



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 26TH DAY OF MARCH, 2014 AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Hales, Presiding; Commissioners Fritz, Novick and Saltzman, 4.

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

On a Y-4 roll call, the Consent Agenda was adopted.

| | Disposition: |
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| COMMUNICATIONS | |
| 278 Request of Kelli Roberts to address Council regarding Clean and Safe and the police taking everything (Communication) | PLACED ON FILE |
| 279 Request of Michael Withey to address Council regarding eco villages and neighborhood support centers (Communication) | PLACED ON FILE |
| 280 Request of Kernel Moses to address Council regarding the homelessness issue (Communication) | PLACED ON FILE |
| 281 Request of Chris Coleman to address Council regarding raising awareness about outreach and diversity efforts at Portland Center Stage (Communication) | PLACED ON FILE |
| 282 Request of Kellie Barnes to address Council regarding observations as a community member of the Portland Water Bureau Budget Advisory Committee (Communication) | PLACED ON FILE |
| TIMES CERTAIN | |
| 283 TIME CERTAIN: 9:30 AM – Accept Commissioner-in-Charge and Portland Police Bureau annual report regarding the Portland Police Bureau participation with the Federal Bureau of Investigation Joint Terrorism Task Force (Report introduced by Mayor Hales) 1 hour requested | CONTINUED TO APRIL 2, 2014 AT 9:30 AM |
| CONSENT AGENDA – NO DISCUSSION | |

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Mayor Charlie Hales

Office of Management and Finance

***284** Pay claim of Envoy Condominiums Home Owners Association in the sum of \$9,477 involving the Water Bureau (Ordinance)
(Y-4)

186509

Commissioner Amanda Fritz

Position No. 1

Portland Parks & Recreation

***285** Authorize a Cooperative Agreement with Northwest Youth Corps to sponsor a NWYC Community Conservation Corps team in Parks & Recreation for a total of six weeks from April through September 2014 (Ordinance)
(Y-4)

186510

Commissioner Nick Fish

Position No. 2

Bureau of Environmental Services

286 Authorize a contract and provide for payment for the construction of the Sellwood-Moreland Sewer Rehabilitation Project No. E10333 for \$7,500,000 (Second Reading Agenda 259)
(Y-4)

186511

287 Authorize the Bureau of Environmental Services to execute a Temporary Construction Easement and Permit of Entry with Waverly Country Club as part of the Sellwood-Moreland Sewer Rehabilitation Project No. E10333 for \$19,500 (Second Reading Agenda 260)
(Y-4)

186512

REGULAR AGENDA

Commissioner Nick Fish

Position No. 2

Water Bureau

288 Authorize a contract with Black & Veatch Corporation for a Water Quality Corrosion Study in the amount of \$240,000 (Second Reading Agenda 275)
(Y-4)

186513

Commissioner Steve Novick

Position No. 4

Bureau of Transportation

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|---|---|
| 289 Assess benefited properties for street, sidewalk and stormwater improvements in the SE 82nd Ave of Roses and Bybee Blvd Local Improvement District (Hearing; Ordinance; C-10039) | PASSED TO SECOND READING APRIL 2, 2014 AT 9:30 AM |
| 290 Repeal TRN 8.05, 8.07 and 10.01 for inclusion in TRN 8.08 Encroachments in the Public Right-of-Way administrative rules (Previous Agenda 267) | PASSED TO SECOND READING APRIL 2, 2014 AT 9:30 AM |
| 291 Adopt TRN 8.08 Encroachments in the Public Right-of-Way administrative rules (Previous Agenda 268) Motion to amend to add notification and report requirements to directives b and c: Moved by Novick and seconded by Fritz. (Y-4) | PASSED TO SECOND READING AS AMENDED APRIL 2, 2014 AT 9:30 AM |
| 292 Authorize Intergovernmental Agreement with Portland State University for traffic safety research, evaluation and communications (Previous Agenda 269) | PASSED TO SECOND READING APRIL 2, 2014 AT 9:30 AM |

At 11:01 a.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland



By Susan Parsons
Acting Clerk of the Council

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

WEDNESDAY, 2:00 PM, MARCH 26, 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.

MARCH 26, 2014 9:30 AM

Hales: First if you are here to testify on an item before the council today, you just need to state your name before you speak. You don't have to give your address or anything. If you're a lobbyist representing an organization, please disclose that. Tell us who you're representing. Each person who is invited to speak will be given three minutes unless there's some prior arrangement and we'll ask you to stop when your time runs out. Please testify only to the matter at hand. You're here on a council calendar item, speak to that item so that everyone feels welcome please be courteous and respectful. If you appreciate what someone is saying raise your hands but let's not have applause and demonstrations unless it's celebrating something which we will occasionally do here. Disruptive behavior won't be tolerated. If you are disruptive we'll ask you to leave. If you have any handouts, please provide them to the council clerk and she will distribute them. Thank you for coming. Sue, please call the roll. [roll call taken]

Hales: Before we begin the council calendar this morning, want to welcome the distinguished delegation from kenya here under the guidance of first stop Portland, our favorite local program. Want to welcome this delegation from laikipia county, kenya and patrick mariru, who is head of the delegation. Want to give him a chance to tell us what they are studying in the u.s. These are officials from local government in kenya literally figuring out some of the mechanics of how this will work. An exciting time for you and your country. We appreciate you being here. Welcome.

Patrick Mariru: Thank you very much, mr. Mayor, council, i'm the speaker of the county, one of the counties. We are 47 of them in kenya. So this is one of those counties. I have a delegation with me of ten people. Most of them are elected members of the county. But also we have one of them who is an executive committee member, minister, here, and we have ministers there as well. In the year 2010, kenya adopted a new constitution and one of the significant features of that constitution we went to the revolution route for 50 years. Kenya has had one central government but in 2010 the kenyan people decided we should have regional government, 47 of them. Now, that was in 2010. The governments came into being in 2013 after the general elections. So this delegation and this county are barely one year old. We are very, very excited to be here as you can imagine. The responsibility on the shoulders of this inaugural leadership. We are very pleased to be here. You have been extremely kind to us, giving us the opportunity to access different officials, see, and engage. We go home this saturday with enormous learning. Thank you for giving us the opportunity to come here and listen for a few minutes. Thank you. We do appreciate it.

Hales: Thank you for coming. We hope you enjoy if not the weather at least the experience of being here this week. We hope that our staff and our bureaus have all been good resources for you. We're excited about the opportunity you have. Nancy was saying when she greeted you at the airport this was something like greeting james madison and alexander hamilton, people who wrote the constitution and started the governmental framework. You are literally in that place in kenya now with this new constitution. It's an exciting time. I'm sure you feel the responsibility of being the authors of what the future is going to be. It's impressive.

Mariru: Absolutely. Thank you very much.

Hales: Welcome. [applause]

Hales: let's start with communication items 278.

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Item 278.

Parsons: 278, request of kelli roberts to address council regarding clean and safe and the police taking everything.

Hales: Kelli, are you here this morning? Let's move on.

Item 279.

Parsons: 279, request of michael withey to address counsel.

Hales: Good morning, michael, welcome.

