So, Portland Fire and Rescue has been very focused on trying to make this program a success, and like all of our operations, we're consistently monitoring. Through the pilot program, we learned initial assignments of calls require extensive research and analysis. We have done this and reassigned four of the 15 three-type of calls -- and I'll try to stay away from jargon where I can, but a three-type call is a call where you respond with lights and sirens, and in an urgent manner. And our RRVs are actually assisting with some of these calls that we have deemed safe for patient care, where they are in their first end fire management area. The other type, the nine-type calls, the 5000 or 7% of the other calls that the RRVs are designed to go on, they can take up to 20 minutes. Initially, we assigned them a 15-minute response time, and we have since expanded that recently to include up to a 20-minute response time. We also have relocated one of the RRVs, or will be locating one of the RRVs that was assigned downtown. And we're going to move that or relocate that over into North Portland where we believe that will have a [indistinguishable] response. Other improvements we've made. With the type-nine responses, just over 5000 over the last 12 months with the 15-minute response window, the RRVs were only responding on about 60% of the type nine calls. So we believe that expanding this window up to a 20-minute response window is going to improve that 60%, possibly capture 85% of the type-nine responses. So we believe that will be a benefit to the community and to the network city-wide. We have also implemented some new triage protocols. With the new 20-minute response window, we think it's okay to take a bit longer on the lower-acuity calls to get to calls. And this improves the response reliability of critical fire and rescue



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apparatus because as you know, if an RRV two-person unit isn't taking the call, then that means a four-person critical fire and rescue apparatus needs to be deployed. And if they're deployed now, they are out of service and not able to respond on another critical emergency call. So, utilizing the RRVs for these low-acuity calls is effective. So, we have worked with BOEC to expand the 15-minute response window, and then in November 2013, all four of the RRVs bumped up from a 15 to 20-minute response window. We also revised the emergency call types. Some of the type three emergency call types approved for the RRV response frequently required additional resources and capabilities than the RRVs can provide, so after analyzing the patient outcomes, Portland Fire and Rescue worked with Multnomah County emergency medical services and BOEC to reassign our RRV responses to four type-three emergency call types that have consistently required either additional resources for the four-person crews, or through studies indicated that there was a patient care issue, or potential patient care issue that we want to ensure the right resources are there when needed. The reduction in the RRV type three dispatches is a small percentage of the overall RRV responses and will create efficiency by improving patient care outcomes by having adequate resources there in a timely manner, and utilizing fewer resources by dispatching one unit instead of needing to call for an additional unit on the scene. Other revisions include the relocation of our RRV 1 to North Portland, which I have talked about, and also working with BOEC to refine 9-1-1 dispatch calls to better determine whether patient lifting may require more than a two-person crew, which does happen. So, overall, this program has been anything but static, and we're constantly monitoring and evaluating it. I know that you all have the final report in front of you. If you would like to look at the response reliability impact, it has been significant. At station 11 and 19, since the implementation of the RRV program, they have averaged approximately an 8% improvement in the response reliability for the critical fire and rescue emergency apparatus. And that's significant. We also have tables that include cost per mile estimates and then program savings for the RRVs. While the savings aren't significant, the improvements in the response reliability and the response times of the critical apparatus through the addition of an RRV program is significant, and especially in east Portland where that has been suffering. We have seen a dramatic improvement in those times, or improvement -- when I say improvement, that means response times have improved, therefore, decreased, and response reliability has increased. So that's a dramatic improvement in east Portland. And also --

**Fritz:** Station 11 is east Portland?

**Janssens:** Yes, station 11 is at 92nd and Foster. Also, the RRVs are assisting us with working with Local 483 to pilot a program to reduce health care costs, therefore leaving more money for taxpayers to invest where they choose. We believe that we're working and advocating strongly to be a part of the health care solution as health care is dramatically under reform. So with that I would like to open it up for questions.

**Fritz:** Where does the ambulance response come into this?

**Janssens:** On any type-nine call, there is no ambulance. That is a fire-only response where we can deploy a two-person crew to go and assess the patient and determine if there's an additional resource needed. It may be something that we need to check on.

**Fritz:** Why-- so that's just because the protocol?

**Hales:** They are not going to be transported, right? It's a kind of call.

**Ken Burns, Portland Fire and Rescue:** On the nine-type calls, which is about 5000 a year, there isn't an ambulance response. And these are people maybe who are sick or struck by an object but they're telling the dispatcher through the triage that they are not in the immediate need of medical or requesting an ambulance. Say that same person falls less than ten feet, that's a different scenario. If they fall 30 feet, that's a different scenario. So the type codes, the one level, the three level, and the nine level is the severity. On some of the dispatches that the RRVs go on, the ambulance responds, but not all of them. I would say roughly half those calls.

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**Fritz:** I think we need a policy discussion, which we started many times over the last five years, as to whether Portland Fire and Rescue should be responding to those low-level acuity calls.

**Hales:** At all.

**Fritz:** At all.

**Burns:** One example would be like a UN-1, someone's unconscious, not breathing. A UN-3, someone was unconscious and not breathing but now they are still unconscious, and they are still breathing --

**Fritz:** That's not an ambulance call?

**Burns:** No, it still is. My point is to the nine-type codes. It would be a nine code if someone had a temporary loss of consciousness, so Portland Fire would send a unit to check them. And I think that that's the importance of continuing some of the nine-type codes because we don't know why they had this period of unconsciousness.

**Fritz:** I would like a discussion --

**Janssens:** Sure.

**Fritz:** --on that policy and with health care reform, is it really the responsibility of uniformed firefighters highly trained to do complicated things, to go and check on somebody who fainted and is now doing alright.

**Novick:** Actually, Commissioner, we've had some initial conversations with folks in the health care industry about whether we could adjust BOEC's protocols and work with them to ensure that people are given other options. And actually, the director -- or maybe it's not the director -- of EMS in Clark County is arranging a kind of a summit on the interaction between the EMS system the overall health care system. So, bringing in people from other states to talk about the options that seem to be working. So, I think that that's -- I agree, that's definitely a conversation we will continue to have.

**Janssens:** And I think that everybody is well aware that health care is under enormous reforms right now. And one of the things we're looking at, and also we're trying to promote more, is alternative destination or alternative transportation, that's the pilot we're involved in right now. With that, patients can save and the health care system itself can save the cost of expensive transportation, and going to the most expensive place of treatment, which is the emergency department, and actually being transported via a cab or another source other rather than a very expensive ambulance ride, be transported to their health care provider or an urgent care, which is a much lower cost. So we're actively engaged in that pilot program right now, and looking to expand that to help ensure that there are more dollars saved not only for the system, but for the patients, directly. And that ultimately should benefit everyone. It should benefit the entire system. Whether you call 9-1-1 or not, that should benefit everybody by lowering the overall health care costs.

**Fritz:** And that pilot is looking at who is going to do the transports to the primary care provider, or is it just Portland Fire and Rescue?

**Janssens:** Right now, we're calling cabs. We're calling private cabs. So as opposed to having them, you know, a range of anywhere from \$300 to \$1200 ambulance ride, we can get you in a cab there for \$50.

**Fritz:** Yes, that's good.

**Janssens:** Yes.

**Fritz:** Thank you.

**Novick:** So you know what percentage of the RRV calls wound up resulting in an ambulance transport?

**Burns:** Roughly, there are going on about 150 -- this is the average of the four, they have a different response number depending on what district or station they are assigned to. But they respond on an average of 150 calls a month. 50 of those are just a public assist. Of those, the remaining 100, the ambulance transport rate is roughly, last time I checked, 78%. So, those calls, yeah, the number of calls, the three-type codes generally speaking result in transports. And that's really where the pilot is

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focused. The three-type codes that the RRVs go on is the potential to do some alternative care and transport.

**Novick:** So as of now, even in the calls identified as low acuity, therefore the RRVs are going out 78% of the time, resulting in ambulance transport?

**Janssens:** No, I don't think that's the --

**Burns:** No, no. I think there's a difference between the nine-type codes and the three-type codes, and that was my illustration that I tried to give with the unconscious person. The lowest is the nine type of codes, and those are truly --

**Novick:** Okay, but what was the 78%? I thought you said that the 78% of the type-three calls where they went out resulted in ambulance transport.

**Burns:** Of those three type-three codes?

**Janssens:** If I can clarify and interpret there. He's asking, of the nine calls that we go on, how many of those result in transport?

**Burns:** Of the nine calls, none.

**Novick:** The three calls. Of the three calls that RRVs responded to, how many had an ambulance transport?

**Burns:** That's a high number of transports. And that's the difference between the lowest, meaning the nine-type codes, which we feel comfortable sending fire to check and advise. And then you have you three-type codes, they are not -- they are not unconscious and responsive, they have a medical need, but it can be met by two firefighters responding and doing an assessment. Sometimes they need additional resources, so the three-type codes we would still consider as an acute call with a medical need. It just is a sub-group that don't need four people responding from the fire bureau.

**Novick:** And another percentage question. Chief, I think you said the number of calls that will be sort of moved out of the RRV group, I mean, because of these sub-codes that you are moving, was a small percentage of the RRV calls. How small of a percentage?

**Janssens:** I hope he has it, because I don't have that percentage.

**Burns:** I should have the -- let me tell you what the remainder is. The 11 three-type codes that ambulance and fire both respond to account for about 10,000 calls a year, 10,500. Remember, one of the factors of reducing the group of those three type codes -- say for example, we had an OB -- someone who's pregnant and calls 9-1-1. If they already had the baby or is about to have the baby, that would be a one level type of code. We would send both types of units. If they are a pregnant and they are having issues with their pregnancy, that becomes a three. If the issue is related to the pregnancy we want to send ambulance and fire and perhaps some of those cases result in a delivery, even though it was coded a three-type code. Someone pregnant with a headache, gets a nine-level type code. So, to get back to your question, the number of calls that we removed -- I couldn't give you a concrete answer of the percentage. I just yesterday ran the balance of what the expected call volume will be of what remains. And I guess my thought process there is, we weren't getting to the nine-type of codes, the truly fire only check and advise. So we made a decision to take some of the calls that required additional resources, and not send our two-person unit to those calls and make them more readily available for the other calls that we knew that they could have the appropriate resources for, but they were on these calls when they should have been on these calls. So, we kind of had our triage system struggling to get the right resource to the right call.

**Fish:** Can I jump in for a second? I'm beginning to getting lost in the data and I want to get back to what you're reporting to us. So, currently, according to your report, about 7% of emergency calls can be covered by RRVs.

