



CITY OF
PORTLAND, OREGON

OFFICIAL
 MINUTES

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **31ST DAY OF MARCH, 2010** AT 9:30 A.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Saltzman, Leonard and Fritz, 5.

Commissioner Fish arrived at 9:36 a.m.

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

Items No. 433 and 436 were pulled for discussion and on a Y-5 roll call, the balance of the Consent Agenda was adopted.

COMMUNICATIONS	Disposition:
423 Request of Jeremy Wilson to address Council regarding the legality of a traffic ticket and issues with TriMet (Communication)	PLACED ON FILE
424 Request of Barry Joe Stull to address Council regarding welcome to Portland from Soapbox Under The Bridge (Communication)	PLACED ON FILE
425 Request of Olivia Johnson to address Council regarding issues of homelessness (Communication)	PLACED ON FILE
426 Request of Anne Trudeau to address Council regarding City policy, the public right of way and WiMAX antenna at 37th and Alameda (Communication)	PLACED ON FILE
427 Request of Andrew Koyaanisqatsi to address Council regarding issues with Solarize Portland (Communication)	PLACED ON FILE
TIMES CERTAIN	
428 TIME CERTAIN: 9:30 AM – Appoint Lindsey Detweiler to the Citizen Review Committee Advisory body of the Auditor’s Independent Police Review Division (Resolution introduced by Auditor Griffin-Valade) 30 minutes requested (Y-5)	36773

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<p>429 TIME CERTAIN: 10:00 AM – Appoint David Martinez, Damon Isiah Turner, Charlene Addy McGee and Allan T. Lazo to the Human Rights Commission for terms to expire October 31, 2012 (Report introduced by Mayor Adams and Commissioner Fritz) 15 minutes (Y-5)</p>	<p align="center">CONFIRMED</p>
<p align="center">CONSENT AGENDA – NO DISCUSSION</p>	
<p>*430 Authorize a grant agreement with the Third Angle New Music Ensemble in the amount of \$5,000 for the 2010 Beijing Modern Music Festival (Ordinance introduced by Mayor Adams and Commissioner Fish) (Y-5)</p>	<p align="center">183641</p>
<p align="center">Mayor Sam Adams Bureau of Transportation</p>	
<p>*431 Grant revocable permit to Filmed By Bike to close SE Clinton St between SE 25th Ave and SE 26th Ave from 5:00 p.m. on April 16, 2010 until 1:00 a.m. on April 17, 2010 (Ordinance) (Y-5)</p>	<p align="center">183642</p>
<p>*432 Grant revocable permit to Red Dress PDX to close NE 10th Ave between NE Glisan St and NE Flanders St from 10:00 a.m. on April 17, 2010 until 2:00 p.m. on April 18, 2010 (Ordinance) (Y-5)</p>	<p align="center">183643</p>
<p>*433 Authorize contracts as required with thirty-six professional, technical and expert service firms for on-call architecture and engineering services in support of the Portland Bureau of Transportation (Ordinance)</p>	<p align="center">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>434 Revise permit charge for sidewalks, curbs and driveways (Ordinance; amend Code Section 17.24.020)</p>	<p align="center">PASSED TO SECOND READING APRIL 7, 2010 AT 9:30 AM</p>
<p align="center">Office of Emergency Management</p>	
<p>*435 Amend the Intergovernmental Agreement with Port of Portland so that the Port may perform purchase obligations and to extend the time period for the distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant FY 2009 (Ordinance; amend Contract No. 30000150) (Y-5)</p>	<p align="center">183644</p>
<p align="center">Office of Management and Finance – Human Resources</p>	
<p>436 Authorize the Director of the Bureau of Human Resources, with the concurrence of the City Attorney, to commence legal proceedings to protect the City's interests related to collective bargaining (Resolution)</p>	<p align="center">REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>

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**Commissioner Nick Fish
Position No. 2**

Portland Parks & Recreation

437 Accept contract with Triplett-Wellman Construction Company for the University Park Community Center Gymnasium and upgrades as complete, authorize final payment and release retainage (Report; Contract No. 36603)

(Y-5)

ACCEPTED

***438** Authorize license agreement with Albina Early Head Start for use of space at University Park Community Center (Ordinance)

(Y-5)

183645

**Commissioner Dan Saltzman
Position No. 3**

Bureau of Environmental Services

***439** Authorize the Bureau of Environmental Services to purchase a fee interest in property under the City's eminent domain authority as an alternative to an easement acquisition through condemnation litigation (Ordinance)

(Y-5)

183646

***440** Authorize the Director of the Bureau of Environmental Services to enter into an Intergovernmental Agreement between the Dunthorpe-Riverdale Service District No. 1, the Riverdale School District No. 51J, and the City, for construction of the Elk Rock Bypass sewer line of School District property (Ordinance)

(Y-5)

183647

441 Authorize a contract and provide payment for construction of the Ankeny Wastewater Pump Station Odor Treatment Equipment Project No. E09177 (Second Reading Agenda 409)

(Y-5)

183648

442 Designate a sewer shaft easement in City-owned property assigned to the Bureau of Transportation and assign said easement to the Bureau of Environmental Services for the East Side Combined Sewer Overflow Tunnel Project No. E07594 (Second Reading Agenda 410)

(Y-5)

183649

443 Designate a sewer tunnel easement in City-owned property assigned to the Bureau of Parks and Recreation and assign said easement to the Bureau of Environmental Services for the East Side Combined Sewer Overflow Tunnel Project No. E07594 (Second Reading Agenda 411)

(Y-5)

183650

Bureau of Police

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<p>*444 Authorize an Intergovernmental Agreement with Multnomah County District Attorney's Office for reimbursement of Police Bureau overtime costs on after-hours call-outs on child abuse investigations (Ordinance) (Y-5)</p>	<p>183651</p>
<p>*445 Authorize application to the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice for a grant in the amount of \$280,453 for the FY 2010 Solving Cold Cases with DNA grant program (Ordinance) (Y-5)</p>	<p>183652</p>
<p>Commissioner Randy Leonard Position No. 4</p>	
<p>Bureau of Development Services</p>	
<p>*446 Amend contract with Joe Hertzberg dba Decisions Decisions to complete facilitation work with the Bureau of Development Services' Labor Management Committee (Ordinance; amend Contract No. 37011) (Y-5)</p>	<p>183653</p>
<p>Portland Fire & Rescue</p>	
<p>447 Accept donation of a flow pump and hose from Samuel Galbreath and the Macadam Bay Homeowners Association (Second Reading Agenda 414) (Y-5)</p>	<p>183654</p>
<p>REGULAR AGENDA</p>	
<p>Mayor Sam Adams</p>	
<p>Office of Emergency Management</p>	
<p>*448 Amend the contract with TechLaw for the Urban Areas Security Initiative Resource Management Assessment and Plan for an additional scope of work and extension of contract not to exceed \$125,000 (Ordinance; amend Contract No. 30000561) 15 minutes requested (Y-5)</p>	<p>183655</p>
<p>Office of Management and Finance – Internal Business Services</p>	
<p>449 Accept bid of D&D Concrete & Utilities, Inc. for the SW & E Portland Sidewalk Infill project for \$899,368 (Procurement Report - Bid No. 111217) Motion to accept report: Moved by Commissioner Saltzman and seconded by Commissioner Fritz. (Y-4; Commissioner Leonard absent)</p>	<p>ACCEPTED PREPARE CONTRACT</p>

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**Commissioner Dan Saltzman
Position No. 3**

Bureau of Police

***450** Authorize application to the U.S. Department of Justice, Office of Justice Programs, Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking for a grant in the amount of \$150,000 for the SMART FY 2010 Comprehensive Approaches to Sex Offender Management Grant Program (Ordinance)

(Y-5)

183656

At 11:00 a.m., Council recessed.

April 1, 2010

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **1ST DAY OF APRIL, 2010** AT 2:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Saltzman, Leonard and Fritz, 5.

Commissioner Saltzman was excused to arrive at 3:00 and left at 4:06 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Harry Auerbach, Chief Deputy City Attorney; at 3:18 p.m. Jim Van Dyke, Chief Deputy City Attorney and Ron Willis, Sergeant at Arms.

	Disposition:
<p>452 TIME CERTAIN: 2:00 PM – Adopt and implement the River Plan / North Reach (Previous Agenda 421; Ordinance introduced by Mayor Adams and Commissioner Fritz; amend Title 33 and amend Comprehensive Plan and zoning maps) 1 ½ hours requested for items 452-455</p> <p>Motion to strike the new subsection K on replacement page 63 which allows the property owner to choose to pay a fee in lieu of providing mitigation on the site or the adjacent environmental zone: Moved by Commissioner Fritz and seconded by Mayor Adams. (Y-2, Adams, Fritz; N-3) Motion failed.</p> <p>Motion to amend replacement page 51 to restore limit of one outfall: Moved by Commissioner Fritz and seconded by Mayor Adams. (Y-1, Fritz; N-4) Motion failed.</p> <p>Motion to add subsection K to the list for further work in the substitute resolution last paragraph: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-5)</p> <p>Motion to adopt the March 24, 2010 amendment package with modification to the resolution approved in previous motion and staff April 1, 2010 additional zoning code amendment: Moved by Mayor Adams. (Y-5)</p>	<p>PASSED TO SECOND READING AS AMENDED APRIL 15, 2010 AT 2:00 PM</p>
<p>S-453 Adopt the River Plan / North Reach Action Agenda and The Future of the North Reach (Previous Agenda 422; Resolution introduced by Mayor Adams and Commissioner Fritz)</p> <p>Motion to accept substitute resolution and amend to add creation of science panel and North Reach Advisory Committee: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-5)</p> <p>Motion to amend: See motion #3, item 452.</p>	<p>SUBSTITUTE CONTINUED TO APRIL 15, 2010 AS AMENDED AT 2:00 PM</p>
<p>454 Accept Memorandum of Understanding between Siltronic and City of Portland (Previous Agenda 271; Resolution introduced by Mayor Adams)</p>	<p>CONTINUED TO APRIL 15, 2010 AT 2:00 PM</p>
<p>455 Direct the Bureau of Planning and Sustainability to negotiate a development agreement with the University of Portland for consideration by City Council (Resolution introduced by Mayor Adams and Commissioner Fish)</p>	<p>CONTINUED TO APRIL 15, 2010 AT 2:00 PM</p>

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<p>456 TIME CERTAIN: 3:30 PM – Consider the proposal of Samuel Penfield, applicant and the recommendation from the Hearings Officer for approval of a Comprehensive Plan Amendment and Zoning Map Amendment with adjustments for a three story, multi-dwelling, 9-unit condominium at 5012-5014 NE 26th Ave (Hearing; LU 09-133971 CP ZC AD) 1 hour requested for items 456-457</p> <p>Motion to accept Hearings Officer’s Recommendation: Moved by Commissioner Leonard and seconded by Commissioner Fish.</p> <p>(Y-3; N-1, Fritz; Saltzman absent)</p>	<p>ACCEPT HEARINGS OFFICER’S RECOMMENDATION</p>
<p>*457 Amend the Comprehensive Plan Map designation and change zoning at 5012-5014 NE 26th Ave with Adjustments at the request of Samuel Penfield (Ordinance; LU 09-133971 CP ZC AD)</p> <p>(Y-4, Saltzman absent)</p>	<p>183658</p>

At 4:46 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.

March 31, 2010
Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

MARCH 31, 2010 9:30 AM

Adams: Would you please call the roll.

[roll call]

Adams: We have two time certain. The consent agenda. We also have an afternoon -- no. We have an evening hearing today. Let's start with communications. Can you read item no. 23 -- sorry, 423.

Item 423.

Adams: Mr. Wilson. Mr. Wilson? All right, can you please read the title for item 424.

Item 424.

Adams: Mr. Stull. All right. Come on up. Welcome back.

Barry Joe Stull: Good morning.

Adams: Good morning.

Stull: Talk a little bit about our little berg here. You know, I just learned yesterday that the columbia river apparently goes north, southeast and west. Her going to name Washington state columbia, but they thought it would be too easily confused with the district of columbia. [laughter] soapbox under the bridge is an organization i'm affiliated with and I wanted to let you know something about our little city here. Of course, we have five quadrants. All the numbers get bigger away from burnside and all the numbers get bigger further away from the river except for north Portland where the numbers get bigger closer to the river and there's even a -- it's not in the city limits and there's a street called only west stark. But there is. Being around here, you pick up a few things as time goes on and we could have a constant newspaper that says that Portland police shot a mentally ill person. That could be from 1991. That could be from 2002 or from now. And we have an organization where -- taking over and we have successfully done and that renamed hospitality house of clackamas, the soapbox under the bridge, because we're trying to address some of these inequities we see in society. There's a well-known saying, when the going gets weird, the weird turn pro. So those of us who have seen the shenanigans and the organizations and government officials do in our city, we're going to be continuing our roles. Patrick nolan is one of our directors. Olivia johnson who is going to speak to you in a little bit on her own issues is one of our directors. And one of the activities that we're doing is we're doing subdiversity soapbox under the bridge and we're going to be training people to come and testify to you all, to give you the voice from their experience. And sadly, as I was reviewing the documents from the hospitality house of clackamas, they could apply their drive to do something about the fact we have an increasing homeless crisis in our society that's been going on as decades long policies. This is not a new issue, as I said, as with the Portland police and the mentally ill person. On that note, we're doing a free coffee service at the rest area. The baldock rest area. And the department of transportation recognizes that people have to have rest and it's not safe for them. They will be unsafe and good crazy and that will cause a reason for the police to be able it shoot them here in Portland and we want you to address the fact that people don't have a place to feel safe and rest in this city and that's not only a cause of them being crazy but it's crazy for us.

Adams: I have a question. Your organization is located in clackamas?

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Stull: No, it -- what we found was easy to do was to find a 501(c)(3) established to do the work we were doing and they passed the torch on to us. So we did the renaming process.

Adams: Thank you.

Stull: My pleasure.

Adams: Please read the title for item 425.

Item 425.

Adams: Hi, welcome to the city council. You just need to give us your first and last name and that clock will help you count down your three minutes.

Olivia Johnson: My name is olivia johnson. I signed up to speak about homelessness and approaching closer to coming here, I kind of changed -- although that's my kind of area of focus in terms of injustice in our world. I changed my focus for today to talk to you guys. Coming here today feels really stressful, discouraging and disempowering. I discover and rediscover the falsehood of what our country claims to be -- a democracy. To try to be effective in this monstrosity of bureaucracy feels I am pock. How many times can an ordinance be ruled unconstitutional before it's abandoned. So I come here today not to remind you of Portland's horrendous situation. Because I believe you know. Commissioners, I come here today to tell you we know the jokes of politicians as puppets comes from -- the truth. It reality when it comes down to, is the first that must be addressed and no, commissioners, you're not pinocchios and you cannot wish to be real boys and girls, amanda. Your jerky movements give you dead away.

Commissioners, don't despair, there's something amazing you can do. Come out from behind the stage and show those strings. I ask you today to be transparent, to not hold behind the stage meetings with those who hold the strings and do not pretend you're real little boys and girls at public forum. Commissioners, you smile and say, yes, good idea to many creative, effective and affordable solutions. To myself and others. But then nothing. We hear of private meetings before you and the pba or the chief of police. Please don't smile. Talk to us and everyone. Explain all the perspectives. You are facilitators, mediators, not just between two sides, but many. And if, after you're open and communicative and you still reside on the side of capitalism, do it as -- capitalism, do it as democratically as possible. Please tell us the deal. You could absolutely have everyone in this city, but the web of your puppet strings is oh, to tangled. Please explain it. Thank you.

Adams: Thanks for your testimony. Please read the title for item no. 426.

Item 426.

Moore-Love: She notified us she will not be able to make it.

Adams: Ok. Read the title for item no. 427.

Item 427.

Adams: Mr. Koyaanisqatsi.

Andrew Koyaanisqatsi: Yeah.

Adams: Welcome to city council. Gives your first and last name and the clock will help you count down the three minutes.

Koyaanisqatsi: I'm andrew koyaanisqatsi, the president of solar energy solutions and i've been installing solar systems in since 1987 and I was hoping to have a conversation. But i'm here to let you know that solar Portland is hurting my business but a lot of contractors who seek to make a living out of installing solar systems. I'm not sure how intimately you're familiar with solarized Portland. It's a gargantuan success and I am conflicted because it's certainly accomplishing its desire goal of getting solar panels up on a bunch of people's roofs as quickly as possible. That's succeeding. Unfortunately, there's another side of that coin that is a secret and that is that it's hurting and destroying my ability to do business in Portland. Because solarize Portland basically rewards entire city quadrants to a single contractor to install all the solar systems within that entire city quadrant and how can you compete with that?

Adams: Do you have a business card?

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Koyaanisqatsi: Yes.

Adams: Can you leave it with --

Koyaanisqatsi: Sure.

Adams: -- the city clerk and i'll follow up with you.

Koyaanisqatsi: I appreciate that. I have a bunch of questions I could ask but I think it requires a greater conversation.

Adams: I'll follow up with you. Thanks for bringing it to my attention. All right. Karla, that gets us to the consent agenda. Are there any items -- I understand 433 and 436 have been pulled.

Moore-Love: Correct.

Adams: And are there any other items to be pulled? All right. Please call the vote on the consent agenda.

Fritz: Aye. **Fish:** Aye. **Saltzman:** Aye. **Leonard:** Aye. **Adams:** Aye. [gavel pounded] consent agenda's approved can you please read the title for item certain item no. 428. Resolution.

Item 428.

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

Adams: Good morning. Welcome back.

*******:** Thank you.

LaVonne Griffin-Valade, City Auditor: Lavonne griffin-valade, city auditor here to introduce and present lindsey detweiler for appointment to the citizen review committee. Just a brief bit of information about the committee and then the expectations for folks that we recruit to be on the committee and then a little bit of information about lindsey and then i'll introduce mary beth, who will say a few more words and directly introduce lindsey. So the nine members of the citizen review committee are appointed by city council to monitor and advise the independent police review division and the auditors office as well as make recommendations to the police bureau. They hear appeals and hear public concerns and more specifically, the citizen review committee reviews samples of complaints to advise on complaint handling and works with ipr staff to conduct reviews of bureau policies and procedures and exercises impartiality when there's appeals of police investigations and participate in orientation and training about policing and gather community concerns regarding police policies and procedures. That's a broad list of the tasks that members of the citizen review committee take on. They also spend long hours volunteering to be on workgroups, to look more specifically at issues. The expectations that we have of anyone who wants to be on the citizen review committee, they have the ability to make that substantial time commitment to include training and monthly workgroup meetings and to independently review complaints and policies. We also require and -- or, other expectations are that we look for people who are -- have the ability to be impatient and objective. Who are truthful, have sound listening and communication skills. Are willing and have the ability to maintain standards of confidentiality, can be objective in their decision making and analytical skills and cultural and ethnic sensitivity and the ability to function well in a group and last but not least, the ability to pass a criminal background check. Lindsey went through not a grueling, necessarily, interview process, but interviewed a few times and was able to demonstrate she had all of these abilities and skills and -- skills. So to let you know more about her personally. Born and raised in Oregon. Studied create I have writing at san francisco state university and returned to Portland in 2005 to study law at lewis & clark. And works as a deputy public defender in salem and spends time out doors and a precinct person for Multnomah county democrats and active member of the criminal defense organization and the lawyers' guild and the city is lucky to have lindsey willing to serve us and I want it thank her for her willingness to do so and turn the rest of the introduction over to mary beth.

Mary Beth Baptista, Director, Independent Police Review: I'm mary beth batista. This is an historic day for us. This is the first time we've had nine members of the crc is almost a year. Finally have a complete group. We're excited about that. Lindsey is certainly ready to hit the

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ground running. She's already been involved as a volunteer. Through our orientation process, our outreach coordinator developed this year so she's learned about ipr and learned about what we do, what the auditor's office and police bureau and internal affairs and sat through several crc meetings, including two appeals, which is far more than I had when I came on board. And she's been assigned it a work group. She's assigned to the taser workgroup that's beginning next month and certainly ready to hit the ground running and has a opportunity to take six hours of intercultural training which several of the new members have already done. And part of the background check we do also involves a list of references and if i'm breaking ranks by reading what one of them dollars. It hits it perfectly. When asked about whether or not she was qualified to be a crc member, one reference says she is the most dedicated and honest and wonderful people I know. Passionate about things being fair and honest and people represented fairly. It's a big passion of hers. She would be fabulous. We're excited and fortunate to have someone who holds a job to be able to spend the hours required of her at the crc and we're fortunate to have her join the other dedicated volunteers that make up the crc.

Adams: Very impress I have. Welcome, would you like to say a few words?

Lindsey Detweiler: Sure. I'm very thankful for this opportunity to serve on the citizen review committee. I think the committee serves a vital and important function. One of those being listening to community members, and then providing feedback to the city and I think that's essential. I look forward to being a liaison, between citizens in the community and representatives of the city. I think that Portland has a great structure for citizen oversight. I think that the ipr is a -- does a great job. The ipr serves a vital role as well. I look forward to diving in and really getting in there and learning about the investigation process, reviewing individual investigations. I think this is a really important time in Portland. I think that citizen oversight is essential for accountability at all levels, and I look forward to being part of the process.

Adams: Thank you. Thank you for your willingness to serve. This is a very important function. All right. Anyone wish to testify on this matter?

Moore-Love: We have two people signed up.

Adams: Ok.

Adams: Mr. Handelman. Mr. Lampson. Come on up, sir, and have a seat at the table. Welcome to the city council. You only need to give us your first and last name and that clock in front of you, when it's your turn to talk will help you keep track of your three minutes. Mr. Handelman.