Michael Withey: Thank you. Mike withey. We have good news on the low-income housing perspective. We have a few programs that have nothing to do with tax money, all privately funded. We had a meeting with amanda Fritz, thank you, amanda, concerning home first development. It builds low-income housing in Portland. They have contracted to build 500 units in five years. We're working together with them to build eto communities. The neighborhood association has agreed to let us start there, so we would like to put at least 30 small eco-buildings in lentz. We're working with st. John's as well. So all of these permitted housing solutions include no tax money. We would like to change that. We would like some assistance from the government. So we would like to meet with you, mr. Mayor, I have been trying for a few weeks to arrange that. I know you're busy, but as far as neighborhood support centers are concerned, neighborhood support centers are kind of unique because they are privately funded as well. But they include service for just the people in the neighborhood. So even though they are basically for preventing homelessness, they are shelter as well. But in order to receive these services you have to live in the neighborhood. So I was asked several months ago to find a way to get the neighborhoods involved. So by restricting, if you will, the services to just local people, they are willing to do it and are excited to do it. These three things are something that are housing issues, but there are like three other points to the homeless issue. One being work. We need to find people work. Or income. Some income. Work would be good. There's also the health issue. Mental health issue, so thankfully obamacare kicked in, so a lot of that will be alleviated. We also have the issue with law enforcement. Law enforcement is not really helping the homeless issue. I listened to an Oregon public broadcasting conversation the other day with an nlg lawyer and county prosecutor. The county prosecutor said two times that it's a city policy that they ticket people with misdemeanors. They like to give misdemeanors so people will move away from the city, so it's a target audience that they have. That's something that needs to be taken care of as well. We would like you to come to the -- maybe not you but maybe a staff member to the human rights commission meeting april 2nd. We'll give another presentation for these housing solutions as well as the whole overall solutions that we have for homelessness.

Hales: Thank you.

Fritz: Tell us what time the meetings is.

Withey: 4:00 to 6:30. We're on the agenda from 5:10 to 5:30.

Fritz: Where do they meet?

Withey: I think 428 --

Fritz: The commonwealth building.

Withey: Yes.

Hales: Thank you.

Hales: Next?

Item 280.

Hales: Good morning.

Kernel Moses: Good morning, commissioners. I waited in line for two months for my three minutes. I still don't know what to say. A little over two years ago there was a prayer vigil that was started out in the plaza which was used to be a parking lot, then was designated as an interface for the public and the government. And a little over two years ago I set up a prayer vigil for the

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homeless people because right now the city of Portland has a law on the books that makes blankets illegal. Talk about human rights: You got people out there freezing to death and you're going around taking their stuff, their only belongings, throwing it in the police evidence locker and if they can make it out there in ten days you don't trash it, huh, then you give them a citation for illegal camping or loitering. They probably lived in this town longer than you have. You ought to be ashamed of yourselves. Instead of answering the prayer vigil or any of the constituents attached to it, you replaced it with a sausage stand. What do you think Jesus thinks of your sausage stand? I don't think he likes it. I know I don't. I sure would like blankets to be legal so somebody could stay warm at night so they could get a night of sleep, maybe have some mental capacity the next day, but no, they are chased around town, their stuff taken away. Their blankets are taken away, and people are furious and you are responsible. You. You four, and you, Mr. Fish, former housing commissioner. You know what some people are doing, some governments? They are putting their homeless in houses. The facts are it costs them less to house every homeless person than it does to round them up with the police and take them to the hospitals. Give them mental health services. Think about that. Housing first. You got thousands of people out here freezing every night and you do nothing. You sit there day after day after day.

Hales: Thanks. Finished?

Moses: No. I'm not finished until you legalize blankets. God help us. You ought to be ashamed of yourselves. You really ought to do something. You have the power right now in your hands. Do something: Anything: Other than give money to landowners to provide low-income housing. That's great. You know where all the money for houselessness goes? It goes to landowners so they can milk people with rented structures. Way to go, dudes. And dude et.

Hales: Thanks. Next one.

Item 281.

Chris Coleman: Good morning, everybody. Good to see you all. I just wanted to thank you on two fronts. First, I stood before this group 11 years ago and the council and mayor at the time helped green light what became the armory, the new home for Portland Center Stage. That project would never have happened if this body had not decided to help. I wanted to share some of the successes of that support. Our last year in the PCPA, overall attendance was 88,000. This year 162,000. Ten years ago, less than 2% of that audience was between 25 and 35 years old. Today 18% of the audience is between 25 and 35.

Hales: Say that again.

Coleman: 10 years ago, 2%. Today 18%. Number of donors last year was 1500. Now it's over 6,000. So huge growth. Then the big win really I think for the citizens of the community, over 40,000 people a year come into the building for something other than a theater performance. That could be an environmental lecture or fund-raiser or a jazz concert or film shoot. We have had 80 weddings, about 25 bar mitzvahs. It's been an amazing community resource. The thing that happens as a result of the RACC funding you provided, 162,000 people saw a show last year. 22,000 people saw a show at a discounted rate. That could be anywhere from \$5 off to half price ticket to almost 3,000 people saw a show for \$5 using their Oregon Trail card. 7600 students saw a show, 3800 for free. A lot of that is made possible because of the funding that you deploy through the regional arts and culture council. Thanks so much.

Hales: Thank you.

Fritz: Thank you. That's a reminder thanks goes to the taxpayers of Portland who are providing the arts tax. Due by April 15th.

Coleman: Absolutely. Amen. Amen.

Hales: Pay that arts tax, more good things will happen. Thank you.

Item 282.

Hales: Welcome, Kellie.

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Kellie Barnes: Thank you for having me here. Thank you for the opportunity to participate as a community member in the Portland water bureau budget advisory committee. It was a large learning curve, however I attempted to do some due diligence as a community member and I'm happy to say I did support the 7% rate increase, not for obvious reasons that may be discussed in the community but because in looking at the budget, it was an appropriate increase to suggest. What isn't really indicated in the media is that storm water and sewer rates and water rates are distinct and the bureaus are distinct bureaus. I would like to draw some attention to that for citizens to be aware of, however, I do understand citizen concern about prior ratepayer use of money and I would like to suggest the council that the bureaus stay on core services and that perhaps a larger educational effort be put out towards our citizenship so we may be informed and discerning citizens. It's very difficult to understand some of the details of those complex processes. Unless we're doing our own homework the media doesn't necessarily help in that process in language that we hear from people with initiatives as well as through the council. It makes it difficult to know what steps to take in support of an initiative. I don't know how to do that in the community at large. A large p.r. Campaign, I don't know, but it's important that we understand some of these details. I will say that I do have some recommendations that I outlined in my report, and one are possibly consideration of an advisory board that extends beyond the budget advisory capacity. I believe some of these situations of policy and fiscal matters overlap and if we can be more discerning with community support and allow more transparency in your process that only helps us in the government and the running of our city. That may be a possible solution. In addition to cub, which I think is another layer that may support residential rate payers. I support that process as well. I think while it's my last point the most important point to me as a citizen is what I suggested as number five, outreach and education. Unless we're doing our own work, again, it's very hard to be discerning. I highly recommend that staff and members of the council help us in that process. I have been honored to serve in this capacity and I hope that it is some support for the city and the governance. Thank you.