**Janssens:** Correct.

**Fish:** Are you proposing that we expand that, or do you believe that's the right ratio?

**Janssens:** We think we're about at the right ratio right now simply because with a 20-minute response time, those RRVs can respond not only in the primary stations' fire management area that



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they're assigned, but they can respond out to all of the surrounding fire management areas that they're adjoined. With a 20-minute response time, they may be able to go one fire management area further. So we think that we have good saturation. I mentioned that it's anything but static. We're continuing to monitor the program. We're not only looking at re-locating the RRV that was assigned downtown where they already have a pretty good response reliability, move that to North Portland where they could benefit more from an RRV that wasn't able to make it into North Portland from downtown within that 15-minute response. Re-locate it, have better saturation for the response. But we're also looking at one of the stations out in East Portland. The struggle is it some logistical issues but I expect that to be resolved by this summer.

**Fish:** Okay, so we're looking at about 7% of emergency calls. At this stage, at this point, you are not asking us to expand the capacity. Would you remind us, how much of the RRV costs are covered by one-time funding and how much are covered by ongoing funding?

**Janssens:** Currently they're covered by the safer grant.

**Fish:** And that's a two-year grant?

**Janssens:** Correct.

**Fish:** And so if we wanted to continue this in two years, we're going to have to find is a way to provide for it.

**Janssens:** Correct.

**Fish:** Number three, I'm trying to -- in the last two pages of your report -- just figure out what the cost savings are and how you calculate it. Can you just give us that number, and how you got there?

**Janssens:** Sure, if I could bring Jay up, he can explain it because he developed all the cost savings. Do you mind if I bring Jay Guo up?

**Fish:** Okay. But I will take it at a gross level.

**Janssens:** Okay.

**Fish:** What's the cost savings and just how did you get there?

**Jay Guo, Portland Fire and Rescue:** Hi, I'm Jay Guo, senior business operations manager of the fire bureau. And what we look at is based on the cost per mile. We compare cost per mile with the RRV and cost per mile with the engine truck. So, that's the difference. The difference is cost per mile --

**Janssens:** If I can -- I'm going to jump in real quick. I think what Commissioner -- I think what you are looking for is based on, we amortize the cost of the apparatus over the life of the apparatus, frontline useful life. All of the maintenance costs, the fuel costs, we look at the mileage, and so he calculated a per mile cost that each apparatus, we expect, to cost over its life.

**Fish:** And that's not net of the expense of the RRVs. You are talking about the savings of the other vehicle?

**Hales:** I think it is net.

**Janssens:** We did both. So we looked at the cost of an apparatus, per mileage cost, and at the cost of an RRV.

**Fish:** Okay. So, on an annual basis, what's the cost savings? What's the number?

**Guo:** For the four months --

**Fish:** No, sir, just for the year.

**Guo:** About 6000 a year.

**Hales:** Total differential.

**Janssens:** That's for four RRVs. So that's a cost savings of the RRV combined provide.

**Fritz:** Is less than \$6000?

**Fish:** A year.

**Janssens:** Yeah. So, that's not significant but the improvement in the response reliability of the critical fire and rescue apparatus is.

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**Fritz:** That's where I was going with my, should we get out of this business at all. If it doesn't seem to be saving us a lot of apparatus money, it's dedicating firefighters -- one thing I found particularly interesting in your report was that 93% of the calls require four responders, which I've been hearing from the firefighters' association for many years, and I agree, complicated medical calls need four people. So, those are the ones -- and plus, those are the ones that we need to get there before 15 minutes, never mind before 20 minutes.

**Janssens:** Correct. Time is critical.

**Fritz:** So I think we should look at getting out of the low-level response business.

**Fish:** Can I yield on one point? The other piece that that we talked about, I think, in a work session once was the inequity in terms of the reimbursement. The ambulance -- so I used the example once, Chief, of when my daughter had a fainting spell, and called, and we had a fire truck come, and we had an ambulance. So, the fire truck came, we're paying for that four-person crew, and my daughter was thrilled to be carried down the stairs by four strong firefighters and out to the ambulance. The ambulance billed us \$1000 to take her six blocks to the hospital. So, the ambulance gets reimbursed, they bill and get paid for their service. We cover the four firefighters who were there. And it's this inequity of one parallel systems, and probably on that call, we didn't need a full rig, four firefighters but that's the way the system works, they were the first responders. So if it had been a more serious problem we had a firefighter and an EMT. But the inequity of one system being reimbursed through a rather extravagant bill, which reflects cost-shifting, because the un-reimbursed care is factored in, that's why it cost me \$1000 to send someone in an ambulance six blocks. But the firefighters are paid for separately. We don't get a reimbursement. And to me that is also a challenge here.

**Janssens:** Mm-hmm. And that is one of the great efficiencies that the Fire and Rescue departments have been providing for over 30 years, of responding on medical calls, but yes, it's an equity issue of there has not been any reimbursement from health care to kind of subsidize that system. So, we're also pursuing that pretty aggressively and it will be interesting how things unfold.

**Novick:** This is something actually that we should be talking to our congressional delegation about, because in the conversations I have had in the medical industry about this, they said that Medicare tends to kind of set the standard. So, if Medicare decided that they were going to change the way they reimburse, and would reimburse for firefighter or medical operations, then the rest of the industry would take their lead.

**Fish:** And by the way, it extends to other areas. Dan is in charge of housing and fire. So, what we find in the wintertime, for example, if you are at one of the downtown shelters and someone has a medical event, firefighter shows up, treats that person, transports them to the nearest hospital, they spend the night, at the end of the day, the bill for that service, for what we don't charge, the ambulance does pass onto the rest of us and the emergency care, would probably house that person for six months. But, it's externalized so we don't actually see that cost. That's the irrational part of the system. The highest cost delivery service producing the lowest possible public benefit.

**Hales:** Further questions? Good discussion, good report.

**Janssens:** Thank you.

**Hales:** do we have signed up to testify on this?

**Moore-Love:** No one signed up.

**Fish:** Move to a second report, Mayor.

**Novick:** Second.

**Hales:** Roll call, please.

**Item 64 Roll.**

**Fritz:** Well, thank you, Commissioner Saltzman, for championing this program and for bringing the data to us so that we can have a robust discussion during the budget process about next steps. And thanks, Commissioner Fish, for clarifying with the chief that this is a two-year funded by the grant, so that we don't have to make an immediate decision about it. But still, you know, 93% of the Fire

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and Rescue calls require four responders, 7% low acuity, we need to have a discussion about it. Are there better ways to provide services to citizens that doesn't involve such intense responses? I am pleased to see the focus on firefighters being careful and calling for backup when there's a heavy lift. I think the report shows that back injuries are some of the highest reasons for our firefighters being off work and that was certainly something that -- as a nurse, over the 27 years I practiced, that was something we became more and more aware of, is that you don't get macho and lift folks are too heavy, you call for backup or you get equipment. So, there is a wealth of information in this report. It touches on the difference in the equipment cost between the engines and the trucks, including the quince, which I think is another fascinating piece that we're going to be looking at over the course of the budget. So, great to have all this data. Thank you very much. Aye.

**Fish:** Thank you, Dan, for your leadership. Thank you, Chief, for an excellent report. And what you have done is you have given us more information on which to make informed decisions as we go forward and have this discussion, so thank you for your good work. Aye.

**Saltzman:** Well, I want to thank the chief and all the members of Portland Fire and Rescue for being willing to innovate here. And to innovate in a way that makes us more nimble on our feet. And while there may be some question about the types of calls and whether Fire should be the appropriate responder, I think that we have to look at the present situation right now, and, and recognize that, right now, it's often a question of whether Fire is a responder. I mean there's no question that Fire is going to respond to a situation, it's whether they are going to respond now with a two-person rapid response vehicle, or the heavier fire engine or fire truck, which is more costly. The other take away from our seven-month pilot is that, as the chief indicated, is that response reliability for the heavier apparatus is improving by being able to have the two-person vehicles respond sort of to the peak load effect. So that's improving the response times for our heavier apparatus. And that's something to make people safer. So, a good work, and we're going to continue to try figure out all these good questions my colleagues have asked, and I hope to do that with my colleagues because it is -- there's a lot of vexing questions with health care reform and everything else going on here. But, I think that we're showing some good progress, and I think we're delivering some good results that our citizens and our taxpayers expect of us. Aye.

**Novick:** Thank you, Commissioner. Thank you, Chief. And I hope a lot of people happen to be watching this discussion. Because I think some people might look at this and say, okay, we are talking about 7% of the calls so why even bother. But the fact is, we might be talking about 7% of the calls but we're improving response reliability throughout the system. And 7% of a big system is still something worth worrying about. And if we can use public resources more efficiently and assure a truly appropriate response situation, that's worth doing, whether we're talking about 70% or 7%. So thank everybody very much for their work and look forward to continuing this discussion. Pleased to vote aye.

**Hales:** Well, I am very happy to see this discussion. Thank you, Commissioner Saltzman, and bureau, and BOEC as well. It's great that we can use fire bureau and innovation in the same sentence. And this is a really clear indication that innovation is happening, and I appreciate it very much. I think that this council discussion was also excellent in that it illustrates that not only do we need to have good cooperative working relationships between bureaus and commissioners' offices in order to make use of this kind of innovation, but we're going to have serious work to do with Multnomah County and our congressional delegation with respect to the larger issues of, who does transport, who gets reimbursed, what does the medical reimbursement system do differently under health care reform. These are big, important topics, and I think I'm bullish about those as well, because we do have good working relationships with Multnomah County and with our congressional delegation, and we can roll up our sleeves and work on those issues. So the value to date internally has been well documented in this report. But the potential value is going to expand considerably if we are able to use those good working relationships with other governments and

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change more of the architecture beyond the equipment and our own internal protocols. So, that's, I think, some of the work ahead. I spent part of yesterday with the Chair Madrigal working on issues where we have shared responsibilities and overlap, and I think again, we have the kind of good dialogue between the City and Multnomah County where we can continue to work on these complex intergovernmental issues and make improvements. Aside from the numbers and wonkish stuff of how we provide services, I think the perception is also important. That for some low acuity calls now, we're sending what will appear to our citizens, and also actually is, the right number of firefighters. Two people for these low acuity calls this is the right number, not four. And I think that we build the public's support for what we do when we seem to do it in the smart and efficient way. And the perception matters here, as well as the reality. So, I'm happy about both the facts and how that will be received in the community, and I appreciate the good work so far. Aye. [gavel pounded]

**Hales:** Thank you. Okay, next item.

**Item 65.**

**Hales:** Good morning, Mr. Gaddis.

**David Rhys, Bureau of Human Resources:** Good morning. [inaudible] Anna Kanwit is away this week. We are here to have council ratify a successor collective bargaining agreement for the Portland Police Commanding Officers Association. Labor relations manager Jerrell Gaddis and staff will present brief comments.