Dan Handelman: I'm dan handelman with Portland cop watch and it's always a good opportunity to talk about the citizen review committee because they do serve an important function and I know all of you reviewed ms. Detweiler's application because the ordinance requires you to do that so I got a copy to review as well and I think it's important for public defenders to provide a balance on the committee. We have three people who have a background in law enforcement on the committee. There's one public defender on the committee. Now there's two. The ipr recognized this important balance when she, who is a former prosecutor, hired a public defender as one of her assistant directors and I think it is important for the police and everybody else to understand that public defenders are not oat out to get the police, just want justice to be served fairly and citizens expected to follow certain rules and the police officers also, and we don't want to see them step outside of the lines in getting everybody everyone else to follow the rules as well. It's good to see a balance on the board. I also mentioned to the auditor this morning that the ordinance before you refers to the crc as an advisory body to the ipr. Which is partially true. They do advise about things, but have their own powers and duties and it's much more. They get to advise the bureau directly when they hear an appeal of police misconduct. And especially it you're going to vote on it with that language in it, that doesn't make it a policy of the city of Portland, they're just an advisory body. We're going to continue this conversation tonight, about strengthening the ipr, we shouldn't discount the role of the crc now or in the future and I think it's important that one of the things that

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the crc is recommending themselves as a president bush change we hope to see come forward in the 90 day period. They want to expand their number to 11 and one reason that would be important as the director said, they haven't had a full cadre of fine for a year. This is not -- of nine for an year. They've lost members or average, people leaving the city or quitting every year. So expanding the body will only make it easier to have the full number of people they need to do the important work they're doing and I try to attend all of the workgroups they have. And there's a lot of work they're trying to get done and it would be better if they had more people to do it. And provide for diversity if you had more seats. So I think that you have a full plate of -- before you today. And please don't forget that the citizen review committee has some modicum of independence from the ipr and let's take a look at it in the context of what's going to be voted on tonight. Thank you for your time.

Adams: Thank you, mr. Handelman.

Marko Lamson: Hi, i'm mark lamson and I wanted to talk about the citizen review committee in light of the last week of demonstrations. I think that the -- just like dan was saying, the fact that the complete group of nine hasn't been functioning since -- for a year and this is where the nomination comes from. I think goes back into kind of a mode of where Portland is in general. Like based on crisis, instead of solutions. So the fact they didn't prioritize having a really strong crc board, which is the guiding force for the ipr, I feel that the city of Portland is not interested in solutions to some of these problems. I feel like more recent issues with jack holings or james chasse, there's issues of meant health and the fact that cascadia behavioral health had a 275 deficit in 2009 but the city of Portland allowed them to buy new tasers and they're the guns that killed aaron campbell seem like a model of crisis instead of solutions. Speaking from groups of people -- I was there on monday, participating on the sidewalk, using my first amendment right to [inaudible] the government and there's a cop who penned a group of us in. I wasn't doing anything. Standing on the sidewalk using my first amendment right and he slapped his cop horse no my head and I think having a strong crc and ipr is extraordinarily important to show Portland very specifically, you know, the city, but specifically the population that you, the city of Portland is not interested in crisis, but they're actually in solutions. If you punish people for speaking out against this, that is wrong. That is ethically and morally wrong. When you allow crisis to occur and don't provide solutions and then punish people for addressing the government under the first amendment, that's wrong, morally and ethically wrong. I wanted to let you know that.

Adams: Thank you for coming by to testify. We appreciate it. All right. Karla, please call the vote on resolution item 428.

Fritz: Thank you for agreeing to serve and thank you for good work on this. This whole project. I think the fact that the crc members cannot sometimes continue to serve is evidence of how much work it is. I appreciate that the chairperson and others are here and thank you for the good work on behalf of the citizens of Portland and we're working together to address the issues that face us all. Thank you. Aye.

Fish: I want to thank you for your service and I know balancing your work as a public defender and this job will be especially demanding and you're probably already working 80 hour weeks, but delighted to have someone with your background and passion on this committee and thank you for joining us. Aye.

Saltzman: Well, thank you for your service to come. It is a good -- it's a demanding job so and I was reading your résumé. Looks like you work in salem. So I wish you luck in keeping all of schedules and meetings. Thank you. Aye.

Leonard: I have read your application, lindsey, and as we begin a new era, I think of accountability in the police bureau, transparency in what happens at the bureau and trying to reestablish a relationship between the community and the bureau that's good not just for the community but the bureau. In the final analysis, we want officers to do what they need to protect themselves and the citizenry, while balancing that with being rational and using standards that the community are

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reasonable to achieve those goals and I think with your training and experience, you inherently understand that. I intend to be working as a part of the ordinance that will pass tonight with the crc and the ipr intimately for the next three months as we convene a workgroup and work through the more important details of how to achieve that balance and i'm glad that you're on board and joining these other very final men and women who serve on crc as well. Aye.

Adams: Welcome aboard. We really appreciate your willingness to serve. Aye. [gavel pounded] please read the title for time certain item no. 429.

Item 429.

Adams: Commissioner Fritz.

Fritz: Thank you, mayor Adams. And those members who are here -- I don't know if any of them are here -- but if you would like to come up. And -- do we -- director of the office of human relations, maria johnson is here. By way of introduction, this is a different kind of commission for the city of Portland. Good morning. Because the human rights commission is relatively independent. In fact, very independent. It serves the whole population of Multnomah county in advising the community. It's a -- funded by the city of Portland in terms of staff support from the office of human relations but the human rights commission is very independent and the application process is through the current human rights commission to join their body which is approved by mayor Adams and myself. It's a group of citizen volunteers who work hard to fix the mission to defect for and taking action toward elimination discrimination and bigotry and fostering greater understanding and inclusion for those who live, work, study, worship travel and pray in the city of Portland. Issues of race, related to race and discrimination tends to make most of us uncomfortable.

The members of the human rights commission and the staff of office of human relations, tackle these issues and look for ways to break down the barriers that must be crossed. I would like to introduce ms. Johnson and tell you about the four newest members. Allan lazo, who was here yesterday testifying for our budget has been a resident of the Portland area and east Multnomah county for nearly 40 years and owns and operates a family business in east Portland and completed the dialogue facilitator training for intergroup understanding. Charlene addy mcgee was born in liberia to escape the brutal civil war. And holds a bachelor of science in Oregon university and an active member of the Portland chapter and a member of the urban league of Portland young professionals. David martinez is the coordinator of outreach and orientation at Portland community college. Coming from a migrant worker ground, he's the first member of his family to graduate high school and college. Prior to joining pcc, david working for 12 years in multicultural affairs, resident life and community development at both private and public colleges and universities in Oregon. And volunteered with various community organizations, including about a past board member of cascade aides project and the Portland/guadalajara sister city organization and planning member for the cesar chávez high school leadership conference. And isaiah turner is a graduate of jefferson high school, and columbia university school of international public affairs and worked in fields as varied as the non-profit arena in academic enrichment for youth and act significance of film properties and recent work represent his interest in learning opportunities regarding the varied needs and resources of communities and individuals. Including serving on the men's health project coordinating member and taskforces on environmental justice and education and economic development with the urban league and the city of Portland's public involvement you advisory committee. The big brothers, big sisters, african american mentoring advisory board and been trained as a facilitator intergroup dialogue organized by the office of human relations. By way of reminders, these are volunteers and if you want to get something done, ask a busy person because they'll make time in their schedule for things that are important. With that, i'd like to introduce our director.

Maria Lisa Johnson, Director, Office of Human Relations: Thank you, i'm proud to be able to recruit and have you appoint this morning four outstanding members of the community to join a

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very diverse commission for the city of Portland. We did a citywide recruitment. 15 members applied and four emerged as strong candidates for work in human rights and equity. I would like to have David say a few words if he would like to.

Damon Martinez: Thank you, commissioner Fritz and Leonard and Mayor Adams and commissioner Saltzman and Fish. I'd like to say I recognize this as a great opportunity and honor and I'd like to thank the illustrious staff of the office of human relations. Thank you.

Adams: Thank you for your willingness to serve. Also very important. Anyone signed up to testify on this matter? Anyone wish to testify on this matter? A moment of reflection.

Adams: Charlene McGee just walked in.

Fritz: Oh, good.

Adams: Charlene, do you want to come up and say a few words? You're just in time.

Fritz: We already said how wonderful you were.

Adams: Yeah.

Charlene McGee: Good morning.

Fritz: Good morning.

Adams: Just give us your name. First and last name and maybe a little bit about your interests in serving on this commission.

McGee: My name is Charlene McGee and I'm originally from Liberia, West Africa. My family called the city of Portland home for the past -- oh, my gosh -- 16, 17 years. And I think my interest in the commission is bringing in a new voice. And a perspective -- and to take an active role in the Portland I know we can be and helping out in whatever ways to address the different forms of inequity that exists. And address disparities throughout the city.

Adams: Thank you for your willingness to serve. Karla, you -- you can return to your seats. Do we have someone signed up?

Moore-Love: One person. Barry Joe Stull.

Stull: Good morning. Yeah, I wanted to -- to weigh in on, you know, as Portland's own little poster child for human rights violations, I have personally exhausted --

Adams: Mr. Stull, you need to speak to the appointments.

Stull: Yes, I'm getting there. I've exhausted every administrative agency in the state of Oregon in my quest for my civil rights here in Portland and I want to talk about the importance for you to realize that the -- having a requirement that somebody pass a criminal background check is exclusion --

Adams: I need you to stick to the issue of the folks being appointed. Do you have a comment on the folks being appointed?

Stull: Yes, I do. I'm here today signed up to give my three minutes and I would hope that in the quest of addressing human rights, that I would be able to do that, without being a personal attack on me.

Adams: There's no --

Stull: Could I please --

Adams: I have to treat everyone the same.

Stull: No, I don't think you do. And that's my point and I'm going to get to it, sir. When I personally was in prison, I've learned of an interesting argument that was being made about how we were seating our grand juries. It was a requirement you had to have seven people but they were allowed to have only six votes and the important argument was that that missing person might have actually made a comment that swayed the other parties. So I'm here doing this right now. I'm making my comment. And I'm saying that when you're seating commissions, Portland development commission comes to mind, and you have a vacancy like that one does, and don't include all the voices, you don't include the voices like my own here today, and apparently you don't want to hear.

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I don't have anything nice to say and you can count on that. You can count on me coming here. I will not have a whole lot nice to say.

Adams: That's fine, I just need you to stay on topic.

Stull: My topic today is when you seat boards and commissions, please keep in mind that the voice that's not heard is the voice that could actually influence the decision. And today, we heard that one of the requirements is a criminal background check. And across the way here, we have a quote -- [inaudible] ok, in general, please. We heard it here today. The point is that we have a quote across the way. Injustice -- threat -- threat to justice everywhere. That was written inside the birmingham, alabama, jail by a person who wouldn't pass a criminal background check. So I myself am celebrating the fact that science has caught up with me. We know that cannabis, known as marijuana, treats my disability, which is a central --

Adams: I gave you 30 seconds more.

Stull: I didn't come here to have a conversation. I signed up to make my commentary, that we need to include the voices of the -- of dissent. So please, in seating your boards, and in taking your public testimony, allow people to speak. Thank you.

Adams: You're very welcome. All right, can you please call the vote.

Fritz: Just to clarify that criminal background checks are not required for most boards and commissions and mr. Stull, I invite you to invite our friends outside to apply for the many boards and commissions because we want every kind of voice on our public involvement and public engagement activities and we do. And i'm pleased to welcome the four members being appointed today. It's a hugely important function and it's a hugely important role that you're agreeing to take on. Again, it's a lot of work. And I do appreciate that you're doing so many other community activities which made you the candidates we want to have on the board, the commission and also that that means that you have connections in the community to -- so it's a two-way communication. A multiway communication and we appreciate the richness you're adding to the commission and I appreciate the independence of the human rights commission and the fact that they speak out on matters they're concerned about and I trust you'll continue to -- to continue that fine tradition which is started again recently, the human rights commission went away and now it's back in full force and thank you for agreeing to serve. Aye.

Fish: Let me add thank you for your service and you have in commissioner Fritz a great champion for the work you'll be doing. Appreciate it. Aye.

Saltzman: Thank you for your service, aye.

Leonard: Thank you, david, charlene, isaiah and allan. Aye.

Adams: Thank you for your willingness to serve. Aye. [gavel pounded] please read the title for emergency ordinance 448.

Item 448.

Mark Chubb, Office of Emergency Management: Good morning, mr. Mayor, i'm mark chub, the operations manager for the Portland department of emergency management and urban area security initiative and the administering authority for this grant and i've asked mr. John wheeler with the clark regional emergency authority and who is the project manager for the resource management working group to accompany me to answer questions you might have about this request.

John Wheeler: Hi, john wheeler. Clark regional emergency services. The chair of the management committee, the committee that managed this project and the manager of this overall project. This project, to give you a quick background on it, addresses one of the key irks and emergency management, which is emergency resource management. Over the years, thanks to the homeland security grants and the partnerships we've developed five county region over the years, we've been able to get more resources in terms of heavy rescue to address mass casualty instance, communications, greater training and that kind of thing. What this project emphasizes is how we'll

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manage them and mobilize them across the region in types of emergency events and this project is basically taking a scope of -- so far of identifying what our gaps are in emergency resource management. And then doling an overall strategy to figure out how we're going to address those gaps. Consistent with what was discovered with the national plan review we found we have work to do in order to be able to manage resource effectively in this region in a major disaster. We can do it for common emergencies using our dispatch systems and other capabilities that we have, but we need to do more work to be able to mobilize resources effectively across the region in the event of an major emergency. So the contractors, done good work conducting meetings with various stakeholders, over 20 meets and a gap analysis and assessment and complete a strategy in order to determine how we're going to address those gaps and shortcomings in our ability to move resources across the region in a big emergency. And with this contract, we're now looking at wanting to expand the original conception of this project to allow for a greater stakeholder involvement. The original contract called for a two-month process of developing a plan, a regional resource management plan for managing resources in the region. And what the contract amendment provides for is an expanded effort to include some additional stakeholder focus groups and to conduct additional research into how we're -- how similar types of organizations and similar types of strategies to manage resources are done in other communities, in the wildfire community and elsewhere in order to manage resources effectively and then the contractors is going to have the time and resources with this contract amendment to be able to work through a series of planned drafts to get review, comments and to get the consensus and support we need in our five-county region in order to effectively manage the grant and to have a successful project here. So that's in essence, the scope of this project.

Adams: Thank you for that. Any discussion from council?

Leonard: I obviously support what it is you're zig, but help me understand what you're trying to create that doesn't already exist. We have mutual aid agreement and communications between the five counties that share the ability to talk to one another. So what is it that you're going to augment that currently exists? I assume these are instances as you describe in the packet here of wildfires and earthquakes and natural disaster. What is it that you're going to provide that doesn't already exist. That's not intended to be a critical question, but my understanding is we have first-class mutual aid agreements with each of the five counties.

Chubb: I think the easiest way to describe that would be --i think your assessment is pretty spot on when it comes to police and fire resources, the emergency services on the front lines. They already operate in a highly interoperable faction. The -- what our project is focused on are outside of that normal routine mutual aid. I would think in terms of public works resources and critical resources important beyond that first 72 hours that are critical to advancing the response to transition to recovery. It also assumes -- one of the fundamental assumptions is that the scope exceeds of the individual jurisdictions but the region as a whole and as we've discussed, the cascadia subduction earthquake zone is a prime example. This plan is putting together the administrative infrastructure to access resources that would come from beyond our own region.

Leonard: Would it evolve into protocols that each of the five jurisdictions would adopt. Like the maintenance and others that they don't already have?

Chubb: Yes, it would. To share those nonroutine resources in a time of crisis by identifying which ones are critical and how the agencies would work beyond the framework of those mutual aid agreements to satisfy the needs of the region without particularly preference to one jurisdiction or the other. In a region wide disaster we need agreements in place how we will prioritize the needs of the region as a whole and this process is aimed specifically that the.

Leonard: That's very helpful. Thanks.

Adams: Appreciate it. Unless anyone wishes to testify --

Moore-Love: No one signed up.

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Adams: Karla, please call the vote.

Fritz: Thank you for your work. Aye.

Fish: Aye.

Saltzman: Thank you, aye.

Leonard: Aye.

Adams: Aye. [gavel pounded] so approved.

*******:** Thank you.

Adams: Can you please read the title for procurement report item 449.

Item 449.

Christine Moody, Bureau of Purchases: Good morning, mayor, city council. Christine moody, procurement services. In front of you is a contract recommending to the low bidder, entered into a intergovernmental agreement with the Oregon department of transportation. The city's good faith efforts does not apply to this project. The db e goal was 8% and d and d contract has subcontracting participation at 9%. Turn it back over to council if you have questions regarding the bidding process and the project manager is here to answer technical questions.

Adams: Commissioner Fritz.

Fritz: I know that \$400,000 under the cost. This is grant funded from the american reinvestment act. Does that mean we have the money to spend on another project or what happens to that?

Moody: For the extra \$400,000?

Fritz: Yeah.

Moody: I'm not familiar with what's happening with the rest of the money. I believe april was here.

Fritz: Maybe I don't need that answer now, but --

Moody: I can follow up with you.

Fritz: -- it two-thirds of the cost, maybe more sidewalks.

Moody: I or someone from the bureau will follow up with you on that.

Fritz: Thank you.

Adams: Do you want to hold it or --

Fritz: No, that's fine.

Adams: All right. Anyone who wishes to testify on 449? Karla -- i'll entertain a motion.

Saltzman: So moved.

Fritz: Second.

Adams: Moved and seconded to accept the procurement report. Karla, please call the vote.

Fritz: Thank you for your ongoing good work in getting the projects done and mayor Adams, thank you for getting the grant and the sidewalks done. Aye.

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

Adams: Thanks. Aye. We have two items pulled from consent that I wanted to get to as well.

Fritz: I thought they were going back to --

Adams: Are they going back to my office? I don't see anyone here, so they must be. 443 and 436 -- 433 and 436 will go back to my office. [gavel pounded] so done. Good. Can you please read emergency ordinance title no. 450.

Item 450.

Adams: Commissioner dan Saltzman.

Saltzman: Thank you, mayor and members of council. This could have been on the consent agenda, but I wanted it on the regular agenda because it's such a great thing that we in the Portland police bureau are doing with this federal grant. I think daily, you pick up a newspaper or turn on the news and read about a sex offender who has been released, and is out in the community, and is committing heinous crimes. Whether it's cleveland, chicago, los angeles, it's happening all the time. And you often hear the related story of, well, their probation and parole officer did visit. They

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knocked on the door and the offender came to the door and everything looked ok and, therefore, that was the end of the visit. What we do, is we go beyond knocking on the door and I wanted to at this point, with this grant, we have Portland police bureau sex offender registration program and I wanted to invite up at this time, lieutenant mark [inaudible] and officer bridgette sickom, to talk about the registry we run at the Portland police bureau and how we make sure that sex offenders are not doing anything they're not supposed to be doing.

Adams: Hi, welcome.

*****: Good morning.

Bridget Sickon, Bureau of Police: Good morning. Mayor Adams, commissioner Saltzman, Fritz, and Leonard. I'm officer sicon, one of the members of the unit and to my right is lieutenant michael marsh man.

*****: And kimberly heck.

Sickon: And we're proud to be able to speak with you. And we have handouts that your clerk has for you at some point. It contains mostly additional information in addition to what you're going to see today. Our program began in 2005 when actually at the time, assistant chief jim ferraris and a couple below him, lieutenant john eckhart noted we aren't doing anything but pushing paper and this is not right. We needed enforcement. So we've come from 2005 to that going through that door. Three members and we call it a detached detail of 28 other members who are members of different precincts but when we have extra money, we funnel the money out to these extra trained officers and they're a extra arm for us.

Kimberly Adams, Bureau of Police: Our mission is to track sex offenders in the city of Portland and preserve the safety of persons by monitoring compliance and investigating deviant activity of the members of the community. And the specific things we do to accomplish goals.

Sara Clark, Bureau of Police: Currently, 3600 registered sex offenders in the city of Portland. Equals to about 620 registered offender -- sex offenders. On page four, you'll see a graph.

Leonard: Can we interrupt with questions?

Clark: Yes, sir.

Leonard: What explains the higher ratio of sex offenders in Portland compared to say las vegas?

Clark: We wish we knew. Besides possibly services and laws, we have different registration requirements in our state.

Leonard: So we may require sex offenders to register where nevada may not?

Clark: Possibility, and also less registration requirements in Oregon. We only are required to register once a year, which is your birthday, and then any time you move. Other states, they rate their sex offenders higher level crime you have to register more often. Every 90 days.

Leonard: So we may not be comparing apples to apples?

Sickon: Yes, and no. I'm the initial member of the unit and i've been doing it a lot longer and that I am demonstrate up, i've come to Portland from another state because of the social services here. From the day I enter the state, I can get the Oregon trail card, where I can't do that in tennessee. Other than that, just the way our laws run are a little bit more liberal than many other states. Arizona is a good example. They're tough on the sex offenders from the first time they fail to register it's oftentimes prison time.

Leonard: What is it that we --

Sickon: A first-time offender is looking at prison time. For having to register and not having complied with the registration law. In arizona, he may very well go to prison.

Leonard: In Oregon?

Sickon: No, get a slap on the hand and likely have some supervision time. Whether it's the misdemeanor level. It's bench probation, at the felony level, it will be with -- as a caveat, our parole officers in this counsel are topnotch among all in this county, of topnotch in terms of how they handle sex offenders.

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Leonard: This is it fair to say we don't generate more sex offenders in Portland, we attract more?

Sickon: That's correct. And moving back real quick, I wanted to point out these cities were picked because they're like populations in terms of at least the number. So that's important. We didn't just pick cities out of the air. We wanted them to be similar to Portland and nobody is to the left of Portland when this comes to -- because that --

Leonard: [inaudible] [laughter]

Sickon: You said that, I didn't. But well said, commissioner. There is nobody like city within this country that attracts more sex offenders than we do, and again, for mostly the reasons we just discussed. Any other questions on the stats?

Fish: I'm curious, do you have a breakout on the number of registered sex offenders that are also unsheltered.

Sickon: Not a stat that's 100% but the keeper of the documents or the registry is the Oregon state police and their database isn't fashioned in a way to be able to just pull that out. I can tell you at least 300, 300 to 350 and it fluctuates with the time of year.

Fish: People who are currently homeless?

Sickon: Yes, sir.

*******:** The need for monitoring and enforcement is evidence and a weekly basis when you watch the news. We've highlighted just a few of the tragic events with jaycee dugard kidnapped and held for 18 years and another who disappeared about a year apart and determined it was by the same sex offender system. Anthony sewell is the ohio registered sex offender where 11 decomposed bodies were found in his house. And alicia who was murdered by a sex offender in a vacant lot. As commissioner Saltzman said, we want to be the agency that goes beyond knocking on the doors.