Hales: Thanks for providing this as well, Kellie. You're frankly going above and beyond what is expected in terms of the citizen volunteer but we appreciate it. All of us on council and commissioner Fish too are looking for ways to explain these complexities to citizens/ratepayers and looking for people like the citizens utility board to look over our shoulder as the bac does and say, have you considered this way to reduce costs or to make the system work better? That's the spirit of your involvement. I understand. But not that you would ever be shy about giving your advice, but please don't hold back.

*****: Thank you.

Fritz: I appreciate your suggestion for the year round advisory board committee. That's something I have found that's tremendously helpful. I know that commissioner Fish would want to thank you personally. He's on vacation with his school age child. I see you brought your children with you. Thank you for doing that. Thank you for making it a priority during spring break to bring your children in. You should know we think your mom is fantastic. I'm sure you do too.

Hales: Thanks for coming.

Novick: I really appreciate your saying we should do whatever we can to ensure citizens know what bureau is funded by what source of money. That's something I think you're right, something not generally known. Probably few people know that the general fund primarily goes to police, fire and parks, for example, and that's separate from money for transportation and money for water and sewer. I hope we'll see a day when that kind of stuff is taught in high school. Until then I really appreciate you're helping spread that word.

Barnes: Or middle school or younger. If I may say in that regard I don't feel the citizens necessarily know that our rate paying fees do go to the Portland water bureau for budget expenses, and that in the media that's often confused from the general fund. It actually took me a while to tease that out as well. In regards to your bureau in terms of transportation I was very interested in

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the willamette river crossing project. It's a high sticker price item, whether we could do other things like put in pipes on bridges, but then I read information from your department and from the state indicating there's a vulnerability for seismic events but again that's not well understood, so it takes research.

Novick: Mayor Hales asked the same question.

Barnes: I didn't know that.

Novick: We did that research based on his question.

Barnes: That came up at our dinner table. Thank you.

Fritz: Just one final point you mentioned about education, one of the cuts in this year's proposed environmental services budget is \$73,000 for the southwest watershed education program. I think we should be expanding that, but you're right, it's a matter of convincing ratepayers and explain why that's good use of their rate paying dollars.

Barnes: If I may make one last comment, with the current initiative that we're voting on in may it's easy to jump on the bandwagon and perceive in the past the city hasn't necessarily been 100% responsible with their ratepayer dollars. For example the water house. However, in looking at this through the fiscal lens I have not found that to be an issue and the education I got going up for example bull run was an amazing experience. As citizens we forget about the value of our water, about what that serves for us as citizens. I don't hear that in the media. I don't even necessarily hear that in our community. That may be a piece that education can help. With the current initiative a lot of the funding appears to be coming from industrial water users that have a benefit to have less really sewer and storm water rates and those educational experiences and the environmental services that we have may become taken off the books and a lot of progressive individuals may not be aware of that. That's why I do support as an individual keeping the bureaus within the city, however, I would love to see you be more proactive and hear citizens' concerns including privatization issues. I suggest that in my report.

Hales: Thanks very much. Look forward to reading this. Let's see if we can address the consent calendar before we move to time certain. I don't believe any items have been requested for removal. Anyone want to request an item be removed? Roll call.

Fritz: Aye. **Saltzman:** Aye. **Novick:** aye.

Hales: Aye. Now 9:30 time certain, please.

Item 283.

Hales: Good morning.

Donna Henderson, Assistant Chief, Portland Police Bureau: Good morning. As stated I'm Donna Henderson, assistant chief of investigations. I want to thank Mayor Hales and City Council for time to provide testimony today. A little over two years ago this community embarked on a conversation about how to keep us all safe from threats of terrorism while protecting civil liberties of Portlanders. After careful deliberation and much public input Council directed Portland Police Bureau to reengage in the joint terrorism task force so as discussions on terrorism took place we would be aware of potential threats to our community and be a resource when appropriate to assist in the investigations. Today is the second report to Council summarizing our efforts to keep the community safe while protecting civil liberties of Portlanders. Since the passage of City Resolution Chief Reese has conferred on several occasions with FBI SAC and Acting SAC about terrorism investigations and the threat of terrorism. Chief Reese in following Resolution 36859 and Oregon law personally reviewed case by case requests by FBI SAC for the use of Portland resources. Our officers have conformed to all Oregon revised statutes and abided by all requirements of Resolution 36859. Due to the information sharing and collaborative relationship we're in a better position today to provide safety to the people who live, work and visit our city. I hope you will continue to support participation in JTTF as we provide the best investigative services to our community. Thank you.

Hales: Questions?

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Saltzman: Want to just define sac?

Henderson: Special agent in charge. Fbi.

Hales: That's the regional manager for the fbi here. Any other questions?

Fritz: I understand you don't want to publish the information about how much participation the offices have had with the joint terrorism task force. Can you tell me how many times the city attorney has met with officers to train them on their roles?

Henderson: I would actually defer to the city attorney to --

Hales: How often have you been briefing or training officers on the requirements of the resolution.

David Woboril, Deputy City Attorney: David woboril from the city attorney's office. I meet with them quarterly. I conduct, when there's a change in management or personnel I train those people out of the regular rotation. From time to time I am contacted about new matters and i'll deal with that out of rotation when I get a call.

Fritz: Thank you. Could you just explain why we can't know the number of investigations that, number of times -- why would that jeopardize anything to tell the public how much we have been involved?

Henderson: Because we give so limited resources to this, if we were to say the number of cases, it would actually -- could actually reveal the ongoing tempo of an investigation we're on because we don't have that many people involved in it. So if somebody were to look at it they may be able to figure out who is doing what and where.

Fritz: How?

Henderson: Through investigations. Through looking at where officers are, through what's going on in the Oregonian. It's easy to determine when we have so few folks involved in this.

Fritz: It would be for folks inside the bureau, but I don't have access to that.

Henderson: Yes you do. It's open source information.

Fritz: Okay. Can we know how many of the investigations that we have worked on have resulted in arrests and convictions?

Henderson: No. That also would reveal the officers that would be doing the investigations.

Fritz: Thanks.

Novick: I was curious. We read in the paper that mayor was denied secret clearance. What are examples of the kind of information that he wouldn't be allowed to see?

Henderson: I don't know why he was denied, and I really couldn't tell you what kind of information he wouldn't be allowed to see.

Hales: It was not my college activities. I can say that.

Fritz: Did they tell you?

Hales: Yes. It was on a need to know basis and in their opinion I don't need to know. I'm going to have a discussion with the new special agent in charge when the new special agent in charge is appointed and see if there's any change in posture by the fbi on that subject. And you might infer from my tone of voice that was somewhat frustrating to me, but we'll revisit that question when there's a new special agent in charge.

Henderson: And we're optimistic.

Fritz: You weren't even going for top secret clearance.

Hales: You're being logical. I'm aware of that. That didn't seem appropriate to me either, so we'll try, try again. If there's an opening with the new special agent in charge of the fbi.

Fritz: You're in charge of the police. I think it's beyond frustrating that you don't have access to the information your bureau chief has.

Hales: I agree.

Fritz: You're willing to go with it?

Hales: For the moment. You know my history on this subject. We'll see if that arrangement can be revised.

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Fritz: If it can't, a majority of the council would support you in withdrawing from our participation.

Hales: I understand. Any other questions for donna or dave? We may have more questions after the hearing.

Novick: Chief, would there be a level of participation at which point you could say, well, we can provide a bit more detail because we're doing enough that people wouldn't be able to figure out what we're doing by revealing a small amount of information?