**Hales:** Great. Thanks, David. Good morning.

**Jerrell Gaddis, Bureau of Human Resources.:** Good morning, Mayor. Good morning, Commissioners. I am excited about today. When we started out this venture in March with the commanding officers, there was a lot of obstacles facing us during this time. But I want to take this opportunity to say the commanding officers were professional, they took the best interests of the City during the bargaining session, and we were able to have some disagreements, agree on a lot of things, but at the end of the day, we came together and ratified a contract that we feel that is valued. The leadership in the command staff exemplifies what the police chief has said all along, what he has always put forth is leadership. The command staff has shown leadership throughout the bargaining session. So, I want to first say that, and then acknowledge some individuals first on PPCOA's bargaining team. First, I want to acknowledge Robert Day, Captain Robert Day, Lieutenant Wendi Steinbronn, and the president of PPCOA, Bryan Parman. I want to take this opportunity to let my chief negotiator, Patrick Ward, talk a bit about the highlights of the contract.

**Patrick Ward, Bureau of Human Resources:** Good morning, Mayor Hales, Commissioners. Patrick Ward, labor relations coordinator. We have a two-year agreement that will expire on June 30, 2015. We are staying within the financial guidelines given to us. There will be nine-tenths of 1% cost of living adjustment, effective upon ratification. And next year, beginning on June 30, there will be a COLA adjustment of between 1% and 5%. The fitness premium -- 1% of the top step lieutenant rate will remain in it. The PPCOA's fitness program is very efficient and very worthwhile. One of the major changes we made is that we deleted the longevity provisions from this contract and replaced them with adding a second -- or a third salary step to the captain and lieutenant ranks, and a second step to the commander rank that is 4% above the prior step. We made other adjustments to holiday compensation, where we've eliminated the use of being able to take compensatory time in lieu of a premium pay if they work on one of the big four holidays: Christmas, New Year's Day, Thanksgiving, and Independence Day. Finally, we continue with the health and welfare premium share as has been the status, which is 95% by the City and 5% by the officers.

**Fritz:** I have a question regarding what you just said regarding that physical fitness bonus. Article 32 is just the same, it says: to receive the premium, members must qualify annually, the bureau's health and fitness test will be administered once a year, individuals who do not pass the first time will be allowed to take the test a second time. What kind of a test is this?

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**Gaddis:** It's a two-test. The first is a physical agility test, and the second test is a test where they do your glucose, four different types of testing.

**Fritz:** There is an agility test?

**Gaddis:** That is correct, yes.

**Fritz:** And my understanding is that we wanted to keep this incentive in there because some of senior officers might not be getting as much daily exercise as some of the front line officers, so we felt that this was an appropriate bonus for the commanding officers.

**Gaddis:** Yes.

**Fritz:** Thank you

**Hales:** Other questions? Jerrell, anything else you want to add?

**Gaddis:** Yes, and I wanted to add we had a very strong team for the City for our bargaining team. First, it starts with assistant chief Mike Crebs, who was very instrumental in bringing us back sound information and direction from the chief's office. In addition, our staff, we had an individual in our staff that kept us on task -- she's our labor relations analyst, Maureen Weber. And I think a team is what makes up of a good group of individuals who are willing to sacrifice and do what's best for the city, along with the direction of council. You provided us great direction, great leadership, and with that, here's the end result.

**Hales:** Thank you very much, other questions for our bargaining team?

**Fritz:** I have a question about the cost, I don't know if this is for the bargaining team or somebody else. My understanding is that, of course, the cost of living increases are calculated into the next year's forecast and included in the budget. The cost of the changes in this contract are \$68,000. Was there a discussion about whether this would be found within the existing budget or whether it would be expected to be added by the council?

**Gaddis:** I don't know. I don't know that part. That's something that would have to come from the bureau, itself, that would make that decision.

**Hales:** Frankly, I don't recall, either. Mike Crebs is here, he may be able to respond to that.

**Fritz:** I wanted to know if there was something promised at the bargaining table.

**Gaddis:** No, nothing was not promised.

**Fritz:** Thank you.

**Hales:** Thanks very much. Assistant Chief Crebs, would you like to respond to that? And then I know we have representatives of the PPCOA here who might want to speak as well.

**Michael Crebs, Portland Police Bureau:** It will be part of the calendar [inaudible]

**Fritz:** Well, it is part, there will be an additional cost --

**Crebs:** Correct, it will be part of the --

**Fritz:** Because here will be an additional allocation of \$68,000 to the police bureau as a result of this contract.

**Crebs:** Correct.

**Hales:** Automatically.

**Crebs:** Correct.

**Fritz:** So it's not a decision package we need to make. Because in previous contracts with other unions, if there has been a cost of it, there has been a discussion that it would be absorbed within the bureau's existing budget, and that's not what's happening here, is what I'm hearing.

**Crebs:** Correct.

**Hales:** OK. Other questions for Mike? Thank you both.

**Gaddis:** And I want to take the time to bring up the president of PPCOA, Bryan Parman, to speak.

**Hales:** Good. Good morning, Bryan.

**Bryan Parman, Portland Police Bureau:** Mr. Mayor and members of council, I'm Bryan Parman. I'm president of the commanding officers association, and I just want to take this opportunity to say how happy we are to have reached a successor agreement, and we appreciated working with the



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City. As Jerrell put it, we started with obstacles to overcome but I think that in the end we struck an agreement in the best interest of both the City and the association.

**Hales:** Thank you, good work. Appreciate it. Other questions for Bryan or the PPCOA leadership? Great, thank you all. Anyone else signed up to testify?

**Moore-Love:** Yes, we have three people signed up.

**Kathy Bushman:** I can't believe how out of touch you are to reward the police department for failure. And one of you hasn't even bothered to stay here to hear the public testimony. And I guess that's because you already make your decisions before you hear the public testimony as you informed us last week, or was that the week before. I can't believe that you would ask the Portland taxpayer to reward them with the salary increase when the Portland police have cost the taxpayer thousands and thousands of dollars every year because they lose tort cases in civil court for false arrests or excessive use of force. This has been insult to injury, to reward this police department with the salary increase. The commanding officers are the problem from what I can see. They've been setting the tone for this police department for decades. We've had a neo-Nazi at the precinct level for decades. We have a DUI officer caught drinking behind the wheel of a police car who was promoted at the discretion of our famous Chief Reese. This is not impressing the taxpayer. That's how out of touch you are. And then to say that we should think this is -- that you care about saving the taxpayer money with the fire department. It couldn't have been your idea, I don't know whose idea that special response team was, but if it was a good idea, I won't give you credit for it if you are going to reward the police for their failure when they have been guilty of racial profiling, when they have pepper sprayed, in the last year, a bunch of teenagers from middle class. White teenagers, by the way, and obviously not gang members. When they pepper sprayed them because they were demonstrating for better school funding. And that -- if the racial profiling doesn't bother you, that should bother you. Those middle class taxpayers are the ones that are going to be in the voting booth at the next election, and voting whether or not to put you out of office. And when you let the police department abuse middle class white kids, you're in trouble. And then, have also been guilty of racial profiling and abusing the homeless. As you just heard, stealing the belongings of people who can least afford the loss. And then you're going to reward these bastards? They do not deserve to stay on the boards, much less get a salary increase.

**Hales:** OK. Thank you.

**Bushman:** If you want to reform the police department, start at the top, fire them, and replace them with somebody who will be more responsive.

**Hales:** Thanks very much. Lightning, good morning. [applause]

**Lightning:** Good morning. My name is Lightning. Correct me if I am wrong, but we have \$2.9 billion of unfunded pensions. Now, who really is responsible for this, who's responsible to keep an eye on this? Who's responsible to make sure our credit rating does not get hurt? Who's responsible to pay all these unfunded pensions 20 years down the line? Our kids are going to pay these unfunded pensions? Who's responsible for the negotiations? Who's the negotiators doing this? Who's responsible for Detroit going into bankruptcy? Who's responsible for responsible for \$3.5 billion in unfunded pensions in Detroit? Who's going to look at this and look over the full picture, and get an understanding? Who's responsible for outrageous overtime? Who's responsible? We need to keep a close eye on this, we need to get a clear understanding and we need to make sure that we keep everything in check. What she stated as far as raising or increasing the COLA, I might agree on that. But my big issue is looking at the big picture here is, is this city in jeopardy on unfunded pensions? And the reality is, we have some great negotiators at some of these unions, they are great negotiators. But are they protecting the interests of the public 20 years out? 30 years out? Who's going to pay these bills? That's my concern that I want to start addressing and take a closer look at to get an understanding on the unfunded pensions. If I'm wrong on these numbers, by all means, let me know. My understanding is they are very high. Thank you.

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**Hales:** Just a footnote on that. Bargaining agreement doesn't deal with pensions, but we actually have a funded pension program. We do not have an unfunded liability. It's expensive, but it's funded. That's a big difference between Portland and other places.

**Lightning:** Correct me if I'm wrong. Do we not have a \$2.9 billion pensions not funded?

**Hales:** You are wrong, they are funded. The system is funded by a special levy that we pay as property taxpayers. It's expensive. But, it's funded.

**Lightning:** But what is the time frame to pay that out is my point?

**Hales:** Year by year over time.

**Lightning:** And that's not going to affect the credit rating?

**Hales:** No, because we pay as we go. Which is one of the reasons that Portland has had a AAA bond rating for 30 years plus.

**Lightning:** OK. Fair enough, thank you.

**Hales:** You bet.

**Mark J. Hofheins Jr.:** Mark J. Hofheins, Jr. with UCARE. First off, I want to make sure it's clear, that I'm not being painted as a cop hater when I state this thing, because I'm not. Good cops are good cops and bad cops are, obviously, well, really bad cops. For those that do the bad things, and need the work done. I think that more money should go back to training. I was going to say morons but it would be more polite, and say, uncooperative and inconsiderate police officers. You know, there's been many occasions in which that-- only certain officers, mind you, only certain officers that I deal with on a regular basis that actually need large amounts of retraining because they put your name in the loop and say that they don't care if I present it to you, Charlie Hales. They say that you are in agreement with it. So, you might want to get on them and see why they would be putting off on you if that's not really true. Plus, when that happens, you receive the blame. So, that being said, I don't think bad cops should be ever be rewarded for doing their job the way they do it. Now, good cops, yeah. They should. That's all that I have to say.