Sickon: I touched on this a little bit earlier, but what we're most proud of since 2005 is all the partnerships we have developed. It started out as just me sitting at a phone and -- just me, sitting at a phone and now we have two more sisters and top of the line community justice in our own county. 25 to 30 specially trained sex offender p.o.s and many times we're going through the door with them at their behest or bringing them along. It's a tight partnership and last year, we advised the district attorney office on how to fashion and write a grant where they were successful and obtained monies to have a district attorney totally and 100% dedicated to failure to register. Her name is carolyn and doing a excellent job. We're on speed dial with each other. With dhs. They call us for help or we call them for help and lines are crossed in very good ways that were never crossed before. Information sharing on a very timely basis that's helping keep, especially kids safe. And then below, the -- when I first started this, homeless shelters wouldn't even talk to me but I was a police officer. But we're on speaking terms -- speed dial. We talk to each other. It's not just me calling them for help. It's really a two-way street. The part that's not mentioned is the community. We have a strong bond with the community but it's one that we want to increase. Part of this grant you're reviewing today has a strong community piece to include more access to the internet with a tip line, rather than just calling one of us. Also all our information will be attached to the website. So instead of just hearing about us, because the community member met us, and travels mouth-to-mouth, we're going to be much more out there in 2010.

Fish: Can I follow up on something you said.

*******:** Uh-huh.

Fish: In the last winter mobilization around the homeless, I met some registered sex offenders in the shelters where we don't screen. If you're homeless and you're a sex offender, how does the registration process work? What's -- you're registered to what location?

Sickon: Well, if they have a shelter bed, some of the programs give you a shelter bed, for example, the clark shelter across the river. And as long as you follow the rules, you're there. We don't consider you homeless. We register you to the clark center and that's your home until you move. If you're actually homeless, we register you to a location that's describable. For example, skidmore

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fountain and then we don't expect you to fight for your position that night. We don't want you to get into an assault because somebody is laying in your spot. It's where you sleep at night and frequent at night and be as close as you can to that. Within seven to 10 blocks and we've developed the seven to 10 blocks in the help of the district attorney, because if we have to go off a tornado, saying he's homeless but -- we have to go and develop that seven to 10 block radius with the district attorney.

Fish: If someone is a sex offender and register to a place they're camping, the guidelines require them to stay within that vicinity as long as they're camping?

Clark: Only at night when they're sleeping. If I have to knock on your door because you might be a suspect or verify that you're doing what you're posed to with regard to -- supposed to do with regard to registration law, it's not that you're staying there all day long.

Fish: The police and you relocate people who are camping to other places --

Clark: Yes.

Fish: -- if a person is a sex offender and registered to a location where they're camping, are they required once that location is identified to stay in that vicinity when they sleep?

Clark: Yes, and if they choose to move or get relocated, they have 10 days to-to-come and tell us.

Fish: Go out on the limb, i'm guessing that's more honored in the breach than observance. I'm assuming people don't within 10 days come and report a new camping site, or do they?

Clark: In 2010, five years into the program, I would say a majority of our legitimate homeless people follow the rules and I say legitimate homeless, because they're legitimately homeless versus the person who is trying to use homelessness to skirt other laws and really not homeless, he's living a woman. For example, in dhs housing and doesn't want to claim it because he doesn't want to affect other housing. So most of the guys are fairly compliant.

Fritz: You know where they are?

Clark: Through the grant that's ending now, the smart grant, we have found all but 58 guys. And that's of 3600.

Adams: That's amazing.

Clark: Yeah, we were pretty impressed with ourselves. Commissioner, did I answer your question?

Fish: You did, it opens up a host of other questions and concerns but it's helpful. I'm follow up on some of these.

Adams: Ok, sir. Additionally, we do sex offender registration and have an open registration on tuesday where the offenders can come in between 7:00 and 3:00 and register. They're welcome to call and make appointments because we do registration by appointment to accommodate schedule conflicts. We were able to locate all about 58 registered sex offenders and that was doing address verification check and an officer forking on doors and -- officer knocking on doors. And we investigate and locate out of compliance sex offenders, through address verification checks and this is something through the program we have located them in state. Out of state, and there was one in particular that comes to mind that was an offender who left prison, went to florida, never did any -- never followed any of the conditions of his parole. Never registered. Florida authorities were able to go and pick him up, I think it was a good 20 years later and hold him accountable for what he had tried to avoid all that time. And we complete investigations involving sex offenders that would otherwise go without follow-up. The detectives in the sex crime unit, deal with the measure 11 offenses. A lot of times many registered sex offenders will commit offenses that are lesser. Harassment. That might qualify as creepy in the sense they're kind of -- you know, grooming victims or leading down a road that would lead to a bigger offense. Those are the cases that we'll take and look at a little closer and monitor and if nothing he is, we're able to give that offender the sense that, oh, i'm being watched now and try and tow the line -- to toe the line. To talk about a

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couple of successes we've had in protecting the community as well. As the officer mentioned, community outreach, oftentimes called on by community members, a sex offender comes into their neighborhood and they want more information and we'll do a community meeting or discuss with them, you know, just community education. We operate as a resource available to assist the parole officers with -- patrol officers with questions and problems with sex offender-related matters and as we discussed before, the senator grant and the detached unit. The 28 officers who went out and knocked on doors and completed the address verification check and located the out of compliance offenders.

Clark: How we made a difference i've been with the unit for almost a year now. And every day, we're making arrests, whether it's doing follow-up on the patrol officer who arrested someone for failing to register or there just want enough information to get a conviction, we'll make the necessary notification the people, and knock on doors for a successful prosecution. Doing that day in and day out. A couple of notable persons. A registered sex offender from tennessee who moved to our state and living in clackamas county, but pretending to be living in Multnomah county. And officer sicon got information on him and had enough information to put out a warrant and got arrested by weezer police. And -- and extra indicted back to clackamas county and is now back in tennessee living with his mom. And steven rattily, recently on the news for going to art classes in philomath, Oregon, and trying to get people to take art classes from him. He has been seen all along the Oregon coast, in lebanon, which is in linn county and benton county and philomath and michigan where he originated from and had additional victims there also and did prison time. I don't know how to say this politically correct. We went to arrest him on information gained by lebanon p.d. They had an arrest warrant for him and he decided to take his own life instead of coming back to prison. But we were investigating him for crimes here in Multnomah county also.

Sickon: The future, the future really sits if front of you now with this grant. They're both going to say smart on them. The first one is almost gone. We have a little bit of money left where we're continuing to use for our activities. The casom grant is a little bit less and we have to focus. For example, the homeless offender bees, most of them were tell -- telling truth the why spend overtime money to send officers out for tornadoes doing what -- offenders who were doing what they were supposed to and we're going to target, if we're successful obtaining the grant, for high-risk sex offenders and designate 400 or 450 of them. Not that we're going to forget the other population. We're going to handle them differently. But the 400, we're going to target just cycle wildfire. Because we know they're -- just like wildfire. Whether it's registration violations or the creepy violations or the misdemeanor sex crimes that don't rise to the level of the sex squad detectives. That's where we step in. The community issues, the call we get all the time -- hey, we think he's giving them alcohol and there's kids going in and out of the house all day long. There's probably a crime, but you have to spend the time and energy and money to get that crime identified. That's what this casom grant will help us do. The pilot grant, it's simple. We want to take these 28 officers that we've identified within our bureau who love sex offender enforcement and trained in it and dedicate one day a month in their precinct on the Portland police bureau time, no overtime necessary, but instead of doing calls for service, they'll get their work from us. The same, knock on door, we know he's there. He's out of compliance and pick him up and let's start a prosecution. Whatever the case may be. We've started that with north precinct. The commander has been helpful in that and our hope is to continue that bureau wide this year. To expand it, not to continue, but to expand it. If we could ask you if you could help us in any way, to make sure that these last two, the future goes forward. And unless. Lieutenant has anything to end with, thank you for your file and attention.

Fish: You've given us a copy of your power point.

*****: Yes, sir.

*****: E.

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Fish: Which has the highlight, could we get the complete power point?

*******:** Your clerk has the complete power point and the additional things you were given are in addition to the power point loaded on this computer right here. You have extra handouts and power point is right here.

Fritz: The other thing that would be helpful. If it's posted online, to send us a link, so we can get the information to citizens.

Sickon: Sure.

Saltzman: I wanted to say that this is a great program. And, you know, by our vote today, we're helping you get that grant and if there's other things we need to do or I need to do to help grease the wheels and make sure we get the grant, i'm more than willing to help in that regard too. It's a program that goes beyond just knocking on the door and seeing if the person is there. It goes beyond the door and that's why it's so important to me. And I just want to thank the three of you and I know sergeant justice has a role and lieutenant marshman, effective I guess --

Sickon: He got promoted.

Saltzman: Oh, ok.

Leonard: Sergeant to lieutenant.

Saltzman: It's one of the things that we don't hear often that's innovative and keeping our citizens safe. From men who are prone to abuse our young men and women. By keeping close tabs on them, we can minimize that. Thank you for your hard work. All of you.

Adams: We're going to accept this report.

Fish: So moved.

Adams: Second. Moved and seconded. Anyone wish to testify on this matter.

Moore-Love: No one signed up.

Adams: All right. Please call the vote.

Fritz: Thank you for your good work and your presentation it morning and thank you, commissioner Saltzman, for take can the time to put this on the regular agenda. I think one of our troubles in Portland, we sometimes don't brag enough about the good work we're doing, we don't explain to citizens of the good work we're doing and all they see are the headlines of the tragedies. I noticed your comment about the creepy incident and because you're dedicated and doing it full time and know where those people are, you get the sense of something's not right and that's -- enables you to follow up. You can't write that in a policy and yet you have the expertise and passion to do it. Thank you for your work. I wanted to note that -- we're grateful for the federal government to give us this grant for making this community safer. Aye.

Fish: Sobering. The presentation. And there are a number. Issues i'd like to follow up through commissioner Saltzman's office. I would like to identify three. The one is the parks commissioner, we have some parks adjacent to schools that are not fenced which are also used by children during breaks and outdoor learning. Our school districts do the best they can to monitor, but in light of the data you've shared with me and the m.o. Of some of these individuals, it seems to me that you've raised a red flag about how we supervise public spaces adjacent to schools which are used by children and are we doing enough. That's one thing I want to follow up. Number two, in light of the story you told us about the gentleman going into a school and sitting in on classes, we have a lot of children that are supervised by parks in our centers and after-school programs and the like. We have stringent background checks when we hire people, but our rec centers are fairly open facilities and people that have a financial hardship can apply to get in. You've raised a issue in my mind how to monitor that. And the third -- how we monitor that. And thinking about homelessness and camping and some of the new strategies we want to employ to tackle the problem and based on your data, a six of the people sleeping outside on a given night may be a registered sex offender. One of our challenges is getting good data and for a lot of reasons people are reluctant to share information but you've got a database of one segment. And then in notion that people register and required to

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stay within a zone has some consequences -- within a zone, has some consequences. We have to think that through. And the larger question that comes up with camping is the safety of women. The large camps have negative consequences but at the heart is violence against women and i'm not identifying these 300 or whatever, as the only likely perpetrators, but i'm guessing from your data, there's a higher risk. How we factor that in to our strategies takes a complicated problem and makes it more complicated but I appreciate the data and the presentation, commissioner Saltzman, because it frankly, adds a level of new fission indication to understand -- sophistication to understanding the data and I look forward to collaborating with the police bureaus with an look at new strategies for dealing with homeless people and ways of getting people off the street and how your programs might interact. So thank you for an excellent presentation and thank you, dan, for bringing this to our attention. Aye.

Saltzman: Once again, thanks to officer sicon and heck and clark for the work you do. Thanks for the presentation. Aye.

Leonard: I agree with everything that's been said. And just kind of sitting listening to each of you testify and -- and officer sicon and I have talked before and i've been impressed by your forthrightness and clarity, it strikes me to build off what commissioner Fritz said, how much attention gets paid to the incidents that receive a lot of media attention in the day-to-day work and i'm very familiar with, that officers do that's good that doesn't get any attention. And I think there's a strategy that, as you may have heard, i've over the years made polite suggestions to the police bureau and i'll make another one today that I hope is followed up on. It would seem to me that the police bureau would serve itself well to create, maybe not a interactive blog, but on the website, at least a blog in the sense that you talk about active kinds of things that day-to-day officers do, including what you three do on a day-to-day basis and if you need a template to see how they're created, the water bureau and fire bureau have exactly that kind of thing. I think there are a lot of people in the community who read those things and would be impressed with the profiles of each of you and the work that you do. People don't know that. So I would encourage you to go back to the command and consider doing just such a effort. Secondly, I think commissioner Saltzman's instincts to take this off the consent agenda and put it on the regular agenda were good. And I think that based on the comments and feedback you got here today, I would hope that would encourage the police bureau to do more of this. Not just on this topic, but any one of a number of topics to come in and not do a p.r. Job or selflessly promote yourself but really explain the day-to-day work that 90% of the bureau does but doesn't get the recognition it deserves. There's a lot of people watching tv that are watching, vast majority -- I didn't foe that, that's cool. So I make those two suggestions and I hope they're followed up on because I truly want the best for the police bureau and -- and do whatever I can to promote your best interest. Thank you for your good work. Aye.

Adams: I want to commend police commissioner dan Saltzman for his focus and support of this program. Obviously dozens communities get this federal funding but very few do as well as we have. And that's because of your great work. So thank you for that. It's amazing just how effective you've been given especially how difficult of a job it is. So thank you for that. Aye. [gavel pounded] so approved. With that, that gets us to social security recess. Until 6 -- that gets us to recess until 6:00 p.m. this evening.

At 11:00 a.m., Council recessed.

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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.

Key: ***** means unidentified speaker.

MARCH 31, 2010 6:00 PM

Adams: Good evening, everyone. How many of you have been to the Portland city council to testify before? Raise your hand. On issues like this where we want to make sure -- where there's passion involved and we want to hear from everyone. If you like something, then feel free to wave your hands like this. If you don't like something, feel free to put the thumbs down sign. But we try to have as robust of dialogue as possible. And I don't know, it is possible tonight you might hear some things that you don't personally agree with. But because we want -- we want to create a safe and accepting place for people to say whatever they want to say, there's no clapping, hooting, no automobile, but you're free to participate or give your feedback silently. We're really glad you're here. This is a very important issue. If you've signed up, we'll be calling people up in groups of three and you'll have three minutes to speak. Right now, I think we have about 45 -- 45 people signed up so that's -- we estimate about two hours of testimony. Commissioner Leonard and the auditor also have some invited folks. They've got opening comments and invited testimony as well. If -- as the night wears on and if we begin to hear repeated comments, that's fine. But as the night wears on I might move from three minutes to a shorter time frame depending how the evening goes. That's the general rules of the chamber. Try to be as fair to everyone as possible. [gavel pounded] today is wednesday, march 31st, 2010. It is 6:00 p.m. We're in evening session of the Portland city council. Good evening, Karla. How are you? Good. Please call the roll.

[roll call]

Adams: Quorum is present please read the title for council emergency ordinance number 451.

Item 451.

Leonard: Thank you and welcome to everybody here tonight. This ordinance has been in various stages of being worked on for a number of months beginning last fall. And those of you that were here a couple weeks ago may recall at the hearing and subsequent to the hearing, there was some indication by some parts of the community that parts of this ordinance could be challenged in court and parts could have unfair labor practices filed against it. I said at the time and i'll repeat, I think we drafted it in a way to keep that from happening, you but in consultation with the city attorney and the bureau of human resources. I want to read into the record. I do not believe I have adequately emphasized a couple of points. The change to the ipr review power and role in the structured police review board are intended to codify already -- processes. And increase transparency and thus, public confidence in how those recommendations are arrived at. Second, the changes do not grant to the board or ipr the ability that charge employees with misconduct or proposed discipline nor alter the level or imposition of discipline itself. The chief and commissioner in charge retain all authority for the purpose of charges employees with misconduct, proposed discipline and conduct due process hearings and nor do the changes alter the standards of roux for discipline, which re-remains just cause. These changes are about creating a accountable review and recommendation process. We've made all the changes as first introduced and the procedural concerns that were made that we can move forward with this -- to be clear. One, these changes do not delegate to ipr the -- two, these changes to do the delegate to the ipr the responsibility of charging employees with misconduct or taking disciplinary action. Three, ipr must comply with existing provisions of the city's labor agreements. Four, there's no intent to change

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existing protocols or policies regards background checks, discipline, employee confidentiality and right to be present during the presentation of review board. Or employee right to representation provisions. Five, all those involved in the police review board are to receive training regarding police policy and procedures and discipline and other relevant legal requirements. Thank you, mayor Adams. We have a list of invited guests, the first of which I would like to invite is the chief of the Portland police bureau, rosie sizer.

Adams: Rosie is not feeling well. And she's come in for -- to make these remarks and I understand you're going to go back to your sick bed.

Rosie Sizer, Chief, Portland Bureau of Police: I'm rosie sizer, Portland's chief of police. I'd like to begin my remarks by thanking commissioners amanda Fritz and nick Fish for their leadership in ensuring that the hearing of this ordinance was extended to today. I think you can see by the number of changes to the ordinance that have been made over the past week, some of them just hours ago, that the ordinance was not ready for a vote when first heard. I find the process we've used to bring this forward to you to have been at the very least, unseemly, at the worst deplorable. Clearly elements that needed to be bargained with labor associations that weren't. Clearly the bureau of human resources was not consulted. And clearly the Portland police bureau whose disciplinary process is affected by the ordinance was purposely get kept in the dark. So much so that the prior to the first hearing, the ipr director and her assistant were ordered by the auditor not to discuss with members of the police bureau including members of the internal affairs division with whom they communicate daily any aspects of the proposal. What's left today as near as I can tell, a rather curious mixture: Many of the provisions I have no objection to at all. Some codifies processes that are already in place. Much of it augments the authority of the ipr director, who by the way yet to exercise all of the authority that she currently holds. And finally, it changes the composition of the police review board, an advisory board to me as chief of police, and undercuts the roles of managers in the police bureau from actually managing the organization. I won't plow old ground by commenting on the elements of the ordinance that do not seem to have survived to today. In a more inclusive process, however belated it was. I would like to point to a couple of elements that survived into language that was forwarded to me this afternoon. One of them has to do with the citizen members of the police review board and that they be nominated by the auditor and confirmed by city council. The current citizen members of the review boards have been selected by the chief of police. They are an incredibly talented lot and include gwen baldwin, a government relations consultant. Patricia TenEyck, executive director of habitat for humanity of Oregon. David Deneke, a attorney and share holder of Harrang Long Gary & Rudnick. And anita noble, program manager for girl scouts behind bars. And tom margraff, transportation consultant and former staff to congressman earl blumenauer. It is unclear to me what was wrong with the process that resulted in the selection of these fine individuals. What I have left to infer from the change being proposed is either that the auditor has a very different kind of person in mind or somehow these individuals participation is stained by their selection by the chief of police. Since the review board makes recommendation to me, shouldn't its members be people with whom I have a modicum of confidence? And how would you feel if you or your bureau directors had absolutely no role in the selection of citizens who advise you and them on important matters? Further, it mystifies me why in this time of great scarcity we have an ordinance that requires the police bureau to hire someone or a panel of people to serve as non-voting facilitators for the police review board. As you can recall from the budget hearing yesterday, the city of Portland is poised to lay off police officers for the first time in two decades. I do not feel the case has been made to justify this expenditure in this economic climate. On the matter of the review board, if the auditor feels i'm not given adequate information on which to base my discipline decisions, the ipr director could just provide additional information. The ipr director could on her own have a police review board, facilitated by whomever she wants, place whoever she wants on it and make recommendations to

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me. I assure you I would consider any recommendation made to me. When ipr was created in 2001, it was done so after great thought and careful crafting under then-city auditor gary blackmer. The original independent review ordinance is not perfect, but it's pretty darn good and it's been held up as a national model that's been distinguished by the results that it's achieved and the level of collaboration that's existed between the Portland police bureau and its overseers at ipr. The collaboration and hard work of many in the Portland police bureau has resulted in over 40% reduction of internal affairs complaints over the past 5 years. A greater than 50% reduction in use of force complaints in the same time period, and changes to the bureau's use of force policy, training and practices, and changes that are ongoing. I know that the community wants change. I have spent the last four years making thoughtful incremental change, I have made changes that usually come only through the process of a consent decree, like we've seen in los angeles or cincinnati, ohio. I'm committed to additional changes that make sense and produce results. Thank you.

Adams: Thank you, chief. I hope you feel better.

Fritz: Thank you for coming in.

Leonard: Thank you. Thank you, mayor Adams. If we could call auditor lavonne griffin-valade, mary beth batista and Constantine severe. The next panel. And mayor Adams, just procedurally here, we do have some amendments including under the deletion of one of the attachments. I think i'm going to -- I think i'll move them now and then -- and then lavonne will describe them in detail afterwards. So I would move --

Adams: Who else has amendments up here? You do? Ok.

Leonard: Before we get to those, I want to make sure I have the most current packet.

Adams: It was on our desk.

Fish: It's the one that's highlighted.

Leonard: That's it.

Fish: Got it.

Leonard: So I would move to replace the ordinances o, exhibit a and exhibit c as illustrated as -- in the paper copies presented and eliminate exhibit b altogether.

Fish: Second.

Fritz: Exhibit b?

Leonard: Exhibit b.

Fritz: Expeditious investigation.

Adams: Expeditious investigations, did you say?

Fritz: I did.

Adams: All right. Is that a --

Fish: Second.

Adams: It's moved and seconded. Discussion on council? Can someone quickly just summarize what the purpose of the motion is?

Mary Beth Baptista, Director, Independent Police Review: To delete expeditious investigations, that's the whole --

Leonard: Talk about that.

LaVonne Griffin-Valade, City Auditor: Could I just say a few words.

Adams: We welcome that.

Griffin-Valade: And then turn it over to mary beth and constantine to --

Adams: The amendments are on the floor and you're explaining.

Leonard: And this is the result of the discussions with the attorney's office. Bhr and outreach programs --

Griffin-Valade: I want to explain how these did not happen in a vacuum. First, good evening, lavonne griffin-valade, city auditor and with me is mary-beth baptista and constantine, the assistant

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director and here to finish a discussion that started on march 18th. We have the same goals to strengthen the civilian oversight authority and enhance and move community policing efforts. We've spent many, many hours in meetings with city labor attorneys and police bureau members and managers and the human rights committee and other community members, councilmembers and staff and bureau of human resources labor relations manager, not to mention several hours of revision and review by mary beth, constantine and other -- i'm sorry.

Adams: Move it a little closer to you.