Henderson: I can't really answer that to the satisfaction here. Except that probably not because you don't -- there's not that many investigations that we participate in. If we had -- I can't imagine a time where we would have so much participation that this wouldn't be an issue. And besides which, I am bound by confidentiality by virtue of being able to receive information from the jttf.

Fritz: How is it decided which investigations we're asked to participate in and which we don't even know about?

Henderson: I don't make those decisions. That would be the fbi, sac. I wouldn't know. That would be their decision.

Hales: Another source of frustration. We're going to open the public hearing. Because we don't have a full quorum of the council today it's my intention to hold the hearing today and hold it over for a vote with all five of us here, probably next week. I believe we will all be here next week. We won't continue the hearing but take it up for council discussion and decision a week from today. With that, please.

Parsons: We have six testifiers.

Hales: Good morning.

*******:** Good morning.

Hales: You're first, becky. Go ahead.

Becky Straus: Good morning, mayor hales and commissioners. I'm here on behalf of the aclu are Oregon. I sent testimony later last night and written testimony today, so i'm going to hit the high points and hope you have an opportunity to read the full testimony at some other time. I'm here today asking for your no vote on the report or in the alternative, which sounds like may be happening by default, schedule a delay, the objective to allow the chief the opportunity to receive the input here today and take another bite at the apple on providing some of the detail that we feel is missing in this year's report. I'll hit a little bit on what I think that missing detail is. I think I would be remiss not to mention that there have been a significant number of revelations since last time we were sitting here talking about Portland police cooperation with the fbi, starting this summer revelations from former nsa contractor edward snowden have brought shocking and ongoing revelations about the vast extent of current government surveillance programs, intelligence programs and the shroud of secrecy. These recent reminders as many other examples can be cited are reminders of why safeguards and transparency is vital to any government program and why this approach to reporting is very disappointing and in our view inadequate. In terms of the specifics of the report, as you all know it does look very similar to last year's report and so our concerns with this year's report will look very similar to our concerns with last year's report. The key pieces, and I appreciate the discussion has already begun before we have come up for testimony are missing data from the reports, specifically on the number of investigations, the number of times that the bureau has cooperated with the jttf, the number of requests and is there a difference between the two numbers, and at what stage these fbi inquiries are coming into the bureau along with the number of hours being expended by the police bureau on cooperation with the jttf would be very helpful. I think that information can be disclosed without disclosing factual details of the investigations and we're really asking for that aggregate general data. Couple other things I will touch on in regard to last year's report that I was hoping for some updates and raised some questions about whether that information is now available now, last year commissioner Fritz requested that the chief and the city attorney begin to log the requests in the chief's case so that perhaps in the cumulative sense if they

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feel uncomfortable disclosing possibly a year to year basis that maybe if we extend out to two or three years we now have a few years under our belt to see a cumulative log that might help address this issue of jeopardizing public safety. Similarly the city attorney agreed to keep such a log and hoping for an update on whether that log has been established and what numbers it reflects. Couple other pieces of follow-up, I appreciate the discussion that's already begun in regards to the mayor's denial of security clearance and would just like to raise some questions. I still am not clear about the implications of your ability, mr. Mayor, to oversee this cooperation. Is information flowing freely anyway or are you feeling you don't have the information you need to appropriately carry out your responsibilities and your roles, and I think in terms of detail in the report we would have loved to see that information in the report. Finally, three other items that were raised last year I would like to bring up now, the chief at council last year agreed to make the training curriculum public for officers in regard to the specific laws that might be most immediately implicated by cooperation with the fbi, specifically ors185175 or 181850, and other relevant federal and state laws would like to know if that has been made available and then two other items of note, commissioner Fritz last year requested that information be disclosed in regard to how much money the bureau is spending, whether that's channeled through federal grants and then applied to overtime and how that is relating to this cooperation. Then finally, the league of women voters, I believe, had requested that the report be posted for two weeks to allow the public an opportunity to view the report.

Hales: You raise one question that I want to respond to. It's one that's in the community as well as in aclu's mind. Do I feel as the commissioner in charge that I am adequately briefed by the chief and that I understand the level of effort. I can say definitively yes, I am adequately briefed about the level of effort and one of the reasons why I am willing to take a wait and see attitude about reapplying for a security clearance is that the level of effort has been so low that that in itself is reassuring. I'm not satisfied with the status quo, but I am reassured by the fact that there is a very low level of engagement at this point between the Portland police bureau and the joint terrorism task force. But those generalities are not good enough for the long term in my mind, but they help in the short term at least assure me that we're not entangled in work that most Portlanders would not agree is appropriate.

Straus: Thank you.

Fritz: How long did you have to review the report this year?

Straus: Mayor hales, commissioner Fritz, I saw it posted on friday's agenda when they posted the links. My understanding is it may have been posted sooner on the mayor's website, perhaps. I was not aware. I didn't think to go check.

Fritz: Right. You wouldn't. Thank you.

Dan Handelman: May I have four minutes?

Hales: Sure.

Handelman: I'm dan Handelman, Portland cop watch. Upon reviewing the annual report from chief reese, we note that as with last year's report new report frustratingly continues to reveal little news about how the ppb co-mingles with one of the world's most notorious domestic agencies. We knew last year the assistant chief of investigation and senior department city attorney have provided legal advice for over 20 years, are not named. This absurdity causes confusion rather than protects investigative integrity or secret goings on. As for the laziness of this report we labeled similar criticisms last year so this is becoming a pattern for the bureau. There's some interesting new pieces of information we had to find since the chief didn't highlight them. Whereas two members were previously assigned to work on cases, it now appears all members of the ciu are receiving training and security clearance so they may work with the fbi. This may be more meaningful if the chief revealed how many officers work in the ciu. Last year they worked on at least one domestic terrorism case. This year he says they work on at least one this year and other nonparticipatory investigating agencies. This garbled language likely means other police departments were smart

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enough not to be permanently entangled with the fbi also probably worked on the case, but it's not clear. Another reference states the ciu passed on intelligence information to investigating members, some of whom were assigned to the jtff. We have no idea what that means. The 2013 paragraph in which he asks the city attorney to independently verify there are no violations of Oregon or federal law is now missing however later in the report the chief says the city attorney verified such a statement. It's not clear how that's possible since a, the city attorney does not have secret clearance, and b. for example the Portland police cooperated in the fbi sting of mohammed mohammed in which warrantless wiretapping was used to build the case, such wiretapping is considered by many to be unconstitutional. As with the 2012 report the chief says no officers did work outside Portland. We don't know much more about when they did. Unlike previous years the chief does not write that he conferred with the commissioner charge to determine how many officers to assign to the jtff. If this relates to Mayor Hales' lack of security clearance is unclear because Mayor Adams also never obtained a security clearance but was consulted. This leads to a major concern about the entire enterprise of the bureau's cooperation with the jtff. Resolution allowing that cooperation is based on the idea the commissioner will have the same security clearance as the chief and oversee use of city employees for use in federal investigations. Mayor Adams never received clearance and Mayor Hales has gone a year without clearance meaning no significant oversight in the entire three years since the resolution passed. The chief still describes the special agent in charge of the fbi and him meeting on several occasions rather than give the exact number. He says you can go through his log but nobody will take the time to do that. If it's public information it should be in the report. There's no mention the sac was reassigned and the resolution requires a meeting within 30 days with new new sac to confirm status with the jtff. And of course the sac's name, while public, is not noted. We have still not received information we requested in 2012 about how many hours officers are working, how much the relationship is costing the city and how the city and fbi define the term criminal nexus, which is used to trigger ppb participation in jtff cases. The standard operating procedure which should be a public document was taken down from the ppb website last year and not linked to any annual report. Finally the resolution requires an annual check-in between the city attorney and Oregon attorney general about compliance with Oregon law. We don't know what has happened since 2012. You can read the rest of our comments which I provided in writing.