**Hales:** Thanks. Anybody else? All right. This is an emergency ordinance and unless there are council questions, we are ready for a roll call.

#### **Item 65 Roll.**

**Fritz:** I particularly appreciate Mr. Hofheins' comments that there are a lot of good officers in our police bureau who are trying very hard to do the right thing, including many of the commanding officers. Do need to note a correction for the record that one of my staff brought for me. The city budget office fiscal analysis that was published yesterday states in the -- for the cost of this, that this ordinance does not include a cost of -- an annual adjustment target increase for the police bureau, and the bureau will need to absorb the on-going cost within the next budget. So, there isn't an additional cost other than the cost of living increases that other city employees get, and I think it's a fair contract. So I thank you very much for all of the work on all sides. This was a constructive process. There's been a lot of challenges over the past year or more in the bureau and the commanding officers have stepped up to those challenges, and this bargaining process was evidence of that, that you were able to work through some sticky issues and come to an agreement. I appreciate it. Aye.

**Fish:** I want to associate myself with Commissioner Fritz's remarks. And Mayor, we're going to ratify this agreement, and we have the recreation agreement, and then did that leave the DCTU agreement as the final one -- well, so, there is not the penultimate but it's close.

**Hales:** Pen-penultimate.

**Fish:** So, these are all challenging negotiations, and I want to thank our team, and I want to thank our labor partners for working out their differences at the table. This is how labor negotiations should be concluded. And each one of these contracts present unique challenges but I am today pleased to vote aye. Thank you.



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**Saltzman:** I want to thank both bargaining teams, the commanding officers and the City of Portland Bureau of Human Resources team, and everybody who helped. This is a good agreement, pleased to support it. Aye.

**Novick:** I also associate myself with the Commissioner Fritz's remarks, and those of my other colleagues. Thank you to everybody for bringing us this resolution. And this is really off the topic, but, since he's in the room, I have to extend my thanks to one particular commanding officer, Commander Day, for the work that he's done and his officers have done, and their ongoing issue with suicide attempts on the Vista Bridge. Thank you very, very much. Aye.

**Hales:** One point of fact that ought to be made not just about this bargaining agreement but all of the ones that we're bringing to council this year, we asked all of our labor organizations and our bargaining team at the City to help us all pull in our belt to get through a difficult financial year. And in fact, we've been consistent across these labor agreements with a .9% cost of living adjustment. That is not a pay increase in a year in which the cost of living has gone up 1.8%. It's actually a pay cut for all of our representatives and our non-reps, as well. So, city workers helped us to get through a difficult budget year, and the Portland Police Commanding Officers Association is consistent with that approach, and they stepped up and were true to that approach, and I appreciate it very much. So, I want to commend the bargaining team and PPCOA for -- you've heard the word professional several times in this discussion -- taking a professional approach to this bargaining agreement. As everybody knows, I separately raised the legal question of whether our commanding officers, as I say managers, should be represented or not. No heat to that point. They are represented now and they are represented well, and they conducted themselves in a totally professional and responsible way in coming up with an agreement that I think that we should all be very proud of. So I want to thank you for that good work, and for all the good work that you do. Aye. [gavel pounded]

**Hales:** Nicely done, everybody, and thank you.

**Fish:** Can I make a procedural request?

**Hales:** Sure.

**Fish:** Commissioner Saltzman and I have to leave sometime around 11:30, quarter to 12:00. And just to make sure that it does not have an adverse impact on the agenda, it appears that there is two more -- two emergencies left, 66 and 86. And the rest would go to a second reading. And I wanted to make sure that we get those done so that we do not blow your quorum.

**Hales:** Great suggestion. Let's do that.

**Fritz:** And 70 as well -- the one that was pulled from consent -- is emergency. Oh that's wrong, never mind. Sorry.

**Hales:** Yeah, no it is. You're right. OK, so let's --

**Moore-Love:** Excuse me, Mayor, also item 88 needs four votes.

**Hales:** We'll try to power through this while you are here then.

**Novick:** Thank you, Karla.

**Item 66.**

**Hales:** Welcome back.

**David Rhys, Bureau of Human Resources:** David Rhys, assistant HR director. We'll try to make this brief. We're bringing you happily an agreement that, when ratified by the council, will put in place the successor agreement for the recreation bargaining unit. This was a tough concept of negotiations, as council is aware.

**Gaddis:** Jerrell Gaddis, again. Good afternoon -- or, still morning. Good morning, council and Mayor, and I will turn this over to Jon Uto. He's our chief negotiator, and he will provide a brief summary of the highlights, and we move on from there.

**Hales:** OK. Good morning.

**Jon Uto, Bureau of Human Resources:** For those who -- most of you are aware that Parks, probably more than any bureau, in the last few years been impacted by the budget cuts and has been

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having to make a lot of changes to adjust because of that. Setting up these negotiations has been quite a difficult one for both parties, but I think through a series of gives and takes by both sides, we were able to come to an agreement that could help Parks, specifically the recreation programs, move forward. This agreement is looking to be a four-year agreement, recreation asked for a [indistinguishable] on the duration with DCTU -- labor of local is also DCTU, so they can stay in line with that. The City has asked for mutual -- for the agreement, on DCTU's article 6, contracting out. It's probably not going to be too much of an issue for recreation, but it was important that we get more consistency with our contracting out language city-wide. Recreation will be receiving a .9 salary increase retroactive to August 29, 2013. They will be receiving a \$15,000 per year professional development fund that would be administered by labor and management committee. The dollar amount is about proportional to what [indistinguishable] receives for their membership. The union also requested and the City agreed to review all seasonal job descriptions for recreation support people, persons, and to do a classification study for the recreation job classifications and their related specialties. The City intern is getting a group of employees, 40 in the first year, going down in the out years, to work up to 1600 hours. And for those of you who aren't aware, this is to help Parks transition off the Brooks contract employees, because the Brooks -- we have been relying on heavily for the ability to do things like open pools in the morning and open large rec centers, and these employees have been closer to full-time, so Parks needed the 1600 hour employees to provide consistency in the recreation center while we transition off this contract. Parks also is getting a change in the graveyard shift from ending at 5:59 to ending at 4:59 a.m. That could help long-term cost savings as Parks looks at its staffing and its ability to staff large rec centers and pools.

**Hales:** Great. Thank you.

**Gaddis:** First, Mayor, I want to thank Commissioner Fritz and her staff. Personally, Tim Crail sat in on our bargaining session and provided us some additive advice and instruction, and was very supportive. We appreciate that immensely because we were working through the night and some long days, so it's very tiring work, but he provided some much-needed support. So, I wanted to acknowledge that as well. Next, I wanted to acknowledge parks and rec management. More specifically, Eileen Argentina and Warren Jimenez. They were instrumental in helping us to get to this goal here. And last, I want to acknowledge our bargaining team. Started off with our Jon Uto, our chief negotiator; Mary Strayhand, Mary Richards, Terri Davis, and Patrick Ward. They were all instrumental, and this took a lot of time and effort and it seems like it's been two years, but it's been roughly -- our bargaining team started preparing last August in 2012. So this is the finish line. And we are happy that we're here.

**Hales:** Thank you. Questions of the team? And then do we have a representative from 483 here?

**Gaddis:** No, no one from 483 is here.

**Hales:** Alright, great. Thank you all. Further questions for the team? Anyone signed up to testify on this one?

**Moore-Love:** Yes, we have one person, Charles Johnson.

**Hales:** Come on up.

**Charles Johnson:** Good morning, Commissioners. I think that one thing that we can maybe delight in is that when laborers local 483 and AFSCME 189 had successful bargaining, we don't have a crowd of armed men and women come rushing into the room. I don't know the situation when we have a high police presence in here, how that relates to the payroll. But, I'm very glad to see that the laborers 483 and AFSCME 189 people are actually working instead of sitting in the city council chambers with their guns and Tasers. The reason I'm up here is just to be a citizen who, actually, has to congratulate you, doing better than union negotiations and our friends at the school board are doing, and for trying to make progress on coming up -- for recovering the sacrifices you asked for the unionized workers when the financial picture for the city was not as good as it hopefully is trending to be. So, I think it's important for the citizens to speak up for the -- especially for entry

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level and workers who can't get a free cup of coffee maybe by going across the street in the uniform. So, thank you for being sure to get a hardworking, dirty hands workers in on the same day that the police came in to collect the rewards. Thank you.

**Fritz:** Thank you. And just to clarify, my Parks employees do not carry guns or Tasers.

**Johnson:** Exactly.

**Hales:** Alright, thank you. On the case of the police, there are guns on both sides of the table. So I'm not sure that there's not a balance of power there. Anyone else signed up? If not, roll call.

**Item 66 Roll.**

**Fritz:** This is a simple ordinance and it represents a lot of work by the bargaining team on both sides, and indeed by Tim Crail in my office who has been my labor liaison for five years and will continue to be so. I find it very helpful to have someone assigned on my staff who meets regularly with union leaders, as do I. And I particularly want to thank Richard Beetle, the retiring business manager or laborers 483 for his partnership over the more than seven years that I've known him now for his work on this contract. There is a \$15,000 cost to this contract. Again, the city budget office financial statement says that that will be absorbed into the Parks budget, which will be challenging since we have an \$850 million deficit in the things that we would like to do and the programs and projects we would like to do. Want to particularly thank Director Mike Abbate for his leadership of the bureau and for all of the staff that Jerrell mentioned, as indeed I thank Jerrell and Anna and all their staff. Calling out for my colleagues, as was mentioned, there's a specific exception to this city's 1200 hour limit for casual labor in this contract to allow up to 1600 hours of work for up to 40 recreational staff this year reducing to 37, 31 and 31. I supported Commissioner Fish when he ended the Brooks contract, it was absolutely the right thing to do. We need to recognize that these folks who are going to be working 1600 hours will be in positions that previously had some benefits when they were with the Brooks contract. With the casual laborers, they don't have benefits. They earned sick time because we passed together an ordinance requiring every employee who works in the City of Portland more than 240 hours is entitled to earn sick time, but they don't get City benefits. That's something I will ask you to address in the budget. Because, as Mr. Johnson just mentioned, we do need to support these laborers who do an amazing job. They have over 3000 casual workers and 91 seasonal maintenance workers who do a phenomenal job in our parks and basically keep them going. We need to make sure they are compensated adequately. And I'm pleased to support this contract. Aye.