Griffin-Valade: Sorry. I'm sorry that I don't have a loud voice. So in addition to all of those members of the community and bureau and council and staff, mary beth, constantine and other ipr staff and the city attorney's office put in several hours of review and we've taken seriously the concerns and comments of the stakeholders and the amended ordinance in the 12 page list of amendments before you reflect our response to those conversations. We appreciate everybody's thoughtful comments and recommendations and the documents and the proposed changes have made them stronger because of those comments and we could not ask for more than that. Buff I turn it over to mary beth and constantine, I want to express my thanks for the work they've put in and the city attorney's office. Everyone went above and beyond the call. Finally, I would like to thank the community members who presented such compelling testimony on the 18th or came forward to express their support and agreement with this timely and significant proposal. I would like to also thank those who took the time to show their support for our work, but wanted to respectfully tell me of their disagreement with this proposal. It's important in a civil society, we're able to honorably disagree and continue to respect and show respect for those we disagree with. So without further ado, turn it over to mary beth and I don't know if we want to do --

Leonard: Usually we stop the amendment and then it's open the floor and we have discussions and, of course, adopting the amendment doesn't adopt the ordinance. It just puts the items being proposed before us for discussion. So I think it's probably appropriate at this time to stop --

Adams: Well, I would like to hear the changes first. Because unlike other -- they're extensive, but -

Leonard: Ok. That's fine.

Baptista, Director: I'm prepared to do that. I'm going to take the changes to exhibit list. A, b, c, that you've been provided that has today's date on it and it's easiest if I just go through that. If that's agreeable to everyone.

Leonard: This.

Baptista: That's it.

Fritz: Are there copies for folks here?

Baptista: Yes. First, I want to give background on how these amendments were made. As both the auditor and the commissioners have stated, the assistant director constantine and I spent hours with several groups over the course of the last nine or 10 days. Including a public meeting coordinated by the right -- the human rights commission. When we talk of things of community concern there were several members of the bureau there, hearing first hand what i'm talking about when I say there's community concern. And so I think that was helpful to have that meeting. We also spent hours of meetings, I met with each of the assistant chiefs together in a meeting. Constantine and I also met with the bureau command staff and leadership of the ppcoa. And we also met with -- and spent self hours working with the bureau of human resources and the city attorney's office. And an want to thank the city attorney's office for the amount of time. I had no idea the significant workload that was going to be imposed on them, both the attorneys and their staff. And their positive attitude as well as. Which was helpful. The stakeholders are the basis of the following changes made to the ordinance. Some are just housekeeping things. I think it was important we use language that actually is representative of what we're try doing and clarify. So you'll see there's several areas where we just -- by adding the word "recommended" in front of

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findings or discipline helped to clarify what our intent was and what we're seeking to do. Several of those -- what we're seeking to do. And there's several of those that is adding clarifying language. On exhibit a, page 1 of seven, from the ordinance 320-140, b1c2. This change made directly on the meeting with the assistant chief. There was a concern about the lack of definition bodily injury is and how many automatics would be flooding the board and flooding that workload and so we changed it back to the standard of physical injury which has a legal definition which requires hospitalization which has a working definition at the bureau. This doesn't change the substance of what we can still do. We can controvert something and send it to the board if there's a issue there but just to take care of how many case are automatically going there. The next change, [inaudible] there's a significance of the world -- less lethal incidents with what we intended. Page 1 of seven, this came from our meeting with bhr. This is about the eoc claims. We did not want to disrupt their work and processes so we incorporated that into the ordinance. A very significant change that we -- that was made based on all of the stakeholders, exhibit a, page 2 of seven. Was removal in this portion of the code, discipline guidelines. This was made clear to us that this is a significant concern, and what we've done to preserve what we wanted, and the changes we sought, we now have that in the ordinance. As an area that we will be doing -- that council will, if adopted, be directing us to do further study on for adoption at a later date after bargain be concerns and input from the bureau of --

Saltzman: Where is that one again?

Baptista: It's the bottom of page 1 is where it starts. Exhibit a, page 2 of seven. And it's 321b3.

Saltzman: Ok.

Baptista: So -- in the ordinance, it's been moved to subsection -- under council directs, it's now subsection e. And it is accurately -- what our intent was, it still preserves and accurately reflected in that subsection e. So we were able to move it to where it's more appropriately handled. The next on exhibit a, page 2 of seven, the composition of the -- this is regarding the composition of the board. Our intent was to balance the board, to have more citizens participation in balance with the amount of bureau representation. However, based on our -- my conversation with the assistant chief, I learned it's a great training tool for them to be present during the boards, that it's a key element to their supervisory work and our intent was to balance the board when this comes to voting, we saw their point and added them in. And didn't he can or goal which was the balancing of the citizen and bureau involvement. The next portions are regarding again the police review board.

And there was concern from the assistant chief as well as the union that we didn't put in the provision regarding confidentiality and criteria for selecting those members or reviewing those members and our -- and removing them. Based on the advice from the city attorney, we added that language here that we'll develop a bureau -- the bureau and ipr will work together to develop a directed setting for the critical criteria confidentiality issues and based on the conversations with the assistant chief we've added back that the chief will have authority to recommend to city council the removal of citizen members along with the auditor. We certainly did not intend to exclude the bargaining units or the involved members from the performance -- from the police review board as revised. Our hope is that there will be more participation from the bureau and the bargaining units.

It was a oversight and we had no problem adding them back in. There was also concerns about what a quorum would be so we did housekeeping there. And followed basically the status quo of what the bureau has regarding quorum in their directive and codified it here. Again, repeats of language of physical injury as well as less lethal. Again, another area brought to our attention regarding -- from the acs as well as the union, our -- i'm on page 3, exhibit a. Page 4 of 7, 321d1a. We wanted to be more inclusive with the members and did not mean to exclude the advisory members from having access to information so took out the word "voting" and that more accurately reflects our intent and there was concern regarding the confidentiality provisions. Exhibit a, 4 of seven. We clarified the language here to reflect what our intent was, that it's a recommendation of

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findings. A disposition recommendation to the board. And again, this is an area that we again going back to what the commissioner was talking about, about managing the day-to-day operations, there's currently a good process for distributing information and making sure that the members are advised on a timely matter and have access to that information and so we're not trying to interfere with those day-to-day processes of providing that information. The next -- on the bottom of page 3, and then continues to page 4. Exhibit a, on page 4 of five. 4 and 5 of page 7. In that exhibit, 321, e1, a and b. Regarding the facilitator of the board. We have -- heard that there was concern about -

Saltzman: Excuse me, where are you?

Baptista: Page 4 of the outline. The very top of page 4, a and b.

Saltzman: Ok.

Adams: We have a different -- you're on e1, a and b?

Baptista: A and b.

Adams: The bottom of our page 3.

Leonard: And goes to page 4.

Adams: Stick with the numbers, that'd be great.

Leonard: She's using the same sheet. She just flipped over.

Baptista: It starts on the bottom of page 3 and the changes are on page 4.

Adams: Thank you.

Baptista: We addressed the concerns of the ppcoa and the assistant chief. Without losing the intent of what it is that we wanted to do. Which was to have eye facilitator for the board. We just provided the protections to establishing confidentiality and the manner in which the facilitator would be chosen and it's the same intent but language that's been clarified to help with those other concerns. Again, added in the next two portions, clarifying language of what our intent was regarding recommended findings and recommendations. And setting forth criteria and timeliness provisions. I think the next major change that isn't a repeat or obvious clarifications is on page 5 of our outline. And that's regarding exhibit a. And it's the 321, 40, ha and b and this is another area based on concern that we heard from all of the stakeholders we talked about that the intent of the language was to establish -- to work on establishing timelines and so the language is that here, the same provisions and intent of that language has now been moved into the ordinance. Which is in the direction, subsection f. So it's the same intent of making sure we develop those -- develop those timelines and it's now accurately reflected in subsection f of the ordinance. Moving on to page 5. Page 6. Of the outline. We discussed in exhibit b that we deleted that as an exhibit and it's more accurately reflected in the ordinance. On subsection e. Just some clarifying language of what a finding is. And then moving on to the middle of the page, exhibit c, 320, 3.21, we added clarifying language to say that ipr is doing the administrative investigation and that the administrative investigations will be conducted in accordance with the human resources rules regarding the complaint.

Adams: So the distinction between internal and administrative is what?

Baptista: It's an m administrative investigation that's done at did you it draws the distinction between it being administrative versus a criminal investigation.

Adams: But the difference between the change on the couple lines down from internal administrative, what's the distinction between internal and administrative?

Baptista: Internal fairs does an administrative investigation. We basically used [inaudible] when we shouldn't have.

Adams: Thank you.

Baptista: And the next section, having more appropriate recommendation. The bottom of page 6, the subsection m. There's concern we were going to be releasing reporting regarding specific member misconduct. That was never our intent. We clarified that to say it's trends of misconduct

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that we'll be reporting on. And trends of misconduct. And top of page 7, of significant concern to all of the stakeholders that we would be codifying an ordinance, including community members on this topic. That was reviewed. Removed. Obviously it will exist whether we codify them or not. And still on page 7, exhibit c, section 321, 120, b3a and b. Talking about with the administrative, all stakeholders we talked to, including community members, wanted more clarification on this point. And that's important that we talk about how we're not in the business of engaging in criminal investigations here. Nor is it our intent to interfere with criminal investigations. The city attorney and I worked closely on this language, gave me a flashback from law school for a minute. Which is concerning to me. This is the language that we came up with that made sure we were -- that we were reflecting accurately not going to engage in criminal investigations and take steps necessary to meet the constitution at requirements and comply with existing conditions if there's a criminal investigation currently ongoing. You'll be happy to know the majority of the next pages are just housekeeping. Self-explanatory. Things we missed and others caught. It's clear that there's just some language that needed to be changed to more accurately reflect our intent and Lavonne's intent to be grammatically correct. So we made those changes. Most on page -- all of those on page 8 are that -- of that vein.

Adams: On page 7, the b says, if a criminal investigation has been initiated against an involved member and goes on, is that new or just --

Baptista: This is new language.

Adams: Is it new authority or new clarification of the authority if a criminal investigation is initiated on an individual that you're doing an administrative investigation on?

Baptista: Yes, this is new language to clarify what our -- how we would go about exercising the authority given to us in subsection 3.

Adams: What's that new authority?

Baptista: It clarifies how we would do it. So basically there was concern about whether or not -- the authority is ipr can initiate administration investigation. That was the authority in the original ordinance.

Adams: Right.

Baptista: This is to -- clarifying what is the procedure if there was an criminal investigation that was ongoing, ipr initiated that, or if ipr were to uncover a potential criminal allegations, what we would do with it.

Adams: And what is it?

Baptista: We're -- so what we would do is advise the city attorney and/or district attorney immediately before initiating an administrative investigation or continuing to conduct an administrative investigation and take all steps necessary to meet the constitution at requirements and comply with the provisions of city labor agreements. Meaning it an officer's being -- we can't -- don't want to affect the criminal case by compelling -- having compelled testimony or external investigation done by ipr, compelled statements that then couldn't be used in the criminal courts. We would have to make sure we were all on the same page to protect the integrity of that investigation.

Adams: Thank you.

Griffin-Valade: How did the change get made? In discussions with --

Baptista: Oh, yeah, we had discussions with the assistant -- i'm not sure it came up with the assistant chief but it certainly came up with the pcoa and with the city attorney's office.

Adams: The legislative spent is not put at risk any criminal --

Baptista: Absolutely.

Adams: But that has precedence?

Baptista: Yes, and provides protections to diminish that risk. Like I said, the page 8 primarily housekeeping, as well as page 9. However, the very bottom of page 9, subsection f, 321, 120f and

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continuing on to the top of page 10, I can't be sure, because the ppa attorney didn't identify which areas he thought were constitutional violations but I did have conversations with the city attorney and the way it was originally written may have raised double jeopardy concerns so we -- double jeopardy concerns and wrote it to more accurately reflect our concerns that a type four case could be sent back for further investigation just as any other case type and the way we wrote it had the unfortunate side effect of making it look like presenting a double jeopardy argument we didn't intend. So we worked with the city attorney's office to clarify that language. Again in the next two subsections on page 10, g2 and g3, again, this is based on concerns we heard from the bureau, bhr and the union. That we unintentionally used language that didn't accurately reflect what we were trying to communicate and that is that we're discussing recommended findings and proposed discipline. I did a find and replace and made sure we put recommend in front of findings and proposed in front of discipline. So the language more accurately reflects that. And the next page is that. If you look on page 11, you'll see many highlights of recommends and deletions of time frames and that's based on the expeditious investigation being removed from the code and put into the ordinance instead. And finally on page 12, I think this is the other area of concern that was raised by the ppa attorney. Certainly raised by the ppcoa and the bureau membership and leaders as well as community members concerned about this provision. Talking about the subpoena provision, exhibit c, 321, 210. We -- our intention with the subpoena provision with the beginning was to be used on people who were not able to be compelled to testify through an *in loco parentis*. It was never our intention to use subpoenas on sworn bureau members that are under the bureau's direction to cooperate with administrative investigations. So this is clearly a concern and we put in some language that -- you know, through various voicemails I put together from members of the ppcoa. Used that language. This was our intent and thought we were clear in our other areas that we were using lay stop to compel that testimony but it doesn't hurt to add that language here. We intend to use subpoenas when we need civilians who won't come in to testify and records that won't be given to us without a subpoena. And that's more -- without a subpoena.

Saltzman: I'm not clear with the expeditious review ended up. You said you put it in the ordinance.

Fritz: Suggest you good through the changes in the ordinance.

Baptista: I'm do that next. What our intent was with the expeditious investigations we would work with the bureau to establish timelines because we heard from both bureau members as well as community members the amount of time that things take to get done is of concern. So based on advice from the city attorney's office and having conversations with representatives from the bureau, it's legally more appropriate, apparently, for it to be in this ordinance, to have council direct us to work on these issues and so that's what we've done. If you look on the second page --

Saltzman: Where are we in the ordinance?

Baptista: Two pages, as far as I know. So you look on the second page.

Fritz: Of the actual ordinance?

Baptista: Of the actual ordinance. And you look at subsection f. It says the Portland abuse bureau and independent police division are directed to confer with each other and impacted labor organizations regarding proposed timelines introduced at the march 18th, 2010, council meeting. Following conferral -- at timelines for bargaining. The same issue arose about the guideline. And our intent was -- the original language was to work together to develop these guidelines to be later adopted by council. And so if you look right above that subsection I read, subsection e. It says the police bureau and the bureau of human resources are directed to research, consultant with impacted labor organizations and develop discipline guidelines for use in making discipline recommendations to the chief and return with a recommendation to council. What's important is that our intent when we wrote this was to accomplish exactly this. And so nothing has been lost about what our original

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intention is. It's just more appropriately put in this context and language and place in this ordinance.

Fish: May I ask a couple of questions.

Adams: About this particular provision?

Fish: We're talking just about the ordinance, and i'm trying to keep track of all the different versions. But the original version in section 4 had a severability clause. Where is -- a severability clause.

Baptista: It's still there.

Fish: It's not in the copy that --

Leonard: It's what was handed out.

Fritz: The original ordinance didn't have a severability clause.

Baptista: That's been added.

Fritz: For those in the audience, it says that council -- any subsection, sentence, clause or phrase of this ordinance or the code amendment if for any reason found to be invalid or unconstitutional, that will not affect the rest of the code. If there's particular problems with particular pieces, the rest still stands. That's an important addition. Thank you for doing that.

Fish: In one of my earlier versions, it wasn't -- it's now in section 4. And that was something that a number of stakeholders raised. That if there was a legal challenge -- that's set. And then I wanted to clarify that -- that under section 3 of the ordinance, the core provisions in what you walked us through, those are effective, 30 days on the effective date of the ordinance. Even though this is emergency an ordinance, they don't kick in until 30 days.

Baptista: And we and you need time to be able to make the adjustments in house as well.

Fish: But nonetheless, it's an emergency ordinance and has all the other characteristics but we're making clear it kicks in 30 days from adoption. Ok, thank you.

Fritz: The new section 6, subsection 1. Says the council's intent is that employment investigations and subsequent disciplinary actions occur in a expeditious faction. Did you really mean employment investigations?

Baptista: That should actually probably say administrative investigations rather than employment.

Fritz: So move that amendment.

Adams: Are you ok with that?

Fritz: And commissioner Leonard, I assume that your motion included the substitute ordinance.

Leonard: It did.

Fritz: Thank you.

Adams: Any other discussion.

Leonard: With that change, the city attorney got that on --

Adams: Are you done with your --

Baptista: Unless you have any other questions about the ordinance or the amendments.

Adams: Any other discussion from council on the motion to amend and substitute? Karla, please call the vote on the motion to amend and substitute.

Fritz: We sat through a long discussion and a lot of details and I believe that these changes make this stronger. Make it much clearer and that they will make this ordinance be able to be effective and remove some of the language which could have caused problems. I greatly appreciate the time and effort you put in. And also response to some of the community feedback we heard two weeks ago. Thank you for doing this. Aye.

Fish: In addition, I wanted to thank the auditor -- they extended to the commissioner's office in reviewing the proposal and proposed changes and walking us through it. This is a very complex matter and I appreciate the care you've given this. In the spirit of maintaining the integrity of the proposal but strengthening it. So pleased to vote aye.

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Saltzman: Aye. **Leonard:** Aye.

Adams: I appreciate you taking the time to walk through with us tonight and also as commissioner Fish noted, willingness to sit with my office and explain in even deeper background some of the reasons -- the reasons for these changes. And I too think it makes for a better ordinance. Aye. [gavel pounded] we have more amendments. I guess --

Saltzman: I'd like to -- and explain them.

Fish: Do you have a copy for the auditor?

Saltzman: Yes. So the first amendment is to -- in the spirit of the changes made between march 17th and today about the police chief having the ability to have a say in excluding members from the Portland police board. My first amendment says that the auditor and police chief shall also select the citizen review member that are approved.

Leonard: Are you proposing this as one amendment or a series of separate amendments voted on separately?

Saltzman: Separate amendments. I thought i'd get them out now.

Adams: Do you want to describe them all together?

Saltzman: Sure.

Adams: And go back through each individually.

Saltzman: The first amendment would say both the auditor and the police chief will select members of the public police review board subject to council ratification. The second amendment clarifies the auditor on march 17th said that the facilitation costs should not exceed \$10,000.

Griffin-Valade: I estimated \$10,000. I think that's a --

Saltzman: This would say that the bureau is responsible for any costs estimated with the facilitation of the board up to \$10,000 per fiscal year and I think the reason for this is as the chief stated, this is a -- we're trying to prevent laying off officers and trying to recruit more minority officers and to the extent that the costs are contained that let us work on the other issues. And --

Adams: Is this the cost of facilitation for all the boards' work or each case?

Griffin-Valade: All of boards work for a year.

Adams: That's a low number.

Griffin-Valade: We think it's low in part because the board meets twice a month and the time span can vary and sometimes they don't even meet that often. So that's the initial basis for it. And it neglected to take into account the fact that the facilitator is also going to be responsible for doing write-up, the decision.

Adams: We're not -- I mean, my opinion, based on procuring a lot of facilitation services over the years, this is low by a factor of at least two or three.

Leonard: Well, I would point out something that's probably obvious to most people is that to try to somehow limit the cost of a facilitator to adjudicate the proper administration of justice to a police officer pales in comparison to the hundreds of thousands of dollars we pay in settlements for officer misconduct just since i've been on the council from 2002 to now. And if anyone wants to hear me go through them, I have a list of --

Saltzman: The point of my amendment, if the costs do exceed \$10,000, that becomes a larger question for the city council to fund because the bureau is in the process of looking at layoffs and trying to higher a more diverse police force.

Adams: I understand the desire to be -- I won't be able to support this amendment, but as part of the normal course of budget requests, that the bureau will ask for as a line item, the resources necessary to achieve it or we can make the resources available through the auditor's budget, but I can't support --

Saltzman: Ok.

Adams: This would hem in -- I agree with commissioner Leonard's statement.

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Griffin-Valade: I feel very strongly, this is the bureau's board and it's a board in place now and I think we've made a compelling case for having a moderator present. It makes it for objective run, a neutral moderator will make sure every concern is heard by every review board member and I feel strongly that the moderator be not part of the auditor's budget because this is the bureau review board.

Adams: My intent was if the council needs to put money towards this, we could put it in the bureau's budget, in the auditor's budget. I'm fine for the first year it be taken out of the bureau's budget. It's going to take a while for us to big figure out, at least a year to figure out the costs.

Griffin-Valade: Exactly.

Fritz: Would a different number be acceptable and or a second sentence saying additional resources will be requested from the city council or something like that?

Saltzman: Something like that.

Fritz: The first \$10,000 from the bureau's budget and then the council could at that point say no, you need to find it in your budget? No?

Adams: I think that this is a budget -- is part of the normal budget request. I think the bureau needs to spend the resources necessary for it to be successful. Its going to take a year. If the bureau wants to make a request because it gets out of hand, they can do it as part of the bump process. I think the protocols are in place to deal with this issue without a artificial floor on ceiling at this point. That's my opinion. You'll be able it make the amendment and we'll see how to bodes out.

Saltzman: The third amendment -- in a summary of any training or investigation issues or concerns on behalf of the board and submit the statement to the chief within two weeks of the board meeting date and I think this is in the spirit of expeditious reviews to ensure the facilitator does, in fact, write up a timely report for the chief. I've spoken to stephanie harper, the city attorney and she assures me this timeline doesn't have the same bargaining impacts as the other timelines being studied further. It's a limit of the timeliness of the internal administrative functions. And then the last amendment deals with the appeal of board recommendation. This is the ipr -- well, the citizen review committee. And the current language says the director of ipr or the commissioner in charge may request an expedited hearing by the ipr, citizen review committee of an appeal and I would add in the chief of police to that. So the director of ipr, the chief of police or the commissioner in charge may request a expedited hearing of the ipr, citizen review committee. Those are my four amendments.

Leonard: G doesn't appear a problem. That's a great idea. I have a question about e and i'm very much opposed to c. And just to go one at a time. The one citizen member from a pool of citizen volunteers recommended by the auditor and the chief of police and confirmed by the city council. This is an effort to provide oversight to a bureau that has unique powers amongst all city bureaus to take the life of a citizen and again, with all respect to the chief, and comparing this process to any other bureau is a false comparison because of the tremendous powers that we have obviously instill in our officers. So I think at a minimum money, at least for appearance sake have the chief of police actually involved in picking people who are going to oversee the investigation of complaints of -- or allegations of misconduct by officers is inappropriate and -- and I would very much oppose having the citizen panels picked by the chief. Even if they were co-picked with the auditor.