Hales: Thanks very much. Questions?

Malcolm Chaddock: I'm Malcolm Chaddock, someone who has experienced the jtff in action. My first peace and justice group was infiltrated by a sheriff's deputy. We found out that he was there because the poor fellow got in an accident and they put him in the paper under his real name and occupation. The activity that we suffered at Peace Fresno and other groups have suffered over the years is basically at that time it was a violation of the California constitution. That didn't seem to bother the agencies at work at the time and we never really did satisfactorily resolve that in any way. There was quite a bit of news about it when it did happen. But hearing what I have heard today about the level of effective oversight, I see nothing to prevent that from happening again. I think that that's really a problem. I think I really do believe your acceptance of the situation as it is a wrong move. I think that in order to effectively oversee your departments you need to be able to do so at the level of clearance, and that the denial of clearance unless there's really some kind of a reason that they can point to as being strong denial, I used to process clearances when I was in the army. A secret clearance you do in about 15 minutes on a temp and wait 120 days for the rubber stamp to come back. I don't know what they are handing you but it doesn't sound like the right stuff to me. That's all I have to say. I don't think we should be involved with these people. There are glaring reasons why just on the record from today's meeting why not.

Hales: Thanks very much. Questions? Thanks very much.

Hales: Good morning.

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Teresa Roberts: Good morning. Where is your outrage? This is not the first time that you have been publicly disrespected by the fbi and mike reese. This is a repetition of last year. And last year not only that she said this is the second report. I don't understand it because last year had to have at least been the second report because you complained that it was identical to the one before, so this has to be at least the third report. The fbi has gotten up here and said it's the second report when it's not to my knowledge the second report. Can you please clarify that?

Hales: Think you're right.

Roberts: My memory from last time is that you said we told you last time you presented an empty report to put information in the next report and this city attorney got up and said, yes, but you didn't vote on it so he doesn't have to do it. Now, I would love to see how that conversation would go between me and my boss. [laughter] why have you not fired mike reese? You raked mike reese over the coals last year and then rolled over. I'm looking at you, mayor hales, you rolled over and said, I don't want to get off on the wrong foot. Next thing I know I was reading about some big lady in the fbi was criticizing you for not being cooperative enough with them, not meeting with them often enough. How did getting off on -- not getting off on the wrong foot, how well has that served you? Who is running the city? Who is running Portland? Do we live in a police state? He does not have to do what the city council tells him to do. You voted on it last time. I want you to -- I watch you because that attorney told you you hadn't voted on it last time. Now you're going to accept another jttf agreement that's empty and you're going to stay in it even though they are publicly disrespecting and disempowering you? In oakland right now the citizens have just found out that surveillance center that the fbi put in to surveil their port, Portland, Portland, port, to surveil their port has been expanded to surveil their entire city. They are trying to stop it. We are next. We are next. They are testing the waters in oakland to see if they can get away with it in that port town, and we're next and you don't show any balls. Where are your cojones? Steve, you pointed out the fbi still has their building named after hoover and you quoted mark twain and we adored you. Amanda Fritz, you have more balls than anyone else on council last year. You totally stood up, and again today you're standing up, even though politely. You i'm not even talking to. [applause]

Hales: You need to finish.

Roberts: I'm finished with you and this jttf agreement. If you next wednesday do not allow public comment, there were over 12 community groups last year that stood up and told you to get out of the jttf. There was not one citizen group that testified that was in favor of us being in this agreement. Not one of them was in favor of you accepting that report, and I have all the time code and comments copied out. There were at least 12 citizens groups and you rolled over. You roll over again this year, we are kicking you out of office because you don't deserve to be here. Protect us against the fbi, please.

Hales: Thank you. Go ahead.

Kathy Cushman: I have to agree. Stop making us so safe. I'm not even so sure we're all that safe. I don't think there's been a death in Portland due to a terrorist attack that time aware of. I do know of a lot of deaths at the hands of the Portland police that are very, very questionable. So who is keeping the faith? So when they say they have the right to spy on us I would like to tell the feds to f-off. Sorry for the use of that word.

Hales: You didn't use the word. Keep going. [laughter]

Cushman: Anyway, there's a quote and I forget who said it. For every prison door -- for ever school door that's opened a prison door is closed. I think it was victor hugo. The cost of keeping a child in elementary school is \$9,000 a year, approximately. To keep a man in prison is \$46,000 a year, and we have a huge prison population. Maybe we're not doing something right. I think that might be obvious. Especially, then why would you throw money at a police department that is an obvious failure, when the tort claims -- how much money do you have to allow in the city budget to pay for tort claims when a police officer loses in civil court for claims of excessive use of force? Do

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you have a budget or are we allowed to know that or is that top secret? Is it \$500,000 a year? \$1 million? \$250,000? Where? And is that figure going down every year? I think it's going up. Because you can't seem to find a way to hold them accountable. Then we know that forever every three police officers there's a supervisor. We heard that recently in the media. Is that a little top heavy? Stop throwing money at these jerks: Put it into education, please. Thank you. That's all I have to say.

Hales: Good morning.

Charles Johnson: Good morning. As you probably recall i'm charles johnson. The people I have - - that have spoken before, dan and becky, I thank them for their clear facts. What we're talking about is a seven-page pdf, dated tuesday, the 18th of march, when chief reese released this or at least signed it. Who knows when it was actually released. We grow up hearing honesty is the best policy but we don't hear that from the fbi. Let's talk about jtff. Joint terrorism theory fabrications. It's empire building inside of law enforcement to gut more important services to the public. This body doesn't put a lot of money into education. Experiencing interesting things with the arts tax, but we do expect you to be not war hawks but budget hawks and look for silliness in the budget and probably the Portland police is the biggest budget. I understand your remarks, mr. Mayor, that you feel there's a low level of jtff engagement, so it's not a huge part of the police bureau budget. But it's still too much. After the way you have been treated, what you really need to do is have the city attorney do what you tell him, tell him to write a new ordinance that says the city of Portland will not cooperate with the fbi on terrorism fabrications because they are fabrications. The whole mohammed muhammed thing was a boondoggle, a troubled young man was goaded by the fbi into acting like a terrorist. He was incentivized to create a case and you all facilitate that if you don't tell the fbi take your stupid secret clearance and keep it in your office and don't come out to work with our police officers. That's all you need to do. Do I think that the fbi will create another fake terrorist incident to put egg on your face? Perhaps they will. That's how the fbi has operated at times. There are good people with law degrees in the fbi, they are probably not the ones in charge. I encourage you as city councilors voted to protect the interests of the people to just say, wow, the fbi is crap at even persuading and manipulating us let alone mohammed mohamed. Cancel your jtff involvement.