**Fish:** It's the first time I have ever heard Richard Beetle described as retiring. [laughter] But of course, what Amanda meant was he has announced his retirement. He is anything but retiring in his personal style and in his advocacy. And he has well represented the employees at the laborers 483. On page 19 of the document that we have, it lists the classifications. As I look at the names, the various classifications of folks who work for the City as rec leaders, rec coordinators, I'm reminded, Commissioner Fritz, that when the bureau won the gold medal as best managed system in America it was because of our employees. And our front line employees are people with the most contact with the people we serve. When Portland parks and rec got an 86% favorability rating in the auditor's annual survey, it's largely because of the people who connect with the public at our rec centers and elsewhere. So when you look at these classifications you think, aquatics, these are the people that run our pools. Preschool, that's self-explanatory. Senior recreation. Community music center. The folks who do outreach. The generalists, folks at the front desk and who do all the other tasks. These people are true public servants. And they represent the city very well. And it is because of their hard work and dedication, we have the best park system in America. So we are obviously grateful to both sides for coming to an agreement -- in this penultimate agreement, Mayor Hales. But as doing so, we need to recognize that the people who are going to benefit from this agreement are people who serve us very well and we are grateful for their service every day. Aye.

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**Saltzman:** Again, congratulations to local 483 and to our bureau of human resource bargaining teams. Good agreement. Aye.

**Novick:** I'll add my congratulations local 483 and the bureau's bargaining teams. This agreement reflects how underfunded the parks bureau is. I mean, the continued reliance on part-time labor without benefits, as Commissioner Fritz has noted, is something that I don't think any of us like to see. Maybe this is just me, although I doubt it, I think asking people to show up to work at 5:00 a.m. and telling them they are not in a graveyard shift, I mean, I think that's something that a had to be done to balance the budget but if I had to show up at 5:00 a.m. I would be in a graveyard in pretty short order. [laughter] Commissioner Fritz and I had a discussion about the fact that I think people in Portland are well aware, or are hopefully they are aware that we have an underfunded transportation system because they can see the results of that underfunding every day. I don't think as many people are aware of the fact that we have an underfunded park system because Parks employees do such a good job of continuing to make everything look good and the programs work well. But we do have a serious funding problem with Parks and this agreement reflects that. Aye.

**Hales:** Again, shared sacrifice by some folks that have already sacrificed a lot. Well said, everyone at the council. And well done by our team and thank you to local 483 for getting to yes with us. Aye. [gavel pounded]

**Hales:** Let's move on to the other items that require a council quorum here. Which would be skipping for the moment 67. Moving on to -- what was it? Item 70 that was pulled from consent. Could you read that?

**Item 70.**

**Hales:** Anyone want to testify on this?

**Moore-Love:** Mr. Lightning did.

**Hales:** Come on up. Good morning. Welcome back.

**Lightning:** Good morning. My name is Lightning. We've heard the term socially responsible, morally responsible, and one of the issues I have with Portland State University is kind of a situation to where I don't really want to see them provided any money. And let me state my facts. I went over there with a 10-year homeless plan. Basically was going to go up and provide that to a professor to have a reasonable discussion on ending homelessness. Walked through their door, went up to their office, handed them the plan, he even set up an appointment with me. Dr. Tom Pitiowsky. Basically by the time I walked out of the building, I had eight security officers circling me. One asked me what are you doing here? I said I'm going up to set an appointment, wanted to talk to him on some research pertaining to reducing homelessness. At that point they wanted to search my bags. At that point he wrote me up. At that point they went back and called the professor. He at that point didn't want to step in on my side for some reason. They felt it was inappropriate to walk through a door to try to knock on one of their doors and say, hey, is there any way I can set up an appointment? I saw an article in a magazine on your research center, and I'm in the area and I wanted to see if I can't set up some time and have a discussion. Now here's my problem. They gave me an exclusion for two years. Point blank. Excluded me from entering PSU. One of the reasons why I'm not happy about it is that I love to go to the auditor's archives. And as you all know, that's in Portland State University. I have been excluded from going into their archives. The reason, point blank, for just walking through the door and trying to set up an appointment and to have a reasonable discussion. So from my standpoint, as far as PSU ever getting any money, until they get their security in line and they have a discussion with their security, I am not an advocate to voice any positive direction to see them receive any funding. That is my position today. And that is my communication. Socially, morally, unacceptable. And to be excluded for two years for trying to set up an appointment is appalling and PSU needs to understand it and their security incompetent. Thank you.

**Hales:** Well Lightning, we know you as a citizen who comes here pretty often. And I wanna say, you have always struck me as a reasonable man. I'm very sorry to hear that happened. I'll be happy



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to communicate with Portland State myself on that subject and to vouch for your bonafides. The folks that we're contracting for this particular agreement are some specific folks, not the ones you were dealing with.

**Lightning:** I understand.

**Hales:** But after hearing your story I certainly want to hear the other side as well. But again, you have always struck me as a reasonable guy, and certainly not someone who would be threatening to PSU or any other public body. So I'm shocked to hear that and I'll be happy to intervene.

**Lightning:** It's something that needs to be looked in and also the fact if they want to have that policy or something, have a little sign on the front of the building. Just have something that states that so people are aware of the situation. That's all I ask. Thank you.

**Hales:** Thank you. Anyone else? If not council roll call on the emergency ordinance.

#### **Item 70 Roll.**

**Fritz:** I'm pleased to see the innovation fund the task force has been assembled and this contract will help them look into the different proposals and spend this money wisely. Aye.

**Fish:** Aye.

**Saltzman:** I appreciate, Mayor, your looking into the situation Lightning described. With that in mind, I will support this. Aye.

**Novick:** Aye.

**Hales:** Happy to support this. This innovation fund is an important piece of work. This is going to be a cost effective way for PSU to support it. We'll deal with the other issues definitely but not in this context. Aye.

#### **Item 86.**

**Hales:** I'm going to ask our police bureau staff working on this program to be very brief because we're about to lose a quorum of the council.

**Chris Uehara, Portland Police Bureau:** Good morning, Mayor Hales and Commissioners. My name is Chris Uehara, I'm the commanding officer of the youth services division, and our division houses our school resource officers, our crisis response team, reserves and cadet program as well as our gang resistance education and training. In addition to the day-to-day work that we do, we also have opportunities that come our way once in a while and today we're going to quickly discuss and maybe share some pictures on an event that took place December 11 and 13 last year when we were able to take some children from the community shopping in partnership with our folks over at the Target corporation. I brought Sergeant Harris, who is passing out packet forms to you folks as well as Officer Julia Rico who headed up the program for us. So with that.

**Hales:** Good morning, Officer Rico.

**Julia Rico, Portland Police Bureau:** Good morning. I would like to first of all introduce -- this is Sarah [inaudible]. She is the executive team leader for [inaudible] prevention for [inaudible] in Jantzen Beach. We had another representative--

**Fritz:** Could you please sit down and talk into mic, because it gets taped and that's how they get the record. Thank you.

**Rico:** OK. We were able to have to events. On December 11th, the team leader -- or the executive team leader for asset protection, Chris Jeffreys, for the City Target capital program. She couldn't make it today. And Sarah is here today. And thanks to these two women in Target stores partnering with the Portland Police Bureau, youth services division, we were able to make this event happen. If you look in your packet, the kids that were chosen for this event were chosen by school resource officers and kids we deal with on a daily basis. A lot of these kids were not in public systems where they are getting grants or getting assistance. So if you look at the City Target heroes and helpers for December 11, the little girl on the top left, your top left, she just had cancer surgery. The parents were not able to provide Christmas. One of the nice things about this was that her and her brothers were able to participate. The fun thing about this event is each child is given \$50 and they were

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going shopping with a police officer. That \$50 was up to their discretion. They could buy presents for themselves or their family members. The fun thing about it was Target provided breakfast. So in the conference room where the breakfast was provided, all the parents had to stay there. They could not shop with the child. This way the child purchased whatever they liked. It was amazing to see how many kids purchased items for their family, for their parents. If you scroll through the pictures, there's various pictures of the kids and all the elves in the picture were Target employees. Then if you go over --

**Hales:** Who is that Santa? That's what I want to know. Oh, sorry. It's Santa. Never mind. [laughter]

**Rico:** He went on a diet that year. So if you look to the right, there's another set of packets. And it's the Target from Jantzen Beach. As you go through the pictures, you see all the kids with the police officers. There's a picture where there's a little boy on a bike. We were able -- this parent came to me and his grandmother passed away. He was being raised by his grandmother. When she passed away the family didn't have anything for the little boy. So through the project with Target we were able to buy him a bike. That's what he wanted. That was kind of special. If you look at the pictures, there's a picture with one of the sergeants and two young men. It's going to be on page 2. We had a police cadet who is very dedicated to our program. He comes out and volunteers and he has a sad situation at home. He was able to shop with one of the elements. He needed a coat during the cold weather months. He did not have a coat, but yet he was donating all of his time and resources to helping out the cadet program and working for not peacock mansion -- not peacock mansion, Peacock Lane. So it was really nice because he was able to get coats and then the lieutenant also put extra funds to get them a present. What I wanted to say is this is a great project. We were able to reach out to kids who really needed the help. If it wasn't for -- I think this project was so successful due to the efforts of Captain Uehara, because without his leadership and giving me the go-ahead to do what I needed to do, and to the sergeant, this was possible, and again to the staff from Target. We hope to do this again. You can see the pictures of how happy the kids are.

**Hales:** And the officers.

**Rico:** And the officers. It's fun to go shopping with the kids. Especially a lot of the kids never had an opportunity to go to the store and buy something. Target also provided breakfast and at the end of the shopping event, they wrapped the presents. They let the kids wrap the presents. Some wrapped them for them. So it was a great event.

**Uehara:** I would add through this that we were able to service about 60 children in our community that are low income, and provide a service that they may not have been able to get as far as Christmas for themselves or family members. Likewise, there was probably somewhere close to 60, between 50 and 60, Portland Police Bureau officers that partook in this and the Target employees as well. Speaking on behalf of one of the people that did partake in this, I know personally I got more out of it than the kids did. It was very rewarding.

**Hales:** Good morning. And thank you for Target's support for this.

**Sarah [spelling?]:** Absolutely.

**Hales:** Anything you want to add?

**Sarah [spelling?]:** No, this is our second event with Portland police since we opened our new store in Jantzen Beach. We're so happy we could take part in this. I'm happy to see where the money goes and that I'm able to see with the kids how it's used.