Saltzman: My amendment doesn't say picked by the chief. It says picked by the auditor and the chief.

Leonard: Even if it's -- I think it's an inappropriate thing to have in an independent review to have the bureau being reviewed have a say in who it is that's re-reviewing them. It violates principles of --

Adams: Those arrived late, you see your colleagues in the gallery are doing a great job of expressing themselves quietly. We don't want in I blood clots. This is going to go on for a while. Do you have any response for the concern presented by commissioner Leonard?

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Saltzman: I think the concern is simply one of fairness. You've added an amendment that allows the chief and auditor to decide about the removal of citizen members so why not in the sense of fairness, have the same in the selecting? They're pretty fine, upstanding people.

Adams: Your opinion?

Baptista: So I sit on the boards and constantine sits on the boards and there are five citizens on these boards, absolutely and she --

*******:** I.

Saltzman: And she selected those.

Baptista: But what we've heard also and what we're seeing behind us is that there is community concern with the perception of and the process behind having citizens being chosen by the chief of police. And the community concern is that in order to increase the transparency as well as participation it should be from an independent source, that the citizens come to the board. And that's what we've heard. They want an independent source choosing that citizen that comes to the board. And they are being chosen by you, as well as. You have to confirm them and that's how we put it in to be sure --

Adams: Commissioner Fritz.

Fritz: The police chief currently selected those citizens.

Baptista: Right.

Fritz: And i'm concerned about the perception that we're saying some citizens are not worthy of serving on that board. And especially the current citizen volunteers who put on a lot of time on the board. This is a pool of people, remember.

Baptista: And what we're saying, we're responding to the community concerns regarding the process by which citizens are chosen to be on this board is by the bureau itself.

Adams: Unless you have an --

Baptista: The protection we put in based on what we've heard from the bureau and the union and based from the ppcoa and from the acs, we want to make sure that the bureaus involved in the selection criteria, the confidentiality provision, involved in setting the rules, if you will, of who can be part of that pool. We've responded by making a part of the selection criteria and make sure acs and members of the bureau or the chief herself has input into the selection and the manner they're chosen.

Fritz: Is that new?

Baptista: Yes.

Adams: Commissioner Saltzman, i'll recognize you to begin making motions go through the four, the first amendment that the auditor and the chief of police select the police review board citizen members and confirmed by the city council.

Adams: So moved. Is it seconded? No second. Please move to your next amendment.

Saltzman: The second amendment I guess I would say the bureau's responsible for any costs associated with the board up to \$10,000 per fiscal year for the first year and that the council will review requests for additional funding if it turns out to exceed \$10,000.

Adams: It's been moved. A second? It fails for lack of a second. Please make your next amendment.

Saltzman: The board facilitator will write the statement of findings and submit it to the chief within two weeks of the board meeting date.

Leonard: I will second that for the same of discussion.

Adams: Moved and seconded. Discussion.

Leonard: Is it your intent that those recommended findings happen in a facilitated fashion, quick?

Saltzman: Yes.

Leonard: Can we replace the two weeks with in a timely manner? If you can say in a timely manner, I could live with that is correct but i'm worried knowing the complexity of some of these

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issues that we could be putting an undue hardship. I'd like to be able to support this, but -- but, i'd like it to have language that's more flexible than two weeks.

Fish: May I be heard.

Adams: Commissioner Fish.

Fish: I could support timely manner and because of the process that's to follow, to monitor this on a regular basis, it seems to me reasonable if in the first year's review, with find it's not being done in a timely manner.

Griffin-Valade: Then we change it.

Fish: Then tighten it and by making the change you're suggesting, dan, you're setting in place the expectation but allowing the process to unfold. And if it's not in a timely manner, i'm sure the council will set a appropriate timeline.

Adams: Commissioner Fritz.

Fish: If you accept as a friendly amendment --

Fritz: I want to [inaudible] motion.

Saltzman: Commissioner Fish, respond.

Fritz: I think the whole purpose of what we're doing is clarity and set definite expectation for what we want to have happen so I would rather have the specific two weeks. If that turns out to be a problem, we can go to a timely manner. I think this is a good amendment.

Saltzman: My preference is to stick. Timely manner can mean different things to different people. If it turns out two weeks clearly is not enough time, we can work it out. But as an aspirational goal, make it two weeks.

Leonard: I move to amend the amendment by striking within two weeks and inserting in a timely manner.

Fish: I'll second that.

Adams: It's been moved and seconded. Amendment to the amendment and that means a statement reads we're going to be --

Leonard: We have to vote on that amendment first.

Adams: The state now reads, and submit the statement to the chief within a timely manner of the board meeting date.

Leonard: We're actually -- the only thing we're voting on is would be within a timely manner.

Adams: I said the statement now reads -- I wanted the audience to hear the whole statement. It takes a whole village sometimes.

*******:** If you could look at the village every now and then [inaudible]

Adams: We have monitors here so we can see you on tv. You look great, by the way. A lot of movement going on. So we're voting on the amendment to the amendment, which is inserting the word timely manner and striking within two weeks.

Leonard: Within a timely manner.

Adams: Sorry, striking two weeks and inserting timely manner. Please call the vote --

Leonard: Sorry, we're striking the words within two weeks of the hearing date and inserting timely manner.

Adams: We're striking the words "two weeks of the board meeting" and replacing it with "timely manner."

Leonard: Within a timely manner.

Adams: Not striking the word within. Karla, please call the vote on the amendment to the amendment.

Fritz: So you all know, we're not done tonight until the mayor bangs the gavel. You can comment on it when you come up to testify. I don't support the amendment because I think -- this is about the recommended findings -- the statement of the recommended findings and discipline. So it's after

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the board had a discussion and made a decision, we want somebody to write that up and get it to the chief in two weeks, so I don't support the timely manner. No.

Fish: The amendment modifies the proposal before us by clarifying that there is a time restriction. The choice is whether it's in a timely manner or a two-week period. I do not believe this is absolutely fundamental. I do believe out of comity and respect for the authors, meets the spirit of this, I think out of respect, I will join with the authors in modifying it so it's a timely manner. And if that's inefficient, I support a restricted.

Saltzman: To me, timely manner is too broad. I think two weeks, really, puts everybody's feet to the fire to do the job. One of the concerns, overarching concerns about the reforms of this ordinance is getting things done in a timely manner and expeditiously and since the ordinance is specifying timelines about all other aspects of the ipr investigation, I think we should have a specific timeline of two weeks. That the recommendation gets to the chief's desk. So i'm voting no. No.

Adams: On the amendment?

Saltzman: No.

Adams: We're voting.

Moore-Love: I called Leonard.

Adams: I apologize.

Leonard: If the police of chief can take three years after recommended findings come to her desk to make a decision, I think a professional facilitator ought to have a -- a professional facilitator should have a time. And I don't want to impede the work of our civilian oversight staff by having them forced to put out something hastily when we want to get this done right. So aye.

Adams: No. [gavel pounded] motion fails. Let's vote on the underlying amendment. Call the vote.

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

Adams: Aye. [gavel pounded] motion passes. Entertain another motion.

Saltzman: The last one was --

Adams: For those watching, that means it's two weeks. I realize -- [inaudible] commissioner Saltzman.

Saltzman: I think the last amendment which says the director of ipr or the commissioner in charge may request an expedited hearing, to add in the police chief can also request.

Adams: It's moved and seconded. Up on four debate. Commissioner Fish.

Fish: I'm looking at the auditor, I believe commissioner Leonard said this is a friendly amendment. My understanding there's no controversy and we'll vote on it.

Adams: Karla, please call the roll on the amendment.

Fritz: Since this is a select amendment, I want to comment on the first two that didn't get discussed because there wasn't a second and I wanted to thank the chief for coming in, being very sick. I think the structure having the chief involved in setting the criteria for the citizen members addresses the need there. And I also respond to -- that the mayor is -- had motions and -- distracting me.

Adams: Sorry.

Fritz: That we're going to fund this, the commissioner in charge of police will have the opportunity to come to the council with budget requests and happy to vote aye on this.

Fish: I think this creates an appropriate level of balance in terms of an appeal process and a sensible amendment. I vote aye.

Saltzman: Aye. **Leonard:** Aye.

Adams: Aye. [gavel pounded] amendment is approved. Further presentation from the panel before us?

Leonard: No, but we do have --

Adams: Thank you for your work. Commissioner Leonard.

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Leonard: Thank you, mayor Adams. I'd like to invite the president of Portland police commanding officer's association, Dave Benson.

Adams: Good evening, you just need to give us your first and last name and you have three minutes.

Dave Benson, Bureau of Police: My name is Dave Benson, the president of the Portland police officers' association. I have no amendments to I'll keep it short. I've been a police officer in this city for approaching 26 years and worked in every corner of the city. I and all of my fellow police bureau employees care passionately about the city, its citizens and your police agency. A little over two weeks ago, the association had the opportunity to review the first proposed ordinance before council. In the intervening two weeks, the association reviewed it, had time to discuss, came to the council session on the 18th and I listened to all the testimony on the subject and I appreciate the concerns and sentiments of the speakers, including members of the community of faith and citizens that obviously cared deeply about the city and Portland and genuinely concerned about the police services delivery. Today we saw the second revision of the ordinance and we've heard it discussed here tonight. So obviously, I expect along the way, there will be a few practical implementation issue and labor issues that will work themselves over time. But what I'm here to talk about tonight and has been said only in passing, but is worth repeating, is that you have a department of fine police officers. Police work is arguably one of the most demanding professions and calls for them to insert themselves into chaotic situations and the skills of our officers result in good results the vast majority of the time and when not respond to go calls for service, we encourage our officers to be interested and curious about what's happening in the neighborhoods they patrol. And we want them to meet residents and talking about their concerns. Through these encounters, the liveability of our neighborhoods in Portland has increased -- reduced crime rates and enhanced perception of safety. I know that the council supports that goal and underscores the need for our officers to be engaged and active. It's worth saying we have a very good police department and that should not be overshadowed by this ordinance or the negative press we've heard in recent days. Thank you.

Adams: Thank you very much.

Leonard: We also invited Scott Westin, president of the Portland police association. If he's not here, if there's a representative of the police association wants to come forward, they're welcome to at this point. If not, the last invited testimony that I had, Mayor Adams, is a member of the bureau advisory committee, T.J. Browning.

Adams: Mr. Browning, welcome back to council.

*******:** [inaudible], oh, revenue.

Adams: We could use it.

TJ Browning: Good evening, my name is T.J. Browning, chair of the bureau advisory committee and I'm here representing my committee. Although I have to tell you, it's with a great deal of discomfort. I have been involved in community -- police accountability and citizen review process for almost two decades now and this is something I hold very near to my heart. It's a passion I embrace completely and a primary component of successful community policing program. I appreciate that you want the response of the bac on this ordinance. We appreciate this. But our committee works on consensus and this timeline was way too short for us. My personal knowledge of process was help. This is such a difficult issue to look at in a two-week span that we're incredibly uncomfortable how short the timeline is and feel we've sacrificed due diligence. Apologize for the brevity of the report but wanted to hit the highlights and as someone stated earlier, as of 1:30, some have been addressed. It's how do people come and comment on a creature that's changing right in front of our eyes. The proposed ordinance doesn't appear it take into account, the citizen review committee structure of independency. This is not an endorsement of this report. This is a very thorough and well thought out report and should have been taken into account in this ordinance. Second, the proposed police review board membership is out of balance and

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doesn't promote citizen and police partnership and again, partnership is key to community policing. Way too many bureau members and not enough citizens sitting on the committee. If you want trust and a credible decision, there needs to be an equal balance between citizen and bureau input on that very important board. And last, but not least, you've heard this before, but this is the back bandwagon. The type four complaint is of great concern to us. It's a poor substitute for annual performance review. Those arbitrations we're losing, we need annual performance reviews. There's no way that you should take minor discipline issue or transgression in employment to an outside board. That's a manager's position and why we're tying up people's time with something that like is amazing to me. We need annual performance reviews of our bureau. That's the basic step to any accountability system. This makes us very uncomfortable. Thank you for the invitation, I'm sorry we didn't have much time.

Saltzman: Can I respond on the annual performance review. We're going to be doing that. Yes.

Browning: Thank you.

Adams: Commissioner Fritz.

Fritz: Commissioner Leonard, on the stakeholder committee, I think we omitted the bureau advisory committee member. You have the authority under the revised ordinance to make sure that the community is represented, would you be willing --

Leonard: Absolutely.

Fritz: We appreciate -- thank you.

Adams: Commissioner Leonard, is that --

Leonard: That's it.

Adams: Karla, how many are we up to now?

Moore-Love: About 46.

Adams: So it's now 7:30. People were here in city hall to sign up a couple of hours beforehand. And we're going to go for three minutes each at least for an hour and then from there, we might shorten it to two. We find once we go three hours or more in these hearings that everybody gets a little ragged. But we'll try and hear from everybody. Your time, if you signed up later, might be a little faster. As you're thinking of what you might say, keep that in mind if you're done down the list. Karla.

Adams: And I forgot to mention, if she mentions your name and you're in that second group, that means please start making your way down the stairs. Just the stairs -- no jumping. Just the stairs.

Dr. T. Allen Bethel: Good evening. President of ministerial alliance. Mayor Adams, and the council. I come after hearing a whole lot. I don't know what to say or where to begin. Let me say we do support the ordinance and it's a great step toward where we need to go. We hope it will continue to clearly give the ipr and crc power to compel testimony in an officer misconduct cases and their intent to investigate cases of police violence using ability to conduct independent investigations and perhaps the most important thing we want to echo as we go through supporting the ordinance and the changes made is that we always keep in mind what independent means. That it is not always allowing the fox to interview the fox. That somebody must stand up for the chickens. We cannot have the bureau always electing and putting forth who is going to review the bureau. We need citizens involved and it needs to be very balanced in terms of how that's done. It would be something else for me to -- a thought about this, 14 bank robbers to investigate one bank robber. I believe that each of those 14 will say, that one is innocent. Let's go back and be independent and put teeth into this amendment and this ordinance. And let's make sure this ordinance, when it goes forth, does not get changed in the book room through a whole lot of other actions and buy-offs and things like that, that it stays true and moves forward so that the people will know that we can count on what this ordinance says it is going to do. We thank you for your support. We thank you for your support. And we thank you for your support. Don't let us down.

Adams: Thank you, doctor.

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Midge Purcell: Mayor Adams, commissioners, my name is mitch purcell, speaking on behalf of the urban league of Portland. The league is here as part of the albina ministerial alliance to shine the light on police accountability. This independent police review ordinance is useful first step and I hope this commission will pass it. And continued to strengthen police oversight and then we can get to the next steps. This ordinance, even if it's effective, deals with the aftermath of police use of excessive force. Even if it was effected, it would not -- effected, it would not bring back kendra james or aaron campbell or james chasse. There's been another death as of matter of lethal force by Portland police. Jack collins, a man with mental disabilities. We believe in addition to more robust power, to put in place that reduce the probability of death by lethal force will happen in the first place. We must address the issues of training. And improve the ability of the police to deal with people with mental disabilities and the ability to deal with people who they may have assumptions about including any number of factors, including race and culture. I lived in england for to years before moving to Portland. They're unarmed. They're trained to different fuse situations without use of lethal force. I understand there's a greater police -- a greater culture of violence in this country, and i'm not advocating unarmed police force, but I am advocating that there's greater control of the use of effective force, greater responsibility in its use as a last resort. I'm the mother of a 19-year-old boy and since moving here, i've experienced a ever-present sensation, and that that's fear. I don't know if an unfortunate encounter with the police bureau will have this same unspeakable result as that of aaron campbell's family and others that have had to deal with the tragedy of a police shooting in their family. I'm sure the majority of police in Portland do not want to engender fear, but it's a fact. So I again urge you to pass this ordinance, but not to stop there. Make sure that the necessary changes are made to training and police oversight to ensure that police officers discharge his other her weapon rarely and without loss of life and as a last resort. Thank you.

Adams: Thank you for your testimony.

Martha Guembes: Good evening, mayor Adams and city commissioners. My name is marta, and i've been working with the albina ministerial alliance, and we first worked together after the killing of josé in 2001 and worked into the police shooting of kendra james and worked with them after the killing of [inaudible] and working with them after the shooting of aaron campbell. The proposed reform of the police review commission is a good start and look forward to passing them today. Even though I would like to see them more further. I was one of two committee members who filed a complaint about the police beating of a man when he was 20-cents shy of his bus fare. That meeting was -- took place two days before he was killed in the psychiatric hospital. My colleague and I filed an appeal. The citizen review committee voted overwhelmingly to hear the appeal in the city attorney and internal affairs told them they could not. They gave many excuse, the complaint was not about a beating, they say you waited too long after the appeal was filed to hold a hearing. But there was no rule at that time preventing crc from changes its mind. The ipr and the city, there was no formal appeal. With months after the chair of the crc and four other members resigned in protest because the ipr was not -- they felt they had no power. The same city attorney who invited the police bureau -- advises the bureau, also advising the crc and ipr. That's -- that conflict of interest is only partially addressed in the ordinance. I filed a complaint personally about a officer who [inaudible] me in my own neighborhood. The ipr did not handle my complaint to my satisfaction but offered me a chance to have a ipr top person who did not investigate the first time look at my complaint. I still feel I should have the chance to bring my case to the crc. So I hope some of these changes can be made in the 90-day review period where the council is voting on this issue again. I thank you all of you for taking the time and think the police review has a board we can trust and believe in this time.

Adams: Thank you for your testimony. Appreciate it.

Adams: Good evening and welcome back to city council. Paster haines.

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Reverend Dr. Leroy Haynes: To mayor sam Adams and distinguished members of the city council. I am the reverend dr. Haines, chairperson of the albina ministerial alliance, coalition for justice and police reform. There's an urgent need in the city of Portland to restore trust between the community of Portland racial ethnic communities and the Portland police bureau. The recent shooting by police officers of jack dale collins, and particularly of aaron campbell, and the past shootings of james horeses. And kendra james and the excessive force of james chasse and others -- the excessive force of james chasse and others has created, mr. Mayor, within our community, a sense of fear and a sense of mistrust within the community itself. And we come here today in the sense of brokenness, and the trust between citizens of Portland and the police bureau although the overwhelming majority of police officers do their job in a professional and respectful manner, the present and past incidents clearly show that a major problem exists within the bureau. As it relates to the use of deadly force and excessive force. To the intent it's created a climate of fear and mistrust between citizens and the police. And, therefore, it is absolutely essential that the city council urgently address the problems that have created the brokenness and mistrust in our city between the police and citizens. And one means of addressing the brokenness and mistrust is to create a stronger system that holds police officers accountable who violate the public trust and deadly force and excessive force cases and we believe that commissioner Leonard's proposal on this is a major step in getting us closer to a system of holding police officers accountable when the public trust is violated. Therefore, mr. Mayor and commissioners, we believe although that certain areas of this ordinance should be stronger, we endorse this ordinance. Let us unite together as citizens and civic officials, the Portland police bureau and the union to fix the problem that creates brokenness and mistrust in our community.

Adams: Thank you, sir. Miss harris?

Joyce Harris: Yes, good evening, mayor Adams and commissioners. My name is joyce harris, the co-chair of the african american alliance. I must say before I start, I want for all of us to acknowledge the mother, the parents of aaron campbell. And the mother of the young woman who was shot with the bean bag. They're here in the gallery. And it's for them, that we do the work that we do. And it's for the children in our community who we hope are not victims of police violence. And I have been around for a long time, and I could call the roll, tony stevenson, kenney allen, charles, james perez, kendra james, aaron campbell. There are families in our community, who are still hurting from the loss of the lives of their loved ones. James baldwin once said, nothing can be changed unless it's faced. And I think our city is at a critical moment where we must face this. We demand this be faced. The names of these people and so many others demand that we address this issue of accountability. We all know that if the average citizen were to behave in the same way, they would be doing jail time. So I support this ordinance, i'm glad that you had the discussion about timely, because frankly timely for us means the same as with all deliberate speed. Whenever you get around to it, we'll make it happen. There are a couple of words that to this -- our community, just impacts us in ways you can't imagine, justifiable homicide. Timely manner, no wrongdoing, feeling threatened. Well, citizens are feeling threatened in this city. I hate to say it, but I hear citizens say i'm afraid of the police and that shouldn't be. We have officers who serve and protect us very well and so that's why we all know that it is possible for our officers to behave in ways that make us feel safe. I also would like to once again, i'm not naive, there's a lot of work to be done. This ordinance is not going to be the fix-it. It's not the silver bullet. It's a step. But we need to welcome at the makeup of our police bureau, we need to welcome at the cultural sensitivity that will help our officers engage with our citizens in different and productive ways. One of the things I heard from dave, I can't remember his last name, he says something about this -- these shootings shouldn't overshadow, and that's what we're saying. Should not overshadow the work of the good officers who choose to deescalate situations. That's what we want. No one is saying that

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the bureau is totally -- everybody in the bureau is not doing their job. But all it takes -- you remember, one bad apple or one person who makes a decision that's not the right decision --

Adams: And, miss harris, I appreciate your testimony.

*****: Thank you, sam.

Adams: Ok. Miss bowman.

Joann Bowman: My name is joann bowman and appreciate the opportunity to speak with you. Joann bowman. I said I wholeheartedly support the first steps that commissioner randy Leonard was taking and moving the ordinance forward. As much of the changes I could follow today. You guys were fast and furious, when you're in the audience to figure out what's in and what's out. But based on what I heard, we still strongly support this as a first step in making sure we have more accountability to police who choose to protect and serve us. And that's an important point. This is a job that people aren't required to do. They supposedly go through detailed training and have had mental health intervention training and yet over and over and over again, we find ourselves in a place where we as the community have no accountability for the people who are supposed to protect and serve us. I want to applaud commissioner dan Saltzman for finally accepting the fact when you have over 900 employees, to not do an annual evaluation is absolutely inexcusable. And I want to applaud the city in general for letting the community know that the contract negotiations are open to community members. Even though you may know we're now under a fair contract violation, because heaven forbid the public came in a room to see how their interest was being served in this negotiation. And I want you to know that as a member the public, and as an organized effort, we'll be back when those negotiations start again and I want to get a commitment from this city commission that you will continue to stand firm that this is our business. And for someone to sit in a meeting and say, of these people have no interest in this, i'm sorry, this is our community, they're supposed to protect and serve us all and so when those contract negotiations start again, I expect they'll still be open and the public will still be able to participate. The last thing I want to say before you run out of time, you may have seen a poll done by katu-tv on 324 that asks the question, do you trust or not trust the police? What's surprising about this poll is that for people of color, the percentage is radically different. And people who do not trust the police. 82% of hispanics do not trust the Portland police. So I want to be specific. This was specific to Portland police officers. 67% of african american americans do not trust the police. Only 30% of whites do not trust the police. Clearly there's a racial divide in our community and it's based on experience and so we appreciate this first step in unifying our communities to make sure that all of us are served and protected. Thank you very much. I appreciate you listening.