Roberts: I did forget to say, it's supposed to be an information sharing agreement. Aren't they supposed spoke share? Sharing. Do they though what -- know what sharing means?

Cushman: That's just propaganda, hon.

Roberts: Thanks for your patience.

Hales: Got some others signed up?

Parsons: That's all.

Hales: Anyone else? Again we're going to continue this until next week.

Saltzman: Mayor? Questions.

Hales: Sorry.

Saltzman: Dave, can you come back up?

Saltzman: I was interested in the testimony of dan handelman mentioning that resolution requires at least an annual check in by the city attorney with the Oregon attorney general. Has that occurred?

Woboril: It has. Ellen Osoinach has communicated and had quite an extensive conversation this year with the Oregon attorney general's office.

Saltzman: Thank you.

Fritz: I have a couple more questions picking up on the aclu testimony. Has the bureau been keeping a log of all terrorism requests made by the fbi and stage of inquiry at the time of request? The chief agreed to keep a log so that cumulative data could be released later?

Henderson: I'm going to have to check with the chief. I haven't seen the log and I don't know if the chief is keeping that log or not.

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Fritz: If we could get that information next week that would be helpful. Thank you. Publishing the training curriculum and inviting the mayor and other interested members of the council to attend the training with the police bureau personnel, has that happened?

Woboril: The training curriculum is not extensive. It's training on particular cases in the light of a couple of statutes. I'm happy to brief council on what I deliver. I think it would be quite appropriate to have council present when I deliver training one of these times.

Fritz: According to the aclu testimony the chief did agree to make the training curriculum available to the public. I would like to see. You know, it's interesting with the posting on the mayor's website last week, I find with the new Portland Oregon.gov even when I know where i'm trying to find something it's no longer in the place it previously was or it's challenging to find. So it would be helpful when something is coming up on agenda to have the links to all the things posted on the front pages of the bureau's website or your website. Certainly to follow up on these for next week I would like to know whether that was done. Then about the money for federal grants and how much overtime has been spent, I understand if you don't want to make that public again because of the issues that you mentioned, it seems that I as a commissioner should know that for our budget deliberations. If I could get that information I would like to have it.

Henderson: Okay.

Fritz: Thanks.

Hales: Other questions? Requests? Follow-up?

Woboril: It may be going out on a limb, we don't have an agreement with jtff. We're cooperating on a case by case basis. I don't think there currently is an agreement currently for payment of overtime.

Hales: I don't think there is either.

Woboril: That was in the old agreement, if Portland officers worked beyond their hours paid by the Portland police bureau that the fbi would pick up that overtime. We left that behind by leaving the agreement behind.

Fritz: Is there any components of any of the federal grants we get? We so process a lot of grants through the police bureau.

Henderson: We have other grants that pick up our overtime. Just not for jtff.

Hales: Not for this purpose.

Henderson: Not for this purpose though. We don't take money from other grants to pay for jtff.

Hales: Nor forfeiture money.

Henderson: No.

Hales: That typically goes for equipment and training. I don't think there's any -- an overtime expenditure issue here but it's worth checking.

Henderson: I definitely will check into it.

Hales: Other questions for donna or dave? Get back to us on those, please. Maybe we'll have you report back at next week's hearing before we vote.

Woboril: Very good.

Henderson: Thank you.

Hales: Continued to next week for council action. Let's move on.

Item 288.

Hales: second reading. Roll call.

Fritz: Aye. **Saltzman:** Aye. **Novick:** Aye. **Hales:** Aye 289.

Item 289.

Hales: Commissioner novick.

Novick: Thank you, mr. Mayor. This lid is in the redwood darlington neighborhood, a neighborhood being under-served we're joined today by Andrew aebi, lid administrator who will give a brief presentation and answer any questions you may have.

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Hales: Good morning.

Andrew Aebi, Bureau of Transportation: Thank you, commissioner novick. I'm Andrew Aebi, local improvement district administrator. I was asked to do a brief presentation on new sidewalks that we built. So this is where the sidewalks were built just north of Flavel and south of Duke on SE 82nd Ave. Part of the city we don't often hear about. This is in the Brentwood Darlington neighborhood. Just to give you background on this project, there was a building permit for a development in the area that was due to expire in the waning days of 2010 and the property owners approached me I think about Christmas Eve 2010 and within a week we had a lid petition signed by them and they preserved their building permit. I think it was the fastest lid we have ever put together. This is a closeup view of where we built the sidewalks on Southeast Bybee Boulevard and 82nd Avenue close to some schools and Trimet operates most frequent and heavily used bus line on 82nd Avenue and we had no sidewalks there. This is what it looked like before we started the project. Not very attractive area. This is what it looked like as we were wrapping up construction before we put in street trees and there's a new dental practice that has just located in this area to the left of where the new sidewalks are. We hope that this is a start of a little bit of revitalization on the southern part of 82nd Avenue. I was happy to share that with you this morning. We did not receive any objections to final assessment and the lid costs are 40% below the amount estimated for the lid formation. I'm happy to answer any questions you may have.

Hales: 40% below?

Fritz: My staff says one of the property owners was not happy. Is there a mix-up.

Aebi: There's one property owner that owned two of the three parcels and another new property owner that owns the third parcel. I have been in contact with her for the past year. She has alleged that she was not given notification of the amount of the lid. I would point out that when we form a lid we post notices in the area, mail noticed to all legal property owners of record and create any lien records so anyone doing a title search can see the amount of the eventual lid assessment. I'm a little hard pressed to understand why somebody wouldn't have notice of what the amount is. But I do understand that even though 40% low it's still a significant obligation, however, I would also note that her obligations is a little under \$50,000 of the roughly \$266,000, so she has a small share of the lid. The overall lid at 266,000 is significantly less than just under \$500,000 that we estimated at lid formation.

Fritz: Will she be able to finance her portion?

Aebi: Absolutely. One of the reasons we brought this to council today is that we're planning to do a bond sale in a few weeks and I wanted to give her and the other property owner an opportunity to finance at the lowest possible interest rate. My hope is that they not only get the benefit of the 40% savings but also get the benefit of lower interest rates than our interim interest rate. We estimated interim interest rate 6.75%. It's now down to 5.5%. If they take advantage of the bond sale it may be lower than that. When you combine the project cost savings with the financing phasing there could be a considerably lower monthly payment than they budgeted for at lid formation.

Fritz: That property owner has not submitted a formal objection?

Aebi: Correct. The deadline was a week ago Wednesday. We sent the notice to her address in Salem and she contacted me I believe yesterday or Monday, I forget which, and I explained the process, that she was too late to submit an objection but if she wanted to appear in council she could. She did seem particularly interested in the financing option, so if we were to delay this hearing for whatever reason it would make it less likely that they would be able to take advantage of the bond sale. I communicated that to her as well.

Fritz: Is this an emergency ordinance?

Hales: It is not.

Fritz: Would it be helpful if -- an emergency clause to get it into the bond sale?

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Aebi: I don't know that that is necessary. We have baked in the financing costs of this, it was going to be assessed in a week and I have been in contact with both property owners about the deadline. I think they are expecting a financing contract after council adopts the ordinance. I don't believe that's necessary but certainly you have that ability.

Novick: Any reason not to do it?

Hales: Why don't we err on the side? It will take a hearing first but --

Ben Walters, Chief Deputy City Attorney: No reason not to.