**Hales:** Thank you. Other questions for this great team? Thanks for this great report. This is wonderful work. Thank you.

**Rico:** Thank you. I see it as a pleasure. That's our best commodity that we have, the only one we can't replace, and that's the kids. To reach out to them and let them see the police differently. I heard all the comments that were made. And we want to build a bond so the kids can go to us if they need help. [inaudible] Hopefully, these kids, as they grow up, they'll know that the police as good [inaudible] that there's good police out there.

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**Hales:** Well, thank you much. Let's take a roll call on this.

**Moore-Love:** We have public testimony.

**Hales:** Oh, I'm sorry. I didn't know that. Thank you all. We'll take anyone else that wants to speak on this. Thanks.

**Moore-Love:** Please come up, so Lightning, Mark J. Hofheins, and Charles Johnson.

**Hales:** Could you just be brief here, Lightning? We're running out of time here, so please be brief. OK. Brief and to the point please.

**Lightning:** My name is Lightning. Basically, I think what they are doing is a great thing. I have a problem with Target. Well, now this is --

**Hales:** Well, we're accepting a grant from them.

**Lightning:** And I understand that, but this is communication under Target--

**Hales:** OK, go ahead.

**Lightning:** -- and I should have that right. My position is that if we have Portland police working within Target as independent contractors to Target, they should not be wearing Portland police uniforms. They should not be using Portland police vehicles. They need to use supplies and equipment and everything provided by Target. I don't like the fact of having a Portland police officer in Target that is actually being paid by Target at that time. If I'm walking down the sidewalk and I think there's a problem a block and a half away and I say to that officer, can you help me out right now? Is that officer going to say to me, no, because I'm being paid by Target at this time and I am under their rules at this time. Again, I have a real problem with this on these independent contractor type agreements. The reason why I'm saying is that I think they should be funding back to the general fund a certain percentage of money on these type of agreements with Target. It's inappropriate that they are a Portland police officer in uniform being paid by Target if had they're stores. I think that's inappropriate for them to be in that uniform being paid by Target. Thank you.

**Charles Johnson:** Good morning, Commissioners. For the record, Charles Johnson. I definitely want to thank and congratulate all the Portland Police Bureau officers who beyond just seeking overtime through the Portland Police Association, put their personal time into working with these children. It is as Mr. Lightning mentioned an odd situation we have here where many Portland police staff accumulate overtime that is financed by Target. So I just hope that I can talk with your office later, Mr. Mayor, about an equity view of this and are the kids from these communities, are their communities really being best served by the police department? Can we make sure that good community policing happens for those children in their home neighborhoods commensurate with the amount of money that's being paid to have overtime police officers at Target all the time that it's open. This is an encouraging program to see. I hope next year we'll hear about a much larger amount and more kids to be served. Thanks everyone.

**Item 86 Roll.**

**Fritz:** Thanks everybody for your work on this project. Aye.

**Fish:** I wanna thank Target for being a good corporate citizen. I was just in Jantzen Beach the other day, and I couldn't find Barnes and Noble. And I realized Target has expanded and filled the entire footprint, so you got your megastore there. I'm grateful because I do a lot of my Christmas shopping there. But thank you for your contribution. Thanks to our officers for this program. Reminds me, Mayor, of camp [indistinguishable] where we have firefighters and police officers serving children. It does long term build connections and bonds and breaks down stereotypes which are helpful and also serves needy kids. Thank you for your work. Aye.

**Saltzman:** Thanks to Target and thanks to the youth services division. Thank you, Officer Rico, for your enthusiasm. Aye.

**Novick:** I confess to a certain amount of jealousy. I may have to approach other retailers such as Fred Meyer to pair children with transportation officials to do holiday shopping. Because I think



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particularly folks in our maintenance bureau have a great deal of expertise in identifying high quality toys in transportation areas such as Tonka toys. Aye.

**Hales:** Thank you. This is a great partnership and a great community service. Nice report here today about the city and community coming together in a totally positive way. Thank you so much. Aye.  
[gavel pounded]

**Item 88.**

**Hales:** Commissioner Novick.

**Novick:** I think this is the second reading.

**Hales:** Previous agenda. You're right.

**Fritz:** You noticed before that we didn't have four, so you deferred it.

**Novick:** I thought we did discuss this.

**Hales:** We had a presentation, right.

**Novick:** OK. This is an issue where we thought we had given TriMet some property years ago, passing off responsibility for them to manage this right of way. And we didn't give them as much property as we intended to. So we're basically clearing that up and handing over the additional property in order to complete the transfer of the right of way to TriMet that we intended to do that some years ago.

**Hales:** Can we vote on this, Karla?

**Moore-Love:** We read the titles, so I believe we're okay voting on this today. Harry says yes.

**Hales:** Attorney staff making positive signs. Unless there's anyone signed up.

**Moore-Love:** I didn't have a sign-up sheet.

**Item 88 Roll.**

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

[gavel pounded]

**Hales:** And I know we're jumping around but because we have an important decision here, I would like to take number 85 next, please.

**Item 85.**

**Hales:** We requested 15 minutes but won't need that much because I think everyone on this council knows Ms. Reeve and knows her good work. All I have to say is we that we conducted a national search for this really important bureau director position. That's the way it should be. In this case, the local candidate was clearly the best choice and very strong one. She brings great credentials from both private practice in law as well as now extensive experience on our staff. I think she has great support not only on this council and in the community but also among her colleagues and the city attorney's office. Very pleased to have this decision before the council today to approve Tracy's selection as our city attorney. And also want to say while he's here and some of the other folks from the city attorney's staff are here that I really appreciate Harry Auerbach for his brief but very effective service as our acting attorney during the time we were conducting this search after Jim's retirement. With that, Tracy, if there's anything you would like to add this morning.

**Tracy Poole Reeve:** I just want to say I look forward to serving in this position. I love the city of Portland and the city attorney's office is a wonderful place to work. I'm very lucky to have outstanding colleagues to be working with and I look forward to continuing to serve the interests of the city.

**Fritz:** How long have you worked for the city?

**Reeve:** I think about a total of about 18 years.

**Hales:** Other questions?

**Saltzman:** I have one question. I didn't interview you because I didn't need to. I was fully in support of you. But I did review your resume, and there was something at the University of Washington you were a member of, the order of the cloth. What's that?

**Reeve:** It is a legal honor society for people who -- it has to do with your performance in law school.

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**Novick:** Like Phi Beta Kappa.

**Saltzman:** OK.

**Novick:** It's a big deal.

**Reeve:** It's not a haircut.

**Hales:** No funny hats involved. Tracy, thank you so much. Anyone else signed up?

**Moore-Love:** We have one person. Charles Johnson.

**Hales:** He appears to have left. Let's take a roll call.

**Item 85 Roll.**

**Fritz:** Well thank you for agreeing to take this position. It's certainly one that's on call 24-7, 365. I've appreciated your predecessor's work in that regard, because occasionally things do come up that need immediate responses. I have particularly enjoyed working with you on your work on social equity and creation of the office of equity and human rights. And I particularly appreciate your experience and expertise in disabilities work for title six and some of the other in-depth, data-based studies. I think your grasp of constitutional law and understanding of the complexities of the commission form of government and what we do as a city in serving the citizens of Portland is phenomenal. And I'm glad to see you in this position. Aye.

**Fish:** As the mayor said, we did a national search and Tracy Poole Reeve rose to the top. You were the most outstanding candidate. That says a lot about the quality of the people who work in our legal department. I can say as a recovering lawyer, it's been very hard to shift from being a lawyer to a client. But working with the professionals in our legal department, it's a lot easier because we have such talent and such committed public servants. I worked with Tracy extensively, Mayor, on the lawsuit brought against the city challenging our green infrastructure programs. And there will be oral argument. We could not have it in better hands in the way that case has been managed. Finally, I did have a chance to meet with you, we had a long conversation. Everything in your background impressed me but I could not factor into my decision the fact that you have season tickets to Portland Pilot soccer games. That could not in any way influence my decision. We're fortunate to have really good lawyers. And Harry, thank you for serving on an interim basis. Thanks to Jim Van Dyke and his predecessors. Tracy is following in a great tradition. And we're glad she chose to make Portland and this city her home. Aye.

**Saltzman:** I want to thank you, Tracy, for the great job you will do as our city attorney. Also want to acknowledge all the great work that everybody else does in the office of the city attorney. Thank Harry for his leadership. But everybody, I'm so impressed by the good caliber work that our legal department does on our behalf. I'm sure Tracy will continue to be the great standard bearer for that office. Aye.

**Novick:** I also want to thank Harry for his interim service. And wanted to note one issue I had been meaning to raise with the city attorney's office is that it's been my vague impression which has been reinforced by conversations with labor lawyers outside the city is that the city seems to get its brains beaten in in labor arbitrations on a regular basis. And I raised that issue with Ms. Reeve and asked her if she could take a look into is it true or is it just an appearance that we lose more often than other jurisdictions, and if it is true can we do about it at the bureau level, at the HR level, at the political level. And I've been very impressed in the past few weeks. Ms. Reeve has been doing the research, digging into those statistics, and obviously takes that seriously. I very much appreciate that. And I'm pleased to vote aye.