Adams: Thank you for your testimony.

Adams: Good evening, welcome to the city council. Glad you're here.

Mark Kramer: Good evening, mr. Mayor and city commissioners. I'm here on behalf of the Portland chapter of the Portland's lawyers guild and as we said two weeks ago, we strongly support this ordinance. As a first step. But it is only a first step toward effectiveness, transparency and credibility of a system we don't have now. I have a couple of points to make and six specific suggestions to consider in the short and long term. In the -- we applaud the 90-day review period that's part of the ordinance and the stakeholder committee and we want that process to consider it minimum, the crc report which is out and the main changes suggested in the crc report as well as a number of the other changes that have been discussed and will be discussed here tonight. We also think it's critical that the council look at this measure, not only in 90 days, when we're just getting started, but within one year of the implementation to discuss the long-term trends and effectiveness of the ordinance and changes that will be discussed here this evening. As to the specific changes that we would look for in the short term and long term to make this credible, effective and transparent, we think ipr should conduct investigations on civilian complaints. That's the type one complaints without an iad interface. It's a waste of time and money and does not provide a credible

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process. The next budget process, the funds dedicated to type one complaints, citizen-generated complaints, should be shifted to the ipr. Now, as to the specific changes that need to be accomplished through collective bargaining, we urge not only the city, but the ppa to work together to ensure these changes occur. To permit ipr to directly question a police officer and require the officer is to respond as a condition of employment. We have in this ordinance, the convoluted process where ipr and -- asked the officer a question and they tell ipr it's for the credible and it's not effective and transparent. That needs to change through collective bargaining. We need to expand ipr's authority to conduct independent investigations of shootings and deaths in custody. Two portions of the process vision that pro-- the provision that prohibit that. We can only look at closed cases of deaths in custody and the ipr director can only take into account incidents of community concern. That needs to change in collective bargaining, to be a credible body, needs to have the power to review deaths in custody and police shootings and they don't now. I have a couple of other recommendations but i'm out of time.

Adams: I really appreciate the time you took to write down all of your points and we'll definitely read through them.

Kramer: Thank you.

Brenda Sifuentes: Hello, my name is brenda, and i'm an organizer with Portland jobs with justice.

We're a membership coalition of 85 organizations that include unions, community and faith and student groups and in support of the ordinance and believe it's a right step in the right direction and support -- training and hiring and racial profiling to ensure that tragedies don't happen in our community. We engaged our member organizations in conversations and made a collective decision it was important for us as a bridge between labor and community to speak and take action on these issues. We're here, several years later in the wake of what happened to aaron campbell and jake dale collins and it seems more important than ever that we stand with ama and speak up for real change. This is a step in the right direction and oversight is happening. There needs to be accountability and trust between the police and community. And this bond has been damaged and we will continue -- and continue to be degraded as you, as commissioners, do not take the action by passing this crucial ordinance. Police should never be the law unto themselves or be above the law. Community input needs to be taken seriously and we stand in solidarity with ama and support the ordinance in the first step in creating real change.

Adams: Thank you very much for your testimony. Mr. Handleman.

Dan Handelman: Good evening, mayor Adams and commissioners. Dan handleman with Portland cop watch and co-chair of the ama commission for justice in police reform. We encourage you to pass this ordinance today and look forward to stronger input about crc on other issues in 90 days as we have a seat on the stakeholder committee and we'll bring you the list of details we want to see. As I said last time and still true even with the amendments, still most of the investigations under in ordinance are done by the police investigating other police and we agree with what mr. Cramer said, that should change. We hope that the council will direct the collective bargaining to go in the direction of reviewing the obstacles to a true police review board and that includes the ability to investigate shootings and deaths in custody. I want to point out that the first park report released in 2003 recommended a civilian member be added to the review level committee. The police board today. And selected by elected officials so what you're doing complies with the park report from 2003. And they also recommended that there should be a fully funded civilian body that oversees shootings and deaths in custody investigations and that's what -- why it's so important for you. If you're going to follow the park report to deal with that in the collective bargaining process and again, we work with jobs with justice and support the right to collective bargaining and those parts of the union contract step over the line into public policy. Chief sizer mentioned the idea of a concept de. It's great for the Portland police bureau but we're still having corruption, brutality and racism in our bureau. Despite these changes. We don't want to see the federal

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government come in and -- thank you for taking leadership today. One of the things about the board being picked by the chief, there's a member who talked to the press and said after she raised important questions, she was not asked back again. I found that disconcerted when I -- disconcerting when I read that in the press. The subpoena powers have been clarified by the amendments in the ordinance. That the ipr said clearly they're going to use the subpoena powers to bring in retired officers and from our jurisdictions and have the power -- if you give it to them, have the power to compel officer testimony through threat of further discipline. That's what we'd like to see the ipr do. And something we've been asking for at least 10 years and we, much longer than that.

Adams: Thank you for your testimony. Appreciate it. Karla.

Adams: He was just here. Please come -- yeah. Let's not forget bishop wells. Hi, welcome to the city council.

Debbie Aiona: Good evening, mayor and commissioners. I'm debbie, representing the league of women voters of Portland. The league supports the proposal before you and appreciates the effort that the auditor and commissioner Leonard and the ipr staff have taken to taking this first step in reforming the police oversight system. We urge its passage this evening and strongly support the creation of the stakeholder group responsible for making further recommendation. I would like to highlight a future of the league's suggestions for additional changes tonight. The citizen review committee represents the public and our police oversight system and needs adequate support and authority to accomplish its work. And currently consists of nine members serving two-year terms and members serve on workgroups studying specific issues and devote many hours preparing for appeal hearings and the learning curve is steep. For these reasons, the league recommends increasing the number of members to 11 -- increasing the number to 11 and the term to three years. They need staff and financial support to carry these out. The crc recently organized a community forum but had to overcome obstacles regarding hiring a facilitator and securing a meeting location. Dedicated staff for use likely would result in more opportunities for crc and public dialogue and promote greater community involvement and policy -- in policy discussions. The current code requires the crc to use the reasonable person standard of review and appeal hearings. This standard has proven to be problematic since ipr's inception. In 2008 performance review, quote, the reasonable person standard is more difficult for the layperson to understand than the preponderance standard used by Portland internal affairs division in its investigations and other oversight agencies and civil law. Closed quote. The league recommends that the standard of review be changed to preponderance of the evidence. I think the ipr needs to be doing more, and as a start, define specific types of cases that should always be independently investigated by the ipr and hope that the stakeholder group will work on that. Finally, we urge you, your approval of this tonight, and thank you all for your consideration. Thanks.

Adams: Thank you. Bishop wells, welcome.

Bishop AA Wells: Thank you. Mayor Adams, commissioner Leonard, commissioner Fritz, commissioner Saltzman, commissioner Fish, I'm bishop a.a. Wells. The chairperson for the legislative committee for albina ministerial alliance and coalition for justice and police reform. I'm somewhat hardened by this ordinance that's before you and the initiative you've taken to present it -- heartened. Having served as the chair of the investigation committee of the Kendra James shooting and the -- along with three other members during that particular time, and seeing first hand, how broken the system was in responding to when there are shootings and there's behavior on the part of officers and corrective action does not occur. We raised -- read 600 pages dealing with what the detectives found in the testimonies of those who had served, the officers involved, and we saw very clear untruths in -- throughout that investigation. The officer, the shooting officer before the grand jury said 80% of his body was in the car. When he did the demonstration, he was not at all -- maybe 50% of his body is in the car. The officers following him, says his back is to them but he

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demonstrates with his face to them. Before they went to the restaurant, one of his fellow officers says he's way from the car and hear the shot. After they go to the restaurant, and come back, he's deep in the car, I hear the shot. Throughout the investigation, there was woeful inaccuracies and untruths and the system nowhere caught them and dealt with them. I'm heartened in this amendment, at least when they're before the ipr committee, that with respect to state statute, which says nothing about the limits of a police officer engaging with deadly force. Only talks about what he's able to do. There's nothing that sanctions or restricts what he can do. All he has to do is perceive there's a danger and he can fire. No wonder we can't have to go that says he overacted. In this particular action, at least before the ipr, he's required to be truthful and required to be professional, and he's required to be courteous. This did not happen to Kendra James and I submit it probably has not happened a number of other times. So we're hopeful, therefore, that this proposal pass and it's a beginning and continue to improve upon it. The last thing I would say, I believe there's a need for a recalibration. Those hours that have been in place, that helped to maintain the status quo, that's why we're where we are and continue to have the shootings and say they should not have happened, yet there's no corrective action that's occurred. I believe this is a first step forward. Thank you.

Adams: Thank you. Good evening.

Reverend Skipper Osborne: Good evening. I'm Skipper Osborne, founder of Truth and Justice for All, a civil rights organization. Former president of the Portland branch of the NAACP. And Mayor Adams and members of the city council, the proposed ordinance by Commissioner Leonard and city auditor, Lavonne Griffin-Valade is heading in the right direction for a better oversight of the Portland police bureau. The current rash shootings which resulted in deaths is unacceptable. Commissioner Leonard and city auditor Griffin-Valade proposed ordinance is the beginning of the breaking of the secrecy, behind closed door operations, and investigations by the Portland police bureau. Therefore, we the people believe that the adoption of this proposed ordinance will strengthen the independent review board and help the ipr do its job more equitably, justfully, truthfully and help prevent the gross criminal negligence by certain Portland police officers and they're getting away with justifiable homicide. We the people also believe it is equally important in light of March 12, 2010 meeting of the Portland Police Association and the city of Portland that the meetings concerning the labor agreement between the Portland Police Association and the city of Portland be totally open to the public and the media. Oregon Revised Statute 192.620 policy states that the Oregon forum of government requires an informed public aware of the deliberation and decisions of governing bodies information upon which decisions were made. It is the intent of ORS 192.610 and 192.690 that decisions of governing bodies be arrived openly. Oregon Revised Statute 192.630, meetings of governing bodies be open to the public. Locations of meetings, all meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting. Subparagraph 4. Meetings of the governing body shall be held within the geographic boundaries over which the public body has jurisdiction. The reason I bring that up is because the Portland Police Association wanted to go to the Hilton Hotel to do it, but this ordinance says that it must be in the public meeting. I am going to -- I gave definitions of some of the terms in here, meetings and so forwards and so on. I'm going to jump Doug, therefore, it is the duty of this sitting city council to uphold the openness floor according to the aforementioned statute and to support city negotiators Mr. Steve they're on, Evonne Decker, city auditor, the news media, and most important of all, we the people. I have taken a quote attributed to the Irish playwright Mr. Bernard Shaw. And I added my thoughts. If you have an apple and I have an apple, we exchange apples, then you and I will still each have one apple. But if Commissioner Leonard and city auditor have an idea and the ipr have an idea, and we exchange these ideas, then each of us will have two ideas. And if we take these two ideas and integrate them into one idea, a new city ordinance, then and only then will we have something better for the Portland Police Bureau and we the people.

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Adams: Thank you all for your testimony.

Adams: Good evening, welcome to the city council. We're glad you're here. Mr. Kafoury, please begin.

Greg Kafoury: I practiced law for 35 years in Portland. Our firm reviews police cases and occasionally takes one. My son Jason has -- is an attorney with us and he's been working with the Albina Ministerial Alliance. From our vantage point, we have observed a culture in the police department which is dominated by the worst of the officers, and a culture which imposes on the best of the officers a complicity of silence. In the case which Commissioner Leonard has spoken up, I was Barbara White's attorney, she ran a tiny coffee shop, she was given a ticket, she pleaded with the officers to make it a warning because of her poverty. And he refused as she's leaving he mocked her, she responded with a very mild epithet, he got in his motorcycle, chased her down, hit her so hard in the face that she had black and blue from the hairline down to the shoulder blade. She had -- he grabbed her arm and twisted it and bent it using the side of her pickup as a fulcrum, fracturing her arm. This was over a seat belt ticket. You people approved \$150,000, and she moved to Idaho, where she now lives in a rural community because she's so afraid of police. And the officer is doing great. We have Mr. Clay here, Alex Clay was a plaintiff who along with two colleagues was jacked around and harassed, handcuffed, had guns pointed at him by three officers, and they hadn't done anything wrong, they were kept for an hour, searched, terrorized. The scene was unbeknownst to the officers, witnessed by a couple of white college kids, and they testified as to every dispute between the officers and the civilians, and they were -- they sided with the three young African-Americans. The police awarded \$175 -- the jury awarded \$175,000, you have "the Oregonian" story in front of you, and the next day when the story was reported, it reads "Detective Mary Wheat a Police Bureau spokeswoman said after the surrender quote, officers were concerned about the public safety of their own safety and making sure nobody got hurt and no one did." that's an endorsement. When I hear the chief say complaints are down, I have to say, it's only because people have no faith in the system. Why should anyone complain in the system as it's been working something. [applause] [gavel pounded] Everybody knows the names of people who have been killed by the police. Can anybody in this room name an officer who's ever lost their job for abusing a citizen? I can't. I don't hear it from anybody. So whereas -- you have to imagine, what does it mean when the worst of officers know that their job is safe no matter what? What does that mean for our force?

Adams: Mr. Kafoury, if I could have you wrap up.

Kafoury: I will. Finally, let me say that the police training has to be changed. The policy and the training, firefighters are expected to place themselves in harm's way to protect mere property. And police officers upon almost any risk at all recent tiled to use deadly force. That has to be changed, and we have to deal with the worst of our officers in order to make space for the best. Thank you.

Adams: Thank you for your testimony. Mr. Howard.

Kevin Howard: Kevin Howard, businessman and member of the AMA Coalition for Justice and Police Reform. I applaud you, Randy Leonard, for your proposal. I think it's a good start, but I'm stunned, kind of, because just the other day there was a rally situation that was going on in the city of Portland, and it was a prime situation because of the policy and procedures that Portland police have that someone could have gotten shot, but never got shot. It was volatile. It was violent. Things got tore up. But no one's shot a taser, no one shot a gun, none of that went on. Same policy and procedure went on and a young man walking away got shot in the back. A young lady, 11 years old, got bean bagged. But just the other day, the city of Portland could have got tore up, downtown. That was amazing to me, the same policy and procedures in effect. I ask you today to please put this ordinance into effect. We as citizens need it. Because as a businessman and as a grandfather and a father, I am scared. Only safe place I got right now is being in this room. And I'm not too sure of that. [laughter] but I'm concerned of the fact that there's no accountability. And I believe the IPR should have the kind of power to be able to investigate, to be able to look into these

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kinds of things to know what's going on. So we can have a working relationship instead of separation between citizens and city hall. I believe also that the issues of accountability is very important. And I also believe they are -- there are good police officers in the city of Portland. I believe that. I don't think all the police officers are bad. But I believe that those bad apples is making everything else look bad. And it's making it look bad for you. If you continue to shoot us, we can't be able to pay you: [laughter] and they'll run out of a job. So I think if you put some -- some balances in place, I think the citizens would be more -- a little bit more at ease, and I believe that we can have a working relationship, and my grand babies will be able to play, you know, in a park, be able to ride their bikes up and down the street and not be in fear of if they're going to get hit by a bullet or a stray bullet. From the Portland police. Thank you.

Adams: Thank you, mr. Howard. Mr. Cox.

David Cox: Mr. Mayor, and members of the council, i'm david cox, a resident of the piedmont section of Portland. And a member of the ama coalition. I also support this effort to strengthen the independent review process, but also agree that this is only a first step and much more needs to be done. As an ordinance citizen, I join with many other members of our community in being appalled by these recent deaths at the hands of police. We are losing confidence that police are making the right decisions. We want to find a better way for both the police and for our community. We should change the rules of engagement, as suggested by judge edward jones just a few days ago. The current law regarding excessive and deadly force seems way too vague, and therefore too lenient. There's too much training on the firing range and too little training on nonlethal intervention and what you might call compassionate response to diffuse difficult situations. There is no law on the books that says the consequence of not obeying or not following police commands is death. If that seems to be the practice. We do have with the ppb practice is shoot first, ask questions later. Of shoot to kill, and not how can this be peacefully resolved. According to the police tactics instructor who testified at the fm aaron campbell grand jury, police are routinely trained in so-called threat assessment, which I believe results in officers putting their own safety first and foremost and public safety after. With tragic results. In Portland, we do have a well-trained, well-equipped and well-paid police force who for the most part do their jobs professionally and competent limit that's been my own personal experience. However, these deaths by police mean something is going wrong, even when one acknowledges the actions of the victims as contributing factor. The command and control elements are lack can both in providing direction to officers on the scene, and allowing situations to escalate as happened in the aaron campbell incident. What we really need in our community are first responders who are competent, brave, and trained to diffuse potentially dangerous situations without the inappropriate use of excessive or deadly force. Let us all s. Elected officials, The police union, and the community at large work together to make Portland safer for all of us. Thank you.

Adams: Thank you all for your testimony. Appreciate it.

Adams: Good evening. Welcome to the city council. We're glad you're here. The first name was - - molly.

Molly Aleshire: Hi. I'm here to talk a little bit about something that's very personal to me. This ordinance is pretty important to me. About four years ago our closest friend ray gordoner was shot and killed by a Portland police officer in our home while he was suicidal, while he was experiencing a mental health crisis. He was shot in the back while following instructions of another police officer and after he was shot, he was then tased. It's unclear whether he was alive or not when he was tased. But either way, as a human being, and I kind of look at everyone else that's not the way that any of white house want somebody that you love and care about to be treated, no matter what the circumstances. For me it was a huge change in terms of losing trust in an institution i've always had a lot of trust and respect for. I think the majority of officers are there, are good people, doing good things and they're in hard situations. But for me it really -- I lost a lot of trust,

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and I lost trust through the process of what I saw. I really look at this ordinance as a first step in there being some acknowledgment that we as a community can do better. We as a community have concerns, and I guess I personally need to know there's going to be some kind of objective body out there that can look at situations that i'm going to feel like that I trust at times where i'm not feeling like i'm trusting the actions of the police force. So i'm very much in support of the ordinance. Thank you.

Adams: Thank you for your testimony. Very much. Mr. Cornett.

Jesse Cornett: I'm jesse cornett, and as molly said, when something like that happens on your back porch, it changes your perspective radically. I was somebody who thought I would go into law enforcement as a career, and come here to say that I think the majority of those who choose to go into the police profession are wonderful people. Unfortunately, there's a teeny majority that stain the ban for every officer, and tie the hands of this commission where have you no choice but to enact stronger review. I applaud the auditor, I applaud commissioner Leonard, I understand in the commission form of government it's not easy to go into another commission's bureau when the leadership isn't as active as it should be responding to the needs of the public. So thank you for that. Listening to the chief talk this evening was jarring, hearing her Try to use budget as a concern as a reason for not going about this. That's one of the most shallow reasons i've ever heard for not making sure we're protecting lives and ensuring accountability, and I have to say on that note that i'm disappointed that far too few of the many officers of the community and staff who felt it important to sit here and listen to other city bureaucrats and you talk didn't hesitate to dart for the door when it was time for citizens, for Portlanders to actually start expressing our opinions about this measure. I think there's a lot that can and should be done. I applaud this effort, and hope you'll all support it tonight. There's much more that we dock from recruiting, training, and many other steps that will stop the need to even get to this point and hopefully we can turn to those next. And in the middle of everything else i'm dooling in my life right now, to be accused of trying to find political gain out of a situation like this, and a topic like this, comes from somebody who could never imagine picking up bloody gloves off your back porch after the police have taken your best friend and rupe mate to the morgue. Thank you.

Adams: Thank you for your testimony.

Joanna Kindred: Good evening, mayor and commissioners, city council. My name is joanna kindred, and my daughter was a 12-year-old girl that was shot by the police with the beanbag in november. There's not enough time for me to speak my mind on how I feel about that. I will keep it short and say that there are obviously something wrong with the way the situation was handled with a child, it's upsetting as a mom that have you officers who are supposed to be training that because a child takes a swing at them, have you a grown man punching your daughter in the face in the midst of his police report that he use add closed fist striking my child several times in the face. Before they slammed her face down to the ground while another officer stood over her and shot her. There was no threat to those officers at that time, and that kind of force shut not have been used. How I do raise my other children to have trust in law enforcement to respect them, when they treated my first born this way? To picture your own child being out there the same way, you would hope the officers would treat your child differently. Because this is someone you love, and they're a child. A lot of things they don't know better, and they have to learn. If but police are showing -- should show integrity and loyalty and honesty to the citizens in which they serve. And I did not see the integrity or loyalty when he was punching my daughter in the face regardless of what she did. There was no honesty, there was no respect there. And that is their job to perform that. If it was your husband who got shot in the yard after losing his brother, your heart would be tormented. There's different actions the police can take, it's not saying that all police are wrong. There are some really outstanding officers, i've met personally and I respect and I like to this day. It's hard to have a camaraderie with those officers and call them up and say how are you doing, when I have

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officers that have react the this way to my daughter. And unfortunately my heart goes out to the families of lost loved ones, because office darrin erstad not take action. Lethal force should be the last force they use. They go through so trainings and they should use every other aspect before using deadly force and lethal force on someone. As parents, we don't want to spank our children, that's the last resort. We try time-outs. We try redirecting. And if we have to, in the end, we use that discipline only if necessary. So I want to see them be held accountable and i'm hoping that we as a public will know how they will be held accountable. It's definitely apparent there needs to be change. I want to know what the consequences will be. I shot and killed this man because I thought -- you're not getting paid to think, you're getting paid to do a job and do it well. And I hope there's some change, and also that they will be held accountable. Thank you.

Adams: Thank you. Thank you for your testimony. Really appreciate it.

Adams: Well come to the city council. We're glad you're here.