Hales: There's no one here to testify on this, correct?

Parsons: Correct.

Aebi: If you want to add the emergency clause, I might just adjust the language along the lines council declares an emergency exists to maximize the chances of the property owners taking advantage of the upcoming bond sale or something to that effect.

Hales: Okay. Is that in the form of a motion?

Novick: I would say yes but I notice my chief of staff is consulting with the attorney. What's the result of that consultation?

Walters: The lid actually is effective immediately.

Novick: Didn't know. That.

Walters: You could add the emergency clause today, but it's up to you.

Hales: If it's on the consent calendar next week --

Walters: It would take effect immediately.

Hales: Good enough.

Aebi: The added bonus of the emergency clause today is you wouldn't see me next week.

Hales: You don't need to be here.

Novick: I don't think we need you here next week anyway. Thank you.

Saltzman: So when -- we just put some sidewalks on southeast 136th avenue, which I believe was not an lid.

Aebi: Correct.

Saltzman: This, the sidewalks on 82nd, that is an lid. What determines when sidewalks are done by us versus by the property owners through an lid? Are there criteria or is it just council makes a determination or the commissioner in charge makes a determination?

Aebi: Very good question, commissioner. You may also recall that pbob has built a variety of sidewalks up and down 82nd, for example we built some on northeast 82nd close to the airport. As you well know, on arterials we have an extreme need for sidewalks so we occasionally are in a position to get funding to build those. My understanding, the southeast 136th avenue project is not my project but my understanding those sidewalks are being built with general transportation revenues. I think a lot of it has to do with timing. When development comes in the door, we try to ensure that the proper infrastructure gets built and I have to tell you that you saw the before pictures. I can't imagine anyone wanting to locate their dental practice with shopping carts and no sidewalks and the like in front of there. I think even the property owners even though they are required to build sidewalks understood for business reasons they needed a sidewalk. At the time we didn't have any funding to do sidewalks on that portion of 82nd although I believe the next block down there were some sidewalks built not too terribly recently. I think a lot of it is just timing that when development comes in the door we try to build the sidewalks at the time. In this case there was nothing in the works. It's also possible this development had not occurred that at some point pbob might have tried to put together a project to build sidewalks on 82nd.

Fritz: We put those sidewalks on 136th in the 2012 budget under mayor adams. I believe it was one of the priorities of the east Portland action plan. As money is available and pbob makes that request in the budget that's when we decide that we're going to do it, right?

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Novick: Yes. Generally as you know, some of the investments we have made at 136th are due to getting state money specifically for that purpose at the behest of representative fagin we have made investments in east Portland over the past few years based on the community engagement process that resulted in the east Portland in motion series of projects and we also put money into sidewalks in southwest based on mayor adams and you deciding to make investments, something of a similar community prioritization process. That's always going to be a series of judgment calls with community involvement as to where it's propose for the city to make investments, where we would expect that if there's an investment made it would be by an lid and another thing we are talking about is should we sort of create a pot of money to have sort of matching funds for potential lids in areas where we don't quite see the justification of the city to make the whole investment but we can understand it's an important project and the residents might not have enough to do it all themselves.

Saltzman: Thank you.

Fritz: And just for the record, the new sidewalk on southwest huber which allows children from the title one school at markham elementary to walk all way to jackson middle school on a sidewalk is fantastic.

Hales: Thank you very much. This rolls to second reading next week. We have three more items. All previous agenda items. Two are administrative rules. Yes.

Item 290 and 291.

Novick: Colleagues, this package of two ordinances updates portland's administrative rules with respect to encroachments in the public right of way including streets, sidewalks and curbs. We generally dedicate rights of way to the loop to vehicles appeared pedestrians but the transportation policy allows some privately owned structures to be located in the right of way. These structures are called encroachments which include fences, garbage receptacles, bike racks, signs, planter beds and many other structures located above street level, at street level and below street level. The city adopted an encroachments policy in june 1982. That mainly focused on sky bridges and encroachments above the street level with not much guidance at street level. To develop a comprehensive policy the bureau of transportation established a work group, conducted outreach to internal and external stakeholders through a development process. This led to the proposal today which consolidates policies and procedures in a single place. We are going to have an amendment that commissioner Fritz and I have discussed which I would like to distribute after mr. Krueger has provided some additional detail.

Fritz: I think that's the amendment, next ordinance.

Novick: 291. That's right. Could we have both titles read?

Parsons: Certainly.

Hales: Thank you.

Kurt Krueger, Portland Bureau of Transportation: Good morning, council. This is a two-step exercise. We were here in january renaming as commissioner novick mentioned major encroachment document that dealt with the larger structures such as sky structures and major encroachment structures. What we have today is day-to-day encroachments we see coming across our desk on a daily basis. This consolidates a bunch of rules that have been in place, but not consolidated into an actual document and administrative rule. I did want to recognize the advisory committee that was involved in this a few years ago. We had andre baugh from the Portland sustainability commission and ann niles, who is no longer with us today, from the pearl district. I appreciated all her help going into this exercise. She was a very valuable asset. I wanted to recognize her publicly for that.

Hales: Questions?

Novick: Maybe identifying some of the policies that are included in the new rule.

Krueger: Certainly. Probably what we see more often than not are retaining walls and fences that people inadvertently build behind the sidewalk thinking it's private where it's public right of way.

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That's probably 90% of these. Locating transit shelters, sky bridge receptacles. It mentioned the international building code, the rules bds uses, so it references that document. Talks about minor things such as planter boxes. Then there's policies not fully developed yet such as electrical vehicle charging stations, fairly new item for us. We haven't developed a policy, but this talks about where we would go to work on that. This is not a significant policy document. It's really the day-to-day mundane encroachment that we see pretty much daily.

Hales: You want to talk about the amendment? 291?

Novick: This would be an amendment to items b and c, under council regs. Commissioner Fritz and I discussed this and agreed to have the language in italics in item b, it would say city council authorizes director of bureau of transportation to make further adjustments to trn8.08 delegated to director as needed. Then the new language would be and after prior notification to each council office. Then the old language is to facilitate clarification, moderations to ensure good stewardship of the public right of way. Adding c, director of bureau of transportation will summarize adjustments if any to trn808 in the past year.

Hales: The reason I assume is so other bureaus like bds, parks, that may have activities in the right of way know what's changed in the rules?

Fritz: Not exactly. Because what this amendment is doing, and i'm going to support it, is making clear what transportation gets to do and the director of transportation and the commissioner in charge of transportation can do without coming back to council for a policy decision. The right of way is the public right of way, and council and citizens have concerns about how it's used. One example is the Ankeny street closure where that came to council for a temporary pilot and is now an extended -- permanent pilot. Another is the use of parking meter spaces for restaurant tables. That seems to me that should have been a policy decision that came to council rather than the commissioner charge and then mayor adams got to decide for himself. The purpose of the notification to council is for council members on into the future to be able to then have a discussion with the commissioner in charge about considering, you know perhaps this is major policy discussion and would you please bring this to council for a wider review.

Hales: Understood. Then do we have anyone signed up to testify?

Fritz: Are you moving that amendment?

Novick: Yes.

Fritz: I second it.

Hales: Any further discussion about this?

Fritz: I have several more questions.

Hales: Anyone, let take a roll call on adding the amendments.