**Hales:** It's an interesting job. It involves leading a public interest law firm of really capable professionals who could make a lot more money working somewhere else, but are here because they believe in the public interest and what the city of Portland does and provides. And it's a team of very effective people, a few probably pretty opinionated ones. I think Tracy has both the legal skills and the personal skills to manage this team well and to serve this community well. Some people

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describe this, I think she as well, as the best public interest law job in the state, maybe in the country. So, congratulations. We look forward to working with you. Aye. [applause]

**Hales:** All right, what do we have left?

**Fritz:** Who knows. [laughter]

**Moore-Love:** I show 67 and 87.

**Hales:** All right. Read the first one, please.

**Item 67.**

**Hales:** Alright. Here comes our Con-Way team. Thanks for your patience this morning. Welcome. Good morning.

**Phil Sellinger:** Good morning, Mayor Hales and Commissioners. My name is Phil Sellinger, board president of the northwest district association, one of the city's oldest neighborhood associations, serving northwest Portland. Over the next few minutes you'll hear about the C.E. John & NWDA Clean Diesel & Conduct of Construction Good Neighbor Agreement pertaining to the Con-Way master plan and properties. An agreement receiving unanimous NWDA board support. This innovative agreement, innovative at least to the city of Portland, was born out of the neighborhood's collaboration with Con-Way Incorporated in preparing the master plan for their 20 acres of property in the northeast corner of our neighborhood. We are excited over the planned transformation of these underutilized blocks while recognizing the challenges and impacts their development brings. The redevelopment of these properties is already reshaping and enhancing the community. The agreement address a commitment to use clean diesel rated construction equipment as well as best practices for access management, traffic management, safety and security, and neighborhood communications as these properties are developed over the next 10 years. The process was led for the NWDA by board member Kathy Sharp, next to me, teamed with air quality person Sharon Genasci. We were fortunate to have pro bono support of environmental attorney David Paul. Board members Karen Karlsson and Wendy Chung provided behind the scenes assistance. Oregon DEQ's Kevin Downing, who you will hear from, was a critical resource to this process and the shepherd for pending clean diesel retrofit grant funds. Partners in putting these together were Craig Boretz, vice president of development for Con-Way, who is represented by attorney Jill Long of Lane Powell. While the master developer for these properties had not been selected, we were fortunate to have Tom DiChiara of C.E. John residential construction group at the table from the outset. Indeed, while the intent was for this agreement to be crafted between the NWDA and Con-Way, it became more practical in the end for Con-Way to turn the agreement over to C.E. John, as C.E. John was indeed designated master developer for the majority of the Con-Way properties. Our presentation this morning will include Kathy's summary of the agreement and impetus followed by Tom DiChiara of C.E. John providing the developer's perspective. Kevin Downing will conclude with the broader view of the agreement and its implications. We'll hopefully leave time for some questions. The NWDA is appreciative of the partnership and unwavering commission of C.E. John in putting together this good neighbor agreement. And we are nonetheless mindful of the hard work before us and its implementation. We are hopeful this agreement might serve as a template for more far reaching city or statewide framework, construction management framework that mitigates the impact of construction activities such as toxic diesel emissions on the surrounding community. Kathy?

**Kathy Sharp:** Good morning. The northwest neighborhood is wrapped by freeways with air quality impacts to the south and to the east. Our north neighbors are more traffic ways and industrial neighborhood and to the west, the hills of the Tualatin mountains provide our homes with an eddy of poor air quality. No one has ever moved into northwest Portland for its fresh air, and in fact, many have moved out because of air quality. There are many articles describing the negative health impacts of our air. The Oregonian had an article on autism. The City Club had a report on diesel. USA Today listed Chapman, our neighborhood school, as having the second worst air quality in the

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nation. I'm not going to talk about the cancer risk or the chemical soup of northwest Portland's air, I'm going to talk about this clean diesel conduct of construction good neighbor agreement. Our good neighbor agreement was recommended by city staff. The NWDA had requested clean diesel equipment as a requirement of the Con-Way master plan. Portland staff from the Bureau of Development Services and Portland Bureau of Transportation felt that air quality, specifically, the requirements to use clean diesel equipment was beyond the scope of the master plan criteria approval. The city staff encouraged Con-Way -- at that time it was Con-Way -- to work on a good neighbor agreement with NWDA concerning clean diesel. That was August of 2012. The team began meeting in October of 2012. Much of our time was spent on clean diesel, given the technical nature of that topic. We all learned a lot about diesel: filters, health impacts, availability. As a group we listened to experts from around the country, reviewing the work from New York City's twin towers project, Boston's big dig, Pittsburgh, and Chicago. We became more familiar with the diesel rules in California and Washington. The agreement -- we came to agree on the following key components. These are big. We'll be utilizing contractors and subcontractors with tier four certification, or willingness to pursue tier four certification with 95% compliance to the agreed upon goal. We're going to be maintaining access to local businesses during the construction period, including bike and pedestrian access. We'll be protecting community assets, including trees. We'll be managing the impact of traffic, especially construction truck traffic, by planning safe routes around the neighborhood. And we have a goal to keep the public well-informed of all construction activity. This good neighbor agreement covers approximately 10 years and 20 acres, and many individual projects. Because each project is unique, specific information is not available. The good neighbor agreement requires that C.E. John will provide a site logistics plan for each project that provides information for achieving the standards and exceptions to this agreement on a case-by-case basis, including all the key components of the agreement. Because we all know there will be exceptions, and then we'll work with those exceptions. The agreement provides for scoring the inventory of on-site construction equipment relative to their conformance to the agreement's EPA tier four clean diesel target, with that score being weighed for the horsepower and hours of use for each item. The initial weighted scores will be presented in the pre-construction site logistics plan. A neighborhood group comprised of representatives from the planning committee, transportation committee, and the air quality committees will meet regularly with representatives from C.E. John to review how we're doing. And if there's a dispute, we all agree to a 30-day dispute resolution period which would proceed to seeking informal nonbinding nonjudicial mediation if we can't work it out among ourselves. This has been a successful experience, but there's much work to do. The Con-Way site is only one construction site in a neighborhood literally under construction in a city filled with air quality needs. I have been in air quality committee meetings in my neighborhood with folks from other parts of the city who are in tears or very angry, feeling powerless to make a difference to the scary air quality issues around their homes. If we are going to be serious about being green, about being sustainable, then we're going to have to get serious about air quality. This clean diesel agreement is incredible, obtainable, and should be the standard. And it can't realistically be done with a series of good neighborhood agreements in neighborhoods throughout the city. There's a lot that I wanted to talk about and I think that it's Tom's turn. There's questions I would like to be at the end because I think some of what Tom says and what Kevin says will be answering them.

**Hales:** Thanks, Kathy. Good morning, Tom.

**Tom DiChiara:** Good morning. Tom DiChiara, with C.E. John Company. We have been active in the northwest neighborhood for past three years doing various developments, mixed-use developments, completed three over the last three years. We'll be working on the first block of the Con-Way master plan we call block 296, which will include a new New Seasons market as well as a new six-story 113 unit mixed-use building. That project will be starting soon. We're also negotiating



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with Con-Way to complete our agreements to act as master developer on at least six more parcels around the block 296 project as we look towards developing the district through a variety of types of uses consistent with the master plan that the neighborhood and Con-Way and us and others have put so much time in over the last few years. This agreement for our company fits within our focus of sustainability. We approach all of our projects with green designs, sustainable practices in mind. The three projects that we completed over the last few years have all achieved a LEED platinum rating. So we're proud of that and hope to do more in this upcoming work. We've approached this agreement as if it were an extension of the LEED process. And like a lot of LEED initiatives through the years, when you're ahead of the curve, there are challenges in understanding standards requirements and goals, so we spent a lot of time talking about that. There's an educational component to this, to the marketplace, to the subcontractor, to the construction folks that will be working on it. A lot of the first questions we got as we've been talking with people is, why are we doing this? This is a requirement? Who is requiring this? We've never heard of this before. That is the case, because this is not a federal law, there's no city law, no state law to address this issues yet, so we are ahead of the curve. We have been approaching it like a lot of early LEED discussions to educate folks and see what they can do and hear their concerns. I think that's reflected in the agreement that we've reached. So we're in the process now of letting contracts on the first project. I've been speaking with the subcontractors for several months over what they can and can't do. I have a pretty good idea what we will be able to achieve on the first project. But we look at it as a role. As Kathy and Phil mentioned, this is an agreement that extends over a 10-year period. Expect that the first will be a bit of a trial project and over time we'll do better to achieve the goals. And that comes into play in what Kevin will speak to about some of the funds we have been able to earmark from DEQ to help retrofit pieces of equipment that can't meet the new standards. Newer equipment does meet the new standards. The availability of that equipment really depends on different trades, different pieces of equipment, and so forth. And those are the types of things that we're feeling out right now to see how we're going to achieve it. We did include the agreement in our invitation to bid to the subcontract community. It will become part of their contracts. We'll have a pretty rigorous detailed monitoring and compliance program that our project managers will record as we go in working with the NWDA and evaluating as we go. And we'll kind of see how we perform. There's certainly an experimental aspect to this agreement. So we're excited to see how we can do. I think the response among many contractors has been positive. I think they look towards other states that are ahead of us, like California, that have a little more aggressive clean air standards, and kind of see it as maybe they can get ahead of the curve too, particularly if they can participate in the DEQ program to retrofit older pieces of equipment that would comply, would give them a leg up on the next project that comes along. And certainly, as we've discussed, there's a lot of work coming in the Con-Way district over time. I think just in conclusion I wanted to go thank the folks at the NWDA. We've all worked on this agreement for a long time, had many, many meetings, and was a lot of volunteer hours committed to it. And I think it's a good example of what we can accomplish together when we work towards the common goal in cooperation rather than adversaries as often is the case in development issues in Portland. I'm happy to answer questions after Kevin talks about the more technical aspects of the agreement.

**Hales:** Thanks. Good morning, Kevin.

**Kevin Downing:** Good morning, Mayor and commissioners. My name is Kevin Downing, I'm a resident of the city and I've worked for DEQ as the clean diesel program coordinator. So I'm kind of a one-trick pony, in that sense. I feel compelled to provide a little context. First, to start out, diesel engines are great. You should really understand that. When Rudolph Diesel invented the engine in the late 1800s, his intention was really literally to bring power to the people. He succeeded in that what we now have is still the most efficient internal combustion engine available on the planet is the diesel engine. And that's used everywhere because of its reliability, durability and economy, but it's