Woodrow Broadnax: People close to me call me woody. What we're talking about here is behavior. And I need to make this statement. Bureaucratic ordinances is not going to change practical behavior. Therefore, I am conveniating -- convening at pcc cascade on april 10th in room 112 the answers and many the solutions to our problems. And I hope to see each and every one of you there. Thank you.

Adams: Mr. Jackson.

Derry Jackson: Good evening, derry jackson, i'm here to certainly support honorable Leonard's proposal. But I want to also make a couple of statements. Number one, operating from a position of fair is also operating for a position of weakness. I don't for a minute believe that the Portland police is afraid of anything. When they said they're afraid for their life. We heard -- joe ann mentioned some statistics that were very telling. I appreciate her sharing that with me perhaps us. It's clear to me that the objective of the police department is to institute fair in our community. It is to administer that. Unfortunately for me, perhaps it's because of my upbringing, perhaps it's because my insurance is paid, i'm fortunate to have a decent job. My kids' education are pretty much covered, I got more coming, but he's got it covered too. But I am not appointing from a -- operating from a position of fair, i'm pissed off. I am royally pissed off. I educate kids, I tried to teach some of the toughest kids in the school right now who were kicked out of other schools. And there's only about 900, a little over 900 police in this city. There's a lot more kids. And we can tell from the reports that we're all hearing how some of them are getting out of control. Now, this police department don't get their act together, we could probably be seeing more. These kids are pissed off too. Have little respect for Portland police. Or any police for that matter. If they don't get this thing right, the result will be all catastrophic impact to Portland's economic survival. This is not sticking round in Portland alone. This is not going statewide. I'm sure you all know this is all over the country. And there are people who would love perhaps consider coming to this state, perhaps coming to the city, are going to think twice if you can't get these guys' act together.

Adams: Thank you t reverend?

Reverend Renee Ward: Good evening. Protocol has already been stabbed. My name is reverend renee ward and i'm an everyday person, a part of the whole called i'm everyday people who sit before on you this evening to say enough is enough. A great poet once said sticks and stones will break my bones, but words will never hurt me. I'm everyday people are here today to say to the contrary. There are words that flow among the households, the offices, the grocery stores, the parks, the stadiums, the classrooms, and even bus rides of law-abiding citizens living in Portland today, who are sick and tired of the bureau ok si that exists among those who just don't comprehend the word "no." i'm everyday people are saying no to the further standoff between law-abiding citizens and the above law perception and actions of the Portland police bureau, and the Portland police association unions and all related agencies that inflict unsolicited and unnecessary pain suffering and cost to a community that already is burdened with the bankruptcy of our educational

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system, criminal justice system, health system, and unemployment. We say no to any more settlements, that you pay out to try to ease the burden of your guilt and the pain of a parent, child, sibling, neighbor, or coworker who emotionally too feel the trigger that put the bullet in their back of their loved one. The feeling is priceless and the city of Portland cannot afford it, and we sure don't need it. We say no to any more disappointment, disillusionment, dishonors, and arrogance of bad apples who have infected the Portland police bureau as well as inflicted on no-confidence vote from law-abiding citizens who honor the law, respect the law, observe the law, within its statutes, and all we ask is that the Portland police bureau would do the same. We say no to the lack of transparency and cooperation, that continues to happen in a tug of war with the casualties are real. Keller, James, Perez, James Chassis, Aaron Campbell and the list goes on unfortunately until you folks can have a backbone of courage, integrity and recognize an & honor the requests of law-abiding citizens. Another great order once said, the talk is cheap. I sit here before you to say, that it is indeed a fallacy, because the record shows that the law-abiding citizens of the city of Portland have shelled out over \$7 million in civil settlements since 1992. And I'm everyday people are here to say that we can't afford it, this madness must stop today, because if it doesn't and you ignore the appeals of the people, believe me when I say you who expect to continue to occupy the elected seats that you presently sit in as well as other who's posture in hopes of occupying these elected seats will forfeit an opportunity to make a difference, make a change, and make history because you failed to listen to the people that you serve and act accordingly in their best interests rather than your own. In closing, I'm everyday people appeal to you become the rule rather than the exception. It's about our families, it's about our community, it's about our children, and it's about time. Please vote yes on this evening. Thank you.

Broadnax: Although I didn't get a chance to truly give you the representation, I am with a new day forward. I am the founder of a new day forward, again, that's April 10th, 3:00 p.m., 112, pcc cascade.

Adams: Thank you. We're going to take a five-minute compassionate break. We will be back -- exactly. We'll be back at 35 past the hour. [recess]

At 8:29 p.m., Council recessed.

At 8:40 p.m., Council reconvened.

Adams: City council will come back from our compassionate recess. If you could please find a seat. So we're very close to being able to vote on this ordinance. It's getting late, and those of you that have been here from the beginning I want to thank you for your patience and your perseverance. I give this to you. We -- so if there's a point of view or something that has not been said, and you've signed up, I encourage you to testify. But if you've heard a point of view expressed already, then I would encourage you to let us get to the vote. But it is -- you get to decide that.

*****: [inaudible]

Adams: Oh, ms. Harris.

*****: Yes, Mayor Adams.

Adams: It's nice to see you. So if you feel passionate, I want you to testify. But we want to get to the vote as well. But we're very lucky to -- we'll be calling people up, but we're very lucky to be joined by ms. Monroe, and her father, if you'd please come forward. And also Trisha Knoll from HRC. If you'd also -- if you'd also please come forward. I understand ms. Monroe that you saw this going on on t.v. And your father -- you asked your father to drive you here. So that you could tell us what you think about this matter. And I'm very impressed. So the floor is yours.

Nia Monroe: Hi, my name is Nia Monroe, I'm 12 years old, and you guys may be thinking, why is a 12-year-old girl standing on the panel right now. It's not just grown-ups who care about this issue, kids my age who care about this too. For example, there's the girl who has been shot with the

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beanbag gun on the tri-met bus, and there's also have been two shoots of men in the last two months, which I don't think is very acceptable by the Portland police. And i'm pretty sure there are other people who have been shot and killed or injured by police that hasn't been said on t.v. Or anything. And I think children and adults should be able to go to the police and feel safe to ask for help, and not be afraid. [laughter]

Adams: You're the only -- because you did such a great job of presenting yourself and because you made the extra effort to come down here as Chair of this proceedings, you get the only exception for clapping. [applause]

Fritz: I want to thank you for watching channel 30. I would be interested in -- and being interested in your city government.

Adams: You're probably one of four people tonight watching. It's important anyway. Sir. Thank you for your effort and bringing your daughter down.

Mikal Shabazz: You're very welcome. My name -- i'm known as iman, and I have sent my letter of support not only for what's being proposed tonight, but for the efforts of the albina ministerial alliance and its leadership. We want to make sure that yes not saying yes against the police. Yes saying that we want our police to be our police, we want to make sure that the council understands and the that the police understand that we appreciate the work of the many men and women doing great work in the city of Portland as police officers and we are not the ones that spinning hamburgers, we're not the ones breaking out windows and causing disruption. We're the citizens. We are the citizens that participate through the important advertise pa tore system, we are the citizens that want to be partner was our police department and with our government, we are the citizens that want to feel safe that we can support our police officers, give them what they need as they Give us what we need. We're saying we are the citizens that want those who have taken indecent liberties to be held in check, and we want to make sure things are in place for those doing a good job, that they will be able to work in an atmosphere that assures them that they can make the right decisions at the right time to protect all of us. Thank you very much.

Adams: Thank you.

Tricia Knoll: Mayor Adams and city commissioners, i'm trisha knoll, and i'm here representing the city of Portland human rights commission. The human rights commission met on march 25th to discuss the ipr ordinance. We listened to mary beth and asked questions, we invited the human rights commissions committee on police and community relations, which you helped us create. To offer their perspective. This included comments from police officers and citizens who share concerns around the process being used to bring this ordinance to council, and issues of accountability. We listen to public comment about 70 members of the public attended that meeting, and three provided testimony in support of the ordinance. Discussion at the human rights commission centered on whether this ordinance relates to the human rights commission core mission of looking at the root problems in the community that we've seen evidence, such as how do we help people with mental illness in our community. And these root causes of course also cause tension between the Police and the community. We are also concerned that the ordinance may result in a diminished role for the citizen review committee, although we understand that there are been changes that were made today. We believe that city council has heard loud and clear from the community about their views of this ordinance as a first step. Testimony has been extensive and we applaud your decision to let people come in the evening. We also want to underscore the importance of continuing transparent, inclusive dialogue on police issues going forward, and that would be more than just the issues related to this ordinance. You have discussed community engagement as part of your deliberations on this ordinance that the community will continue its recommendations on next steps and evaluation of the ipr ordinance within the next 90 days. The human rights commission supports transparent community dialogue based on mutual respect that includes both police and community stake holds to look at root problems. The human rights

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commission's committee on community and police relations meets monthly. This is a forum where work is going forward on bridging the gap between our community and the police through respectful, thoughtful dialogue to bring forth recommendations for policy and police practice reform. And we thank you for your support of that committee.

Adams: Thank you all very much. Appreciate it. All right. So we are prepared to vote. But if there are any folks that -- if there are any folks who offer a point of view that has not yet been given, then please come forward. All right. We'll take you three. If you're waiting to testify, you wouldn't mind standing on the side, just so we know who's still wanting to testify. And I'm going to ask that you limit your comments to a minute or try really hard. How is that? Please begin. Glad you're here and thanks for waiting.

Lisa Haynes: Thank you. My name is Lisa Haynes, and I want to thank you for letting me speak today. I'm here because of what's going on, I just recently moved out here to Portland, called city of roses. And to me I feel it's becoming city of thorns. And it's trickling down like an ocean of blood.

With our youth, with everybody, with our mental illness, I'm a mother of four. And it really concerns me with the way the council and the police department are handling this. It's not being handled fast enough. To me. I have a son, I have three sons and a daughter. And he was involved. And -- in an altercation with the police, with them using police brutality. And lethal force. He was just walking down the street, minding his own business. And 12 cops pulled up on him. I worry about my kids, I worry about other families, other mothers, you know. I don't sleep at night, you know, concerned about my son's safety, and my safety and the safety of the other moms. And children, you know, at school.

Adams: I need you to wrap up.

Haynes: Ok. And I hope that you guys put yourself in our shoes, you know, and take a stance today to do the right thing, because God is watching every one of us.

Adams: Thank you for your testimony.

*******:** Thank you.

Adams: Thanks for waiting.

Lyn Kirby: Lynn Kirby. I won't belabor this I'm white, you're all white. The people that are being brutally shot, the most part, aren't white. I think it's the police had people on the force that looked like our community, maybe this wouldn't be such an issue. But whenever we go to get a person of color on the police force, they get bullied off. And I think that needs to be addressed. We need people that look like our community, and then maybe there could be some respect.

Adams: Thank you very much for your testimony. Sir?

Gary Clay: My name is Gary Clay, I'm everyday people. It seems like every time I turn around I'm waiting for my Tom Potter, brought on by the Portland P.D. Last Sunday everyday people did a vigil, went to what I call the killing fields. I can feel each and every one of those victims reaching out saying, thank you for standing up for me. Also, as far as the police association, they're getting my tax dollars, they're -- I'm very displeased first degree they can march representative -- officer Murphy that killed James Chasse and shot at a 12-year-old African-American girl with a beanbag gun. If they're using my tax dollars for that. Something must change. Frankly, I don't believe -- I just don't believe, because I heard it's going to happen, it's going to happen, and it ends up never happening. So show and tell.

Adams: Thank you for your testimony. Thank all of you for waiting. The next three? Welcome to the city council. Thanks for your perseverance. Appreciate it. Why don't we begin with you, ma'am.

Helen Sherman: Ok. My name is Helen Sherman, I've been here many times before. And what I haven't said before was that I received a possible on up my porch from the white supremacist, and after I received the possum, I got a white supremacist letter. -- Sprint Spectrum cyst letter. After that my door was banged down by the police. My daughter was -- my last -- molested by a snitch,

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racketeering of the -- from the Racketeering of the police officer, the snitch sexual active man on my daughter into a relationship and then when the police was on the inside of my house, looking for a vast amount of drugs, the snitch was on the outside. Police did not have a search warrant. The police treated us like dirt, put guns in my grand children's face. So you know, pits really been hard living this life, and having to deal with this kind of situation. I didn't have any gray hair when this started. But you see how gray I am now? That's how tired I all of this.

Adams: Can you just wrap it up?

Sherman: Well, being that there's so many rogue officers on the police force, I think you would not have anybody to run it if you didn't -- if you cleaned it up.

Adams: Thank you for your testimony.

Sherman: That's my view.

Adams: Thank you.

Sherman: And i'm still -- I didn't get my three minutes and I have something else to say. But I will stop at that point.

Adams: I thank you for hanging in there and for expressing your point of view. I appreciate it. Sir?

Rick Miller: Thank you. My name is rick miller, I represent no organization. I'm simply a citizen who chose tonight to heed the words of thomas jefferson who said that all the that is required for evil to flourish is for men of goodwill to do nothing. I can no longer do nothing. I can no longer be silent. I must come before you and say that the Portland police bureau has broken my trust. The optimist in me wants to believe that tonight's bill, tonight ace ordinance is a good first step. The cynic in me believes it's putting a band-aid on an amputated limb and whether it's the former or the latter will depend on the leadership of this body. And the leadership of the police force. I had the privilege of searching this country for nine years in the united states marine corps. I led men in harm's tbhai central america and the persian gulf and I didn't go overseas to defend the constitution and the bill of rights to come home and have my fellow citizens' liberties tram opened by the very organization that is supposed to protect and to serve them. Thank you for hearing me.

Adams: Thank you for your service as well. Thank you. Hi.

Rowan Griffith: Hi. My name is rowan, i'm a student at Portland state. And I can't represent anyone other than myself, I can say I have been involved in organizing various responses that have occurred since the shooting last tuesday. That happened. And so while I can't speak for anyone else I can articulate some of what the sentiment of that organizing body has been. And that is that first of all, I really respect everyone who spoke before me. But I want to say that I don't think it's just a few bad apples. I think that it's important that we thaw the system of oppression in which the police exist is one that will not be significantly altered by simply addressing various individuals who may be taking bad actions, that the system of oppression is one that is very much entrenched and one that I think this bill is a good step towards addressing, but that real and meaningful citizen participation in the review of the police and in changing -- I know we're up for time, but the fact there are -- their contract is up in june is incredibly important. And that everyone i've spoken to strongly supports the stip of Portland's taking a stance in altering that contract such that officers can actually than fired when they kill people. I think that's an incredibly important part of all this. Among other things. Thank you.

Adams: Thank you for your testimony. The next three, please?

Adams: Thanks for waiting, appreciate your patience. Why don't we begin with you, sir.

Scott Price: Scott rice, i'm a business owner, I don't represent anyone but myself. And i'm here to say that I -- although I applaud this first step, I want to point out that there are things that the city of Portland has done over the years that I think Disenfranchise people and set up an adversarial atmosphere which diminishes certain populations, especially the mental ill, and i'm referring back to the sit-lie law, and I that I policies like that help set up situations like this. And when we put the

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police and populations have nowhere to go in an adversarial situation, problems are going to happen. And so I urge you to look beyond this law and look at some of the larger issues, and consider services to the homeless and other disenfranchised populations as part of the crew for this problem that is happening in the city. Thank you.

Adams: I know I speak for the entire city council when I say we agree next year the -- we can find the resources, it's about 109 million dollars and affordable housing and homeless services. So in fact, the city council increased by about 40% our funding for housing and affordable homeless services last year, even though we had to cut every other part of the budget. So we know we've got a lot more to do, but we really are committed to doing it. Circumstance thanks for waiting.

Moses Rosen: Thank you, mayor add amounts, commissioners. My name is moses rosen, I am a member of everyday people. And I wanted to say that tomorrow is too late to install accountability in our police department. Without accountability, none of your other programs mean anything. You vick the greenest streets you want, and if you don't have justice, you ain't got nothing. This is a first step. I call it a half step. We need a major overhaul, the police department as you've heard, there is a culture of corruption and intimidation against anybody that wants to buck the system. The system is broken. The people's trust is broken. You people up here have the opportunity to regain the people's trust and install accountability in the Portland police department. Thank you.

Adams: Sir? Thanks for waiting.

Brian Barnett: Mayor and city council, community members, my name is brian barnett, i'm a long-time resident of Portland, north Portland, i'm a member of the socialist party. And for decades, we have called for an independent and elected civilian police review board with authority to investigate and discipline police officers. This proposed appointment guidelines as I was looking at them, stated that the review board members must represent the entire community. Demographically and geographically. And this should mean that poor and people of color will be represented, since the targets are similar. And we believe that only an elected board can achieve this. We believe that real accountability would reduce police abuses and save families the grief that results from Deadly force criminal killings. This real accountability is worth demanding and fighting for. And so we are in solidarity with Portlanders active in pushing the city council to increase police accountability and transparency although we think that the proposed changes focusing on a more active ipr will not be adequate to achieve these goals. We need to go farther. And thank you.

Adams: Thank you for your testimony. Thank you all. The next three, please. Thanks for waiting. Really appreciate it. I know we've had you wait quite a while. Why don't you please begin.

Terri Walker: Terry walker, i'm with the Portland metro chapter of the national alliance on mental illness. The ordinance is only part of what's needed. Oi's bumper sticker I saw today said the war on terror starts within. We fear change and we fear what we don't understand. There are not many more issues that create fear than mental illness does. Mental illness is a medical illness. What other medical illness requires a person in a medical crisis to be an imminent danger to self and others to get critical care? When they're finally eligible for critical care, medical care, then officers are called. Often potentially ending in tragedy. Crisis intervention is more costly than prevention. I facilitate support groups, and we had over 4,000 attendees last year. They're afraid now to call 9-1-1 for help. In the past, i've had to call and get help for if aa family member. I've seen different officers use their own discretion with some good effects, same training, so I know it's possible. Police officers signed up to serve and protect. That means everyone. A call for medical help shouldn't end in panic and senseless killing. We hear of the park report and senate bill 111, not even implemented. We need fearless accountability and transparency from our government. Our leaders must take fearless initiative to change the situation, find gaps in treatment and give officers a place to take individuals in crisis without having to wait for hours. We need an array of appropriate supportive housing. Not just for the homeless, some people with mental illness need appropriate housing.

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Adams: I need you to wrap up, ma'am.

Walker: We want preventive treatment instead of leaving the problem to become a crisis with the police. People with a mental health crisis can't hear and process commands and instantly comply. The public and the police need to be more tolerant of different and unusual behavior. We need a city that works for all safety for all.

Adams: Thank you.

Barry Joe Stull: Thank you. I just wanted to touch on something that nobody brought up. With had somewhat of a riot the other night, and we had some commentary earlier that people are angry, and that's being passed on, that anger and frustration is being passed on to our youth. We also had an explosion here in Portland that was heard virtually in the entire east side of the city. Meaning from that hill to that hill. And we also had this week all terrorist attack on the public transit system in Russia. And we have to have in this city, in our society, we have to have an accountability system where people actually feel that the police will be held accountable. And they're not. And I am sad to say living proof of that. You all know I have been illegally convicted and as I was appealing that, I was illegally evicted and my goods were destroyed, tens of thousands of dollars. That's what my friend and former landlord was talking about when he said when you buck the system, the system fights back. So before we have to deal with that anger that was smashing a window at the bank of America, combining with the insanity that was setting off a bomb, we have to step this whole thing down. Thank you.

Adams: Thank you for waiting. Hi.

Rachel Rugstad: Hi. My name is Rachel, I've been a resident of northeast Portland for 13 years. And I've seen a lot of harassment and racial profiling and violence against youth of color and people of color, specifically African-Americans in our community. Through lots of means, through explicit violence as well as through gentrification. Something that I found really problematic was I was listening to KBOO, and among one of the other day, and the president of the Portland Police Association was on, and I've heard this before, but he called the killing of Aaron Campbell as a suicide by police. And I've heard that before. And I don't understand how the police can justify killing someone calling it suicide when they're coming there to specifically help someone who is suicidal. Why would they do that for them? I thought they were supposed to be there to help, not commit suicide for the person who was suicidal. So I think that's really problematic. And I also work at Portland Women's Crisis Line as a sexual assault advocate, and we work with Project Respond who is trained to work with the police for people who are suicidal, and I really think that Project Respond could be utilized. A lot more in every case.

Adams: Thank you. Thank you all for your testimony. All right. The last three. Please come forward. Thanks for your perseverance. Celebration of the last three going on in the chambers. Sir, please begin.

Brock Turner: My name is Brock Turner. I'm speaking as a person with Asperger's syndrome, autism, and I want to state that I'm also a person of faith. I'm a member of the First Unitarian Church of Portland, and I -- my heart goes out to the members of color who feel discriminated, but I think the faith has no color. I'm proud the First Unitarian Church is the member of the Albina Ministerial Alliance and I'm speaking out because I think that the issue of people with mental illness is significant. And I have struggled with -- it was mentioned earlier, people who are Latino, black, being afraid of the police, I have had experiences with the police that frighten me. I think most police officers have nothing but good intentions, but it's embarrassing to be humiliated to be brought out in broad daylight in my pajamas because someone calls in thinking I may be suicidal. And I want to have faith in my police that they're doing the right thing. And I hope this is only a first step to broader reform to ensure that people like myself who struggle with mental illness can find safety and security in the Portland Police Office. Thank you very much.

Adams: Thank you for your very good testimony. I really appreciate it. Thank you.

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Margaret Brayden: Good evening. I'm Margaret Brayden and I'm the executive director of NAMI Multnomah. And I'm also the mom of an adult child with mental illness. I come to you tonight to really read a statement that the members of NAMI Multnomah have prepared. But also just to share with you that one of my biggest fears is that my son will be shot. When he is experiencing symptoms and having difficulty crossing streets, etc. In recent -- recently he was committed and seven policemen showed up at his door and it was only because a social worker accompanied them that he wasn't tasered. So I was grateful that the social worker was there. But anyway, tonight I'd like to read a statement that has been thought through by our members. Regarding the police training and procedures in Portland, Oregon. As members of NAMI Multnomah, Portland's metro chapter of National Alliance of Mental Illness, we seek to protect our loved ones who live with mental illness. We are also concerned about our community members, including police officers who are called on to serve and protect our citizens. Events in and around the city of Portland have shown that the Portland police policies, police training and procedures of interaction with those who suffer from mental illness have resulted in tragic consequences for all parties involved. As family members and citizens who deal with mental issues on a regular basis, it is clear that these issues have harmed not only those who suffer from mental illness, and their families and loved ones, but those who are charged with the task of protecting our community, their families, and loved ones. Instead of serving and protect can all citizens and producing good outcomes for all, we have witnessed needless deaths and destructions of lives and careers. The results are tragic, the results have broken down the feeling of trust between our citizens and the police bureau, and must change. Our experience with mental illness repeatedly demonstrates that persons in crisis may not hear and are often unable to respond to what are normally considered simple commands. Mental illness often is accompanied by a deficit of thought. And lots of logical thinking, especially when accompanied by anxiety and stress. Asking responds to resolve situations without adequate training to recognize and take appropriate action is not working for our community. We can and must do better. Policies, procedures, and the training of interaction with police, people in crisis must -- must reflect realities of the situation encountered. And allow for the resolution much a crisis that protects everyone involved. We call for fundamental improvements in Portland police bureau oversight, training, and procedures of crisis engagement so the cycle of personal tragedy for community members with mental illness and irreversible damage to police careers.