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

Fritz: I very much appreciate commissioner novick and kurt krueger working with my chief of staff and me working through this. We're talking about maintaining the good stewardship of the public right of way. This is now improved. It's a very wonky item, just the mere reading of the title made heads spin, but it's available online and people can go and see what are the rules for planter boxes or whatever. It's greatly improved, and thanks to the citizens committee that worked on it also. Could you review, again, kurt, everything at grade seems to be minor because of the change we made in january. What would be a major encroachment? Do we have a definition of that?

Krueger: Commissioner, just to clarify, we didn't want to use the word minor. In the eye of the beholder it may be very different than for others. We called it major sky structures. Say a sky rise comes into downtown and they want to rent out some of the space they put into the public right of way and they go to the commission. This is our ability to allow a portion of building to be built go the right of way. For example park avenue west tower under reconstruction -- just under construction again. They have parking structure that's six stories deep. They have a tunnel that

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crosses the right of way. There's a private benefit for the use of that, so we approved that through a major encroachment.

Fritz: Thank you. So I mentioned about the permanent street closures. Is that in policy anywhere?

Krueger: That is not. It's actually not an encroachment. It's a closure by the city. That's a little bit of a one-off than encroachment.

Fritz: Temporary permits are given for street parties and such, but a pilot project like the ankeny street closure, would that need to come back to council?

Krueger: I believe the city traffic engineer has the ability to close a street without taking a council action. That would not require us to come to council.

Hales: I think the police chief does too, actually.

Fritz: Permanently?

Hales: Not the chief. Not permanently.

Fritz: That seems to be an issue it might be helpful to have a policy on so people are clear as to when their requests may be granted and when not. Also, does it say anywhere about rental of the right of way like for instance restaurant parking meter space tables?

Krueger: It doesn't. I'm not an expert on our leasing policy. Our right of way manager could provide more information. Council has actually granted authority to pbot's right of way section to enter into leases outside of a council forum for the use of it. We have nonprofit rates for uses that benefit a nonprofit. But we have a process in place to collect revenue for the use of the right of way.

Fritz: Okay. Especially use of parking spaces that are no longer parking spaces, it seems with all the challenges we heard on division street in particular with on-street parking that that might be something that would be helpful to have council discussion on. A policy written.

Novick: As we discussed before, that's a kind of initiative that the bureau describes as falling short of being a pilot project. It's something I have questions about myself, so we're going to review it and report back to you, maybe not formally but individually the result of that review.

Fritz: I appreciate you saying that on the record. That makes me more comfortable with the ordinances knowing that's your direction. Then my final question is about consolidating newspaper boxes. Is that going to be in the administrative rules?

Krueger: The newspaper boxes, other staff and pbot are working with city attorneys first amendment freedom of speech issues with regard to placement of those materials in the right of way. I assume when that process and discussion under folds we would amend the document to describe to us how we would place that. We would circulate that amendment to the council offices prior to putting it into effect.

Fritz: Thank you very much.

Hales: This may be a wonky subject but the document the bureau prepared with illustrations is user-friendly, well done. Thanks very much. Again, no one signed up to testify?

Parsons: I did not have a sheet out.

Hales: Because it's previous agenda, do we get to act on it now?

Fritz: No. We didn't have a hearing before. Just rolled over.

Hales: Second reading next week? Okay. Items 290 and 291 fall to second reading next week. We have one more, 292.

Item 292.

Novick: For more than ten years pbot has worked with psu to effectively evaluate traffic safety in a wide range of projects and initiatives. The current iga has expired and they would like to continue this relationship. This would allow the partnership, utilize their expertise. Scott cohen of pbot is here to answer any questions council might have.

Hales: Good morning.

Scott Cohen: Good morning. Scott cohen with the Portland bureau of transportation.

Hales: Questions for scott?

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Novick: Could you give us some examples in the ways we have used psu's expertise?

Cohen: Sure. We have developed an evaluation program where we were able to contact hundreds of parents to learn about how their students get or their children get to school and what the barriers their children are facing in accessing schools. That helped us build our safe routes program and where we can focus resources. We have taken that research that psu provided and continue to do the research in-house. We have also been able to evaluate facilities in the transportation system to see if they are performing as expected, particularly for innovative new things, things that are different. We want to make sure they are working well before we expand them elsewhere.

Novick: This is on an as needed basis, right? Something comes up we think we would benefit from their expertise? That's right. That was one of the examples before.

Fritz: How much have we spent on this contract over the past two years?

Cohen: Over the past two years? I think over the last agreement, over the entire agreement was about \$200,000.

Fritz: Do we have a project coming up?

Cohen: Not that i'm aware of. It expired in july of 2013.

Fritz: As I understand it, the contracts that don't exceed \$100,000 don't have to come back to council?

Cohen: That's correct.

Fritz: Why was that number picked?

Cohen: I don't know. I could find out. I have a feeling that might be just what was in the iga of the past and we stuck with that for this current iga.

Fritz: Knowing how strapped our transportation dollars are, that seems like a high number to me that I would want to know if it was a \$75,000 contract besides which I think sometimes things like that -- that's a really good thing for the public to know about so they know that's how transportation dollars are being spent. I'm wondering if we could reduce the by right amount.

Novick: I would hesitant to reduce our flexibility to take advantage of psu's expertise. It's not -- you're right, transportation dollars are limited, but I think that it's appropriate for us to rely on research to ensure we're spending transportation dollars reasonably, and I don't think -- what dollar amount would you suggest, commissioner?

Fritz: I was thinking more like \$25,000.

Hales: We budget programatically, right, and then if pbob chooses to utilize this iga to obtain services from psu, they are given clearance to do that. That's why this is different than a contract and the contract comes back for a one-off.

Fritz: I'm wondering how it compares. We have an agreement for parks that for certain amount -- I don't know that threshold, we can look into it, they get to do it without my signature, never mind the council's agreement. It would be going -- be good to have a policy across the board for these flexible spending accounts that over a certain threshold it would come back to council, at least so we know what they are. I don't recall seeing a line item for this particular budget allocation in the pbob budget in years past. It's not in the general fund?

Hales: Right.

Novick: The total obligation shall not exceed more than 500,000 during the duration of the agreement, 100,000 per fiscal year limitation. I think that you have to have some flexibility to call in researchers to evaluate what you are doing or have done, and I don't think that to me it doesn't seem like an extreme amount of money to allocate as needed on a yearly basis to that purpose.

Hales: It might be useful to look at this practice across the bureaus, not just pbob. See what we're doing. This is a good way to highlight it.

Dave Graff, Bureau of Transportation: I just wanted to add in projects we've funded previously, the iga gives us the ability to spend money on research. The funding for research comes out of the project that's being evaluated. So in the case of safe routes to school, that comes out of that project.

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Fritz: That's helpful.

Novick: Thanks for clarifying.

Hales: Budget programmatically and then use this as a tool.

Graff: In the case of safe routes, we're federally mandated to do evaluation if we use federal funds, so we take a chunk of the funding we have that is locally available and spend it on the evaluation --

Hales: As long as it doesn't show up in a line item.

Fritz: Thank you.

Hales: Other questions? Then does -- is this also a previous item that rolls to second reading next week as well? Move to second reading. We are adjourned until next week.

At 11:01 a.m., Council adjourned.