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that stuff coming out the tailpipe that's something of a concern to folks. Not because it's nuisance value but because of a growing body of evidence reflecting medical and health and environmental impacts that come at ambient exposure levels, not simply at occupational settings, that affect all major systems of the body, cardiovascular, respiratory as well as the nervous system -- adverse impacts for which DEQ has documented that exposure and concentration levels within the Portland area represent an increased risk for cancer above public health benchmarks even after 2017 with a changeover to new technologies. The other bonus, actually it's a kind of perverse bonus impact, is that major portion of the exhaust that they emit and in particular that black -- it's called black carbon, which has been identified among other sources as being the second largest human influence to climate change. While reductions of carbon dioxide are very important to address that problem, any reductions from carbon dioxide that we take today will not be realized as a benefit to the atmosphere to upwards of 100 years or more now. Whereas black carbon reductions can potentially mitigate climate change impacts within terms of weeks, if not months so that it effectively -- several researchers have argued that it buys us time to where get to the more challenging issues of reducing carbon dioxide when you get to balance the climate stability. So, the good news in all of this is that technology is available to clean up diesel engines. It's possible with a straight face to talk about clean diesel without reservation or hesitation. But in fact heavy duty engines, truck engines in 2010 or newer model years, or so-called on-road tier four engines represent the cleanest emitting engine technologies available. In fact, these engines are comparable to natural gas in terms of total overall impact. The problem is then that it's simply economics. These engines are very durable. I have been looking at projects where people are sending trucks from the 1990 model year, asking for money to help change them out. We just completed a project where we changed out engines from 1949 in a vessel that operates on the river. So these are very long lived. So the benefits from the new clean technology will only come from accelerating turnover. The challenges in this, as Tom I think is particularly experiencing here, is that the standard economics do not really encourage people to move towards clean diesel technology. They are substantially beneficial to the public, but the cost to clean up the engine occurs with the user to which there's not much direct benefit. People like Tom are taking extraordinary steps and willing to see beyond the narrow business case to be able to see the bigger picture in how they can contribute to this change. The department has been working with partners like City of Portland and others for years to try to develop other models for how we can incorporate, for instance, the purchasing power of governments to influence these kinds of changes and encourage them to occur. This is one model from this which this project we hope to replicate cannot extend to others. We welcome the actions of our public partners, the city, the county, and frankly with the state as well to see about extending this message of clean diesel through the demand that we create, through the products that we purchase, and the services we get. Basically our goal really here, with some additional grant funding that we have had available to help facilitate the changeover on the Con-Way project -- ultimately our design is to make Tom unique -- or, to make him less unique, quite frankly. [laughter]

**DiChiara:** Thank you.

**Downing:** He is unique. Right now. But, to make him more standard. To make it more the norm, that the expectation is to operate a diesel engine in Oregon, in Portland, is operate a clean diesel engine. Thank you. I'll take any comments or questions.

**Hales:** Questions for anyone on the panel?

**Fritz:** First a comment. Thank you to the northwest district association, which is the leading neighborhood association on this issue, and I very much appreciate your work. Also to C.E. John and Con-Way for being willing to participate in this. Kevin, my question is for you. That we have city of Portland spent over \$1 million to retrofit or get new diesel vehicles for our fleet, we're requiring our garbage haulers to do that, and we have increased the rates to have that happen. Yet Oregon that far lower standards than either Washington or California. And in fact, one of my

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understandings is we get dumped with their old vehicles because we allow that. What would it take to get DEQ or the state to simply require the clean engines?

**Downing:** Well, that's actually a topic of some conversation within the department right now. Let me go back to some of the points. And I'll get close that point here. You said the standard. Actually, what we're talking about here is a question about a health risk multiplier. So the state of California and Washington state use a different consideration for that, so their estimation of the cancer rate from diesel is actually greater than what we're using right now. But still, even with the number Oregon is using, we still end up with a situation where 96% of the population of the state is still living at excess cancer risk from diesel engines. So it's a numeric exercise but it doesn't really change the scale, the problem is still there. To get to your point what it would take to move towards larger, more aggressive stance, I think that frankly, there's a lot of considerations. Some of those are frankly political.

**Fritz:** That's my question. Is it something DEQ can make a decision on, and we need to tell the governor to tell you -- not your, personally, but the system. Do we need to add it for our state legislative agenda? Because it's clearly unacceptable that over 90% of our citizens are at risk because of these engines.

**Downing:** Well, I have to say it's up to the city staff and the commissioners about sort of what falls on top of your list of agenda. I certainly agree that a more aggressive, more assertive stance on diesel is warranted given the problems that diesel engines represent.

**Fritz:** Is it a legislative decision?

**Downing:** Yes, ultimately there are -- we see there are legislative restrictions on environmental quality commission's ability to adopt more stringent standards in regards to regulating diesel engines.

**Fritz:** Thank you, I appreciate it. It's always wise to know who the decision-maker is. Thank you.

**Saltzman:** I just wanted to -- and I apologize, I do have to run, but I just want to say this is a great partnership between C.E. John, northwest district association, and DEQ. And Kevin Downing, you've done a great job being a one-trick pony over these many years. When I was in charge of the bureau of environmental services you helped us to help get clean diesel equipment for some of the contractors working on the big pipe project. And so I want to say hats off to your long-standing commitment to this. This sounds like a great partnership that I'm very pleased to support. I'll be voting officially for it next week. So, thank you.

**Hales:** Thank you all. Other questions for the panel? Thank you very much. I see other folks who may want to testify on the report. It's a support, so we can accept it. Thanks, Dan. Anyone else who'd like to speak on this? Then, a motion to accept the report.

**Fritz:** So moved.

**Novick:** Second

**Hales:** Further discussion? Roll call.

**Item 67 Roll.**

**Fritz:** As I said, the northwest district association has been exemplary in bringing this issue to light for me and many others in the city of Portland. Sharon Genasci and Mary Peveto and others have been dogged and become so well-versed in this that I very much appreciate their advocacy. And it's no surprise that you have come to this good neighbor agreement. It is wonderful that you have because these good neighbor agreements do require a lot of negotiation, willing participants on all sides, and a lot of dedication and time in getting to the right outcomes. It will also require your ongoing attention, as you know, since aren't really any enforcement capabilities within the city. I'm very interested in looking at this issue at the legislative level. I think it's been far too long. Commissioner Novick and I are working on some other issues in terms of air quality that we might - - will be bringing to council within the next year. And so it's something that sometimes doesn't rise



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to the top of the to-do list in terms of immediate urgency but it's life and death so we need to make it a priority, and I commit to doing so. Aye.

**Novick:** I'm really impressed by this partnership. Thank you for all your work. And also, thank you for reminding some of us about this issue. I periodically hear from Robert McCullough and others in Eastmoreland and other neighborhood associations about their concerns about diesel emissions from the Brooklyn rail yard. I think Kevin and I had a conversation months ago about what steps the city could take on its own and what steps the state can take to address health effects from diesel emissions. And to be honest, shame on me, I haven't really followed up on that. And I think for the next full legislature in 2015 definitely this is something we should think about putting on our legislative agenda. Thank you very, very much. Aye.

**Hales:** This is a path-breaking piece of work, so thank you all as partners for putting it together, and thereby highlighting this really important issue, not just how about how do we replicate this approach in other construction projects, but how do we deal with larger issues. It really was -- I think, the same kind of teachable moment Commissioner Novick had when I saw the data about how much of our air quality problem comes from off-road diesel. We think of cars and trucks as the principal source of that kind pollution, and yet off-road diesel, yellow iron on construction sites, even boats and ships and railroad trains are a big factor in our air quality issues in the city. You've really helped highlight the need for action on that larger scale even while taking on a very responsible constructive approach. Thanks for all of your good work and more ahead. Aye. [gavel pounded]

**Item 87.**

**Hales:** Good morning, Jonas. It's still morning. Just barely.

**Jonas Biery, Office of Management and Finance:** Yes. Good morning, Mr. Mayor, Commissioners. Jonas Biery, the city's debt manager. The ordinance here in front of you authorizes issuance of voter-approved general obligation bonds to finance up to 24,731,000 of public safety projects. In November 2010, Portland voters approved up to 72.4 million in general obligation bonds for a variety of public safety projects. In May 2011, the city issued the first issuance of those bonds leaving approximately \$46.5 million of voter authorization remaining. The city has now expended nearly all the 2011 bond proceeds and is now looking to do a second phase of bonds for the second face of the projects. Projects to be funded by this 2014 bond issue include continuing work on fire station 21, fire apparatus and the PSSRP program. We have some project staff in the room if there's questions about that specifically, here when I get done. This second bond issue is expected to cover expenditures through approximately August 2015. And then we do expect we'll come back at that time with a request for a second or a third and final bond issue to fund the remaining projects under that program. Security and payment for the 2014 bonds is provided by an increase in property taxes city-wide as approved by voters in 2011. Completion of financing of the 2014 financing will result in an increase of an annual city-wide property tax levy of approximately four cents beginning in 2014-14. And just for example, a four-cent increase on a home with a value of \$200,000 translates to about \$8 annually. The property taxes generated by that levy are specifically dedicated for payment of these bonds and may only be used for that purpose. The bonds are expected to be paid over a period not more than 15 years at which point that levy will expire. I'd also note that Council previously authorized refunding if the city's 2014 general obligation bonds. We expect to fold that refunding this issuance which will reduce total debt payments by around \$60,000 a year, and reduce the levy associated with that 2004 bond issue. We expect that these bonds will be sold in March via a competitive sale method. And I note that, before we take questions, if there are any -- this is a first reading. We'll come back for second reading. Staff of public finance and treasury, including myself, will not be available next week. If council wishes that we be available for second reading, I recommend that move out to February 5th. And I'd be happy to take questions.

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**Hales:** Any lingering questions? Otherwise we will be coming back for roll call.

**Fritz:** I just need to know for my two colleagues who are not here that Jonas mentioned it's being funded over 15 years. That had previously been 20 years. At my request, they changed it and that saved us \$2 million.

**Hales:** Nicely done.

**Novick:** Thank you, Commissioner.

**Hales:** A million here, a million there, and eventually we got real money. OK, thank you very much, Jonas. Anyone signed up to testify?

**Moore-Love:** We have one person, J. Veronica Bernier.

**Hales:** Come on up.

**J. Veronica Bernier:** Good morning, Mayor Hales, how are you this morning? It's good to see you this morning. It's always good to see you. You're looking well. Good morning, Commissioner Amanda Fritz, you're looking well. That's a beautiful suit. She always look well. Nice lady. Good morning, Commissioner Steve Novick, it's good to see you too. You have been pulling your weight around a little bit more than usual. For newer people, they are really giving you initiation into Portland politics. I just want to speak to the issue, I'm a former nurse just like Amanda Fritz. Amanda worked very well in nursing field when she was working there and now she's in politics, which I think that's good. I'm not in politics too much other than to speak to issues. But as part of public health we have to talk about the need for more emergency support for the city. It's so important that first point of contact out there that you get a good guy coming in and Portland is renowned for their emergency response vehicles and their response time usually coming in under one to four minutes. Sometimes beyond that, four to seven, and not much more than that. They always are Johnny on the spot. As a former emergency room nurse, I can tell you how seconds count. That first pickup like out on Kaiser, one time we picked up a lady who had CHF, which had congestive failure. And y'all know what happens with that, if you're a medic. Seconds do count. And the right hospital with the right nurse and doctor are really important. And the right ambulance drivers. So I support 2000%. I want to say hello this morning, and good morning, good to see you.

**Hales:** Thank you very much. So this comes back unless there's any reason not to for second reading next week. And we are adjourned. [gavel pounded]

At 12:03 p.m., Council adjourned.