Adams: I need to you wrap up.

Brayden: And service will be stopped. Members -- NAMI members can understand the past incidents cannot be change the. NAMI members cannot understand and accept the future cannot change. To ensure good outcomes for all citizens to provide for the safety of all our loved ones and family members, if & for the say the of our community, change must happen.

Adams: Thank you very much. Again, thanks for waiting. You get the last word.

Ed Garren: Ed Garren, I'm a family therapist, a mental health professional, thank you. I will try to be brief. This ordinance is a good first step. It's also about 10 or 15 years late from everything I've heard. I've sat in this room twice for over three hours. And it's only a beginning. There's big issues, and there's two things. I'll tell you the most distressing thing I heard. Chief Sizer saying she didn't understand why all of this was going on. Commissioner Saltzman, you are her boss, I hope you will ask her to sit down and watch these tapes that she was out of town the first night, and she had to leave early tonight. Because it is truly depressing and frightening to me that the chief of police does not understand the concern, the anger, which is quickly turning into rage in a lot of communities, about these issues. That is extremely depressing. And distressing. The other thing I need to say is about dissent. There was a demonstration here on Monday. I've been involved in a lot of demonstrations in my life, and there was apparently an issue because some people were spilling out of the sidewalk on to the street and there was a youth of mounted officers, officers with

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bicycles, pushing them and hitting them. Which may have precipitated -- I need to say, this country is based -- this country is based --

Adams: You need you to wrap up.

Garren: I am wrapping up. Remember, please, that the very first person killed in the revolutionary war that's founded in country was a black man from barbados named crispus attucks. When people need to express their anger, don't push it into violence by telling them they can't express their anger. Reasonable and appropriate ways when they demonstrate in the streets. That's inexcusable. Thank you. Thank you. Assists.

Adams: Thank you. Appreciate your testimony. Thank you all. Karla, please call -- unless there's discussion required with staff, would you please call the vote.

Fritz: As you know, this ordinance is very important. Thank you very much for being here tonight. This ordinance is about trust. And two weeks ago I asked you to trust us that we would not order it down. -- water it down, that we would not somehow makes it go away, and that commissioner Leonard and the auditor would take notice of what you said two weeks ago and they would make corrections to make it stronger, not weaker. And that is what we have done. That's one small step. But it's -- we are earn trust up here on the -- in the city council, we earn it every day, and we understand that. And it's not a matter of one-time, it's every time. So thank you for trusting us with that. Thank you commissioner Fish and Saltzman for standing with me in that we do a lot of the time, to get it right. And I believe that we are -- the ordinance tonight is much stronger. We also a lot of -- allowed time for to you talk, and thank you for coming tonight. Thank you for telling your stories. And thank you to chief sizer for coming. She's been really sick, she hasn't been a the work for many, many days, and she didn't make it to the national alliance for mental illness luncht today, she sent captain henderson, who recently graduated from lewis and clark, doing counseling, and did her internship with project respond. And that is the kind of officer, another kind of officers that You have serving on the Portland police board. In the Portland police bureau. The changes proposed here are reasonable and necessary. Through these changes the ipr will have more authority to investigate complaints of community concerns whether or not a community member files a complaint. And to participate in the independent -- in the independent investigations to ensure accuracy, thursdayness, and fairness. The ipr gains authority to determine when an investigation is complete and ready for review. These changes also increase the civilian role on the newly configured Portland police review board. In addition, the ipr's job is to classify track and report on the processes used to improve our collective confidence. That the Portland police bureau has in fact provided due consideration to complaints. Council and the community have an interest in making certain that complaints about police officers' conduct are handled in a comprehensive and responsive manner. Ipr is not responsible for the management of police personnel or for dispresident clinton, but it's rather ipr's job about the gathering and presentation of information and to assist the police personnel who are responsible for making the initial findings. Able of the facts and recommendations ultimately lead to helping the chief of police and the commissioner in charge Of the police bureau have the best developed information available to make their decisions. And then we have the citizen review commission, who are also there to help us. And I want to thank the volunteers on that committee recognizing that this is indeed a first step. This addresses the ipr component, there are other things that the citizens review committee is asking us to do and we will do that. This isn't the end. And this is only one piece of it. The office of human relations and the human rights commission is working on dialogue and on deeper understanding and addressing racism and discrimination in our community and we will continue to do that. Commissioner Saltzman and I have been working with people experiencing mental illness and mental health care providers and next week we'll put out a report on our recommendations for actions to change the way that we do -- we don't have community mental health care in Portland. I know that after 22 years working at ohsu. We need a system and thanks to having national health

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care, with mental health parity, I believe that we are at a turning point and we can take care of people, we will take care of people who are experiencing mental illnesses in our community. I want to thank Mary Beth and her staff for their diligence for their tireless work to get this ordinance done right and for Also the auditor and commissioner Leonard. Most of all I want to thank you, the community members. This is your ordinance. This is your victory. This is you with us, this is you participating in your government making a difference. And thank you. This is us. This is our community. And we want it to be the best community for everyone that it can be. And so I'm very happy to support this ordinance. Aye.

Fish: I think my friend Dr. Bethel said it best earlier tonight when he said that this ordinance is a good start. And so I want to thank the auditor, Auditor Vlade, and my friend Commissioner Leonard, and Director Baptiste, and each of you who took time out of your busy lives to be with us probably not once, but two evenings, two different hearings. And in particular, to all the members of the AMA, who have spoken so passionately in favor of justice. The ordinance that we're about to vote on advances key values which are important to me as a city commissioner. It strengthens independence, it strengthens accountability, it strengthens transparency, and it strengthens the review process. As most of you have testified tonight, more needs to be done. But tonight we make a good start together. I'm proud to vote aye.

Saltzman: I want to thank everybody for their testimony. Tonight as police commissioner, I'm very humbled, and as determined as ever to continue to bring accountability and transparency to our police bureau. It is our police bureau. The mission of the bureau is to reduce crime and the fear of crime by working with all citizens to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment. These are the goals of successful community policing. At the foundation of community policing, however, must be a solid partnership between the community and local law enforcement. An essential part of ensuring that partnership is the community's perception of the police and their integrity, honesty, and genuine interests in helping and serving and working with the community. When members of the community have trust in their local police, they are more likely to turn to the police for help in the work and work with them to prevent and to solve crimes. And as police commissioner I'm committed to regaining that trust. It is my hope that by passing this ordinance today, we can take a substantial step in moving towards gaining and regaining the community's trust in our police. And truly strengthening community policing in Portland. As Sir Robert Peel stated upon founding the first municipal police force in London in 1829, police at all times should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police. This fact cannot be forgotten either by the police or by our community. The-to-truly solve the problems that we face as a community, we must bridge the divide that exists and I think we're making a huge step forward tonight. While I believe accountability is an important theme today, accountability for the actions of our police officers and while accountability may come in the form of acceptance, I'm sorry, may come in the form of discipline, it could also come in the form of praise. I think we all know that to truly change behavior, research has shown that time and time again, praise is also a good way to make long-term behavioral change. And many of you may not know that the independent police review division, in addition to taking complaints, receives commendations from citizens regarding the everyday actions of police officers in our city. Like Officer Corey Stenzel of East Precinct, who gets so many citizen commendations, my hand literally hurts from signing all the letters of commendation to him. Like Officer Bridget Sycon and her team that we heard a presentation from this morning, who tracks sex predators in our streets relentlessly, to make sure that we keep our children safe. Or Detective Mike Weinstein, if your child or your parent ever goes missing, this is the man you want finding them. Or Detective Karen Mack of the Child Abuse Team. She has spent literally her entire career in the police bureau on the child abuse team, and believe me, that is the toughest U.S. -- one of the toughest units to work in for any length of time,

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let alone a substantial part of your career. And finally, officer matthew manis, jeremy anderson and christopher mcdonald, who risked their lives leaping over a bridge to rescue a suicidal person. So these are just a few of the hundreds and hundreds of examples of the men and women of the Portland police and what they do every day to protect and serve us. And I know all of you in the crowd recognize that tonight. There's some great people out there in our bureau. I am pleased to support these meaningful changes to our independent police review division, as I think they will improve accountability, and i'm pleased to vote aye.

Leonard: With great power comes great responsibility. And under the umbrella of responsibility comes accountability. The accountability part of the responsibility that the police bureau has for its great power is broken in the police bureau in my view when it comes to instances of use of force in general, but particularly lethal use of force incidents. We have a situation that exists under the current law whereby the police bureau actually has to agree to let the ipr director conduct an investigation in many use of force cases, including deadly use of force. The most significant part that is going to change when the mayor drops his gavel here in a moment is no longer will those investigations occur, because the police bureau agrees to it. But they will occur by right of law. I come from a culture that's quite different than the police culture, where it was viewed in those of you from day one that you serve the public that your job on duty and off duty is to always consistently represent the bureau in the best light possible. And I know from over 30 years in working for the city, close to 33 years, that the vast majority of officers that I was associated with live by those same principles. What has been -- has become too familiar in this city is that there are those that do commit acts that cause others to lose their lives or cause them harm that somehow are not held accountable or at a minimum, what happens is not transparent. The most significant part of this ordinance is that it will allow the independent ipr director to become part of a process whereby we can conduct independent investigations of what it is that led up to the taking of a life, or a use of force incident, and if that investigation isn't satisfactory, send it back to be reinvestigated either by the police bureau or by another entity. I think what's important is also to for me recognize how this ordinance got here tonight. The auditor has been steadfast in her focus on bringing accountability and responsibility to officers who have been accused of wrongdoing. Which by the way, also includes sometimes exonerating officers who are sometimes falsely accused of a number of incidents that are also not treated fairly in the same process. So I appreciate her focus on both sides of that issue. Mary beth batista, and constantine severe have been invaluable, as you've heard tonight, in working through the nuances of this ordinance. Ty and stu on my staff spearheaded these efforts early on for me. But I also want to make sure that I acknowledge the city attorneys, I am reluctant to name a city attorney because a number of them, folks in that office who were involved in getting this ordinance just right and some of you know why to find a right balance to make in ordinance stick. Then also the bureau of human resources, but last but not least I want to make one thing clear that I don't think has been clear why I brought this ordinance forward. I originally scheduled a council work session for january 5th on a general topic that I identified as use of force by the police. I received a call from commissioner Saltzman just before the christmas holidays asking me what my intent was, and -- in having that council informal. And I told dan that my intent was to try to find some consensus amongst the council around which we could begin constructing some kind of a better review process when officers were involved in shootings, when officers were involved in use of force incidents. This I want to remind you was prior to the aaron campbell death. Commissioner Saltzman said to me, I don't know that we need council informal on that. I agree with you. I think that I would be very supportive of your efforts to bring a -- an ordinance forward. That caught me by a little surprise and it probably shouldn't have, because i've -- people like to make a lot about dan's and my difference, but we've -- we agree a lot more than we disagree. That was another example of it. So I took a deep breath and said, that makes life easier for me, and went down to lavonne's office and we began working on the ordinance. But I want to

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thank commissioner Saltzman for that offer, and following through it, and he's consistently been supportive of my efforts in this entire process. And I want to make sure that I recognize that here with all of you today. And also say that I can think of nobody bolter qualified to this council to be the commission in charge of the police bureau right now than dan Saltzman. You may have your own impression of dan, i've worked with dan for a long time, and he's got the highest degree of integrity, he is a person that when he makes up his mind got help you, if you get into his way, because there's nothing that's going to stop him and I think he is the right kind of person that we need now to oversee the police bureau as we implement these new authorities auditor has. And I would send -- I try often to help my friends in the police bureau by sending out a message. I would send this message. For the next 90 days we're going bring together a group of people that will work time prove the ordinance and empower the crc. I would invite the police department to participate readily and proactive and ily and cooperate live and not put up roadblocks. We'll have a better ordinance and it will work better forp the police bureau if this embrace these changes rather than fight them. With that, I know that i've gunshot gone on a while, but there's a lot of probably more I should have said that I didn't. But I do appreciate really all the work that's gone on into bringing us to the this point. I appreciate the community, its passion, the albina ministerial alliance and all the other folks that have been here tonight testifying and two weeks ago. Aye.

Adams: I want to thank the entire team that -- and all the partner groups with the ama. This is a tribute to among other things your perseverance, and your steadfastness, and pursuing a more equal and just Portland. And so I want to thank you, all of you for that. It's also a tribute to randy Leonard and our auditor, in moving this forward. And I want to thank you for your excellent leadership. I also want to echo what commissioner Leonard said about our police commissioner. I know a little bit about police commissioners. I worked for one for 11 years. And she worked hard at improving the bureau. And had a good heart. And she did a great job. But this police commissioner has done some things that no other police commissioner has ever done in the history of this city. No police commissioner has asked the district attorney to transcript grand jury proceedings with officer -- in officer-involved shootings and asked that they be made public. And there's some confusion about this, that's never happened before. No other police commissioner has asked the u.s. civil rights division of the fbi to not only investigate one police shooting, but to investigate anything and everything that they want to investigate in the police bureau. And this city council, along with the police commissioner, have been steadfast in adhering to our practice of north macadam was our labor union, all of our labor unions that are open to the public. So there's more work that he has in the hopper, and more improvements, and I wanted to thank you for your leadership, being police commissioner is a very, very hard job. And I am very impressed with your lack of defensiveness and with your lack of turf, as commissioner Leonards mentioned, we -- i'm trying to lead this council in a team approach, a more team approach than ever before, and I believe on this issue it's paying off. And I want to thank you for being a team member. This is about not only the issues at hand, this is about the underlying realities that the great life that Portland offers is not available to all Portlanders. That we have communities of color, and we have folks that live in different geographies of the city, such as east Portland, that do not have access to Portland's good life. But we're determined to change that. And it's about tackling the underlying inequities in education, in the economy, and more. So I can't think of a more appropriate place for us to focus on than our efforts to keep the peace. And as has been mentioned up here, I can't think of a more appropriate place for us to focus on this than our ability to keep that peace with the use of appropriate lethal force. And we are committed to tackling not only this issue, but the overall issues of inequity in the city, so that we become the city of the most equal opportunity. I'm proud to vote aye. [gavel pounded] [applause] we're adjourned. [gavel pounded]

At 9:36 p.m., Council recessed.

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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.

Key: ***** means unidentified speaker.

APRIL 1, 2010 2:00 PM

Adams: All right. Portland city council will come to order.

Adams: Good afternoon, Karla, how are you?

Moore: Good.

Adams: Please call the roll. [roll call]

Adams: Can you please read the title for the first reading of -- no vote today. Just the first reading of non-emergency ordinance no. 452.

Item 452.

Adams: So for the council and those that are here, i'm going to have a brief introduction, commissioner Fritz will have brief opening remarks and then we'll hear from staff and I beg everyone's patience and indulgence as we go through some of the details here because we've been making changes and I want to make sure that people are aware of any changes. We also have the university of Portland resolution and the siltronic resolution. We'll be taking testimony, in fact, i'll have you read those as well. We'll be taking testimony on all three. Not voting on the resolutions today. We'll vote on them along with the river plan on either april 15th or the 21st. So that's what we're headed for. So i'm going to make some opening remarks, commissioner Fritz, and then we have a panel of three for the working waterfront coalition and a panel of three from the environment coalition. And then we'll take testimony. And we have some amendments and we'll take testimony. We'll be voting on some amendments today, right? Ok. Quick opening remarks. Staff, if you want to go ahead and come up to the table. We're considering, again, the river plan north reach plan for the willamette river from the freedom bridge to kelly point park. It is currently under the regulatory purview of the willamette greenway plan, which was adopted by the city in 1987. It is a place of huge opportunity and challenge for both of environment and for the private sector industrial firms. We have fish species that have been listed as endangered. It is part of a purpose fund site designated by the federal government. Neither of those issues are reflected -- or contemplated in the '87 greenway plan. Current code is not considered ideal or even close to ideal by many parties. So I want to underscore the importance of this part of Portland, the north reach, to our economic success. If you've attended a Portland plan meeting you know we highlight the fact that we're the most affordable west -- major west coast city, we have the highest rates of unemployment and poverty on a per capita basis than san francisco and seattle and our quality of life has not yet been matched by quality of economy and we have a lot of work to do in this area. The north reach is an important part of our existing economic base and I think through this process, we've recognized that we've barely begun to tap its economic potential. It's 11% of the city's jobs base. In manufacturing. Advanced manufacturing is one of our target industries and the core of advanced manufacturing is in this part of Portland. At the same time, while we focus on supporting and building our economy, we also are a city that everyone has -- i've talked to, has agreed, is a city that maintains a strong and robust commitment to economic values and the natural environment. And not only the reach a superfund site, it has cleanup sites identified by the department of environmental quality, brown fields. And 52% of the riverbanks are hardened. Striving for success for both the economy and the environment is a difficult challenge. But this is Portland and we're more than up to it. We've done it in other areas and we'll do it here. This is a break with past city regulatory practices. Where we

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will establish code for a district. Sometimes a neighborhood plan. Sometimes a business district plan where we'll establish code and regulations and it will go off to become local law or local policy. But there's very little active oversight beyond staff and beyond folks seeking to do business or to live their lives in that part of town. This is a break with that so the of tacit put it on shelf and let people figure it out on the front lines. This is a break with that local practice by the establishment of an oversight committee. An oversight committee that will debrief with projects as they come to fruition in the north reach and will make suggestions and recommendations for improvement of the process as the years go on. But also to facilitate the redevelopment of the north reach. I want to underscore, no redevelopment. No environmental improvements. One is dependent on the other. Policy and policy research has really gotten us to this point. What needs to go further cannot be done without good science, without good scientific research. And that's why when this is voted on if approved by the council, this becomes the policy direction, it actually doesn't become law until the end of the calendar year and in the intervening time, as sallie will lay out, there's some important scientific work to be done to determine how things will be analyzed and projects analyzed exactly, and there's work to be done to figure out thresholds for in lieu of fees. Those can simply not be done without further scientific research or economic research. So i'm very pleased to bring this forward for additional council consideration. As you can imagine, something as controversial as this, I doubt has a consensus, but I think has adequate support from all parties and i'm pleased to introduce soon after I turn to commissioner Fritz, pleased to introduce sallie, who will take us through the details.

Fritz: I though we within to get started and I want to get this man adopted. We've worked hard on it and there's an unprecedented amount of public input since the planning commission. And merrill involvement and many -- mayoral involvement and I believe this plan is ready to go. Because afterward it will be working odd by the north reach advisory committee under the office of healthy working rivers and we'll continue to monitor it. No plan in planning is ever done. It's always a matter of we adopt things and see how they work and make changes as necessary and I think we've made enough changes at this point that we need to get something out into the open and we do understand that there are outside factors including the money for the infrastructure and the improvements needed and the Portland harbor issues and other entities which again, office of healthy working rivers is going to help to coordinate and address those issues. We're doing many other aspects and strategies of work to provide jobs and improve the environment on the willamette and will continue to do so. Thank you.

Sallie Edmunds: Thank you very much, commissioners. I thought what i'd do this afternoon is briefly describe the amendments that the mayor and commissioner Fritz --

Adams: Your name?

Edmunds: I'm sallie edmunds with the bureau of planning and sustainability. I'll go through the amendment that's the mayor and commissioner Fritz are proposing and describe the follow-up work outlined in the substitute resolution.

Adams: Looks like we're installing a security patch.

Edmunds: Apparently. We are. So I will do this without --

Adams: Can you get rid of that?

Moore-Love: It should still work for you.

Adams: Always multitasking, aren't you, sallie?

Edmunds: You know, i'm not sure it is working. There we go. Great. Before I launch into the amendments, the city attorney has asked me to inform you the river plan record is currently in the room and within the room on february 17th and that consists of proposed and recommended plans, legal notices, mailing lists and planning commission materials and city council documents. So on february 17th, I used this slide to describe the items in the amendment package at that time and we'd be happy to talk about these. If you have questions about them. But since the 17th, we have

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proposed a number of other amendments in response to the testimony submitted to council. On the 17th. We have included some updated contamination language responding to concerns by the port of Portland and our city attorney and an amendment to clarify the development on top of existing docks and paved surfaces is exempt from the river environmental overlay zone and this responds to concerns raised by the working waterfront coalition. We have made various technical changes in the document in response to the testimony you received by Andrew Janski and changes in the soil mix in the area.

Adams: So it doesn't float away.

Edmunds: Uh-huh. We clarified that the national resource inventory is a good source of information that can be used by applicants in preparing their application and that was something that was important to clarify for the working waterfront coalition. An important source of information. We've made minor changes to the action table in response to concerns raised by Linnton Neighbor Association. Wanting things to get started sooner and clarified that mitigation conducted for the river plan cannot be used to comply with mitigation obligations under superfund and this responds to concerns raised by the Audubon Society and there's additional information in there about the North Reach Advisory Committee or the NRAC that Commissioner Fritz mentioned. There's one new amendment, Commissioner, that's before you today that requested by the Bureau of Development Services and this is not in the packet that others have had. And this is to remove the requirement to inspect plants after one year when irrigation is conducted by hand. The vegetation enhancement standard requires temporary irrigation during the three-month plant establishment period and requires an inspection of the plants but the Bureau of Development Services doesn't have the money to pay staff to conduct that inspection so what they're proposing is we rely on the monitoring report that the applicant is required to submit. So that's an amendment we'd like you to consider.

Fritz: Does the code currently specify that the Bureau of Development Services will inspect the plants?

Edmunds: I believe so. Yes. It doesn't specify --

*****: What's that?

Edmunds: It's in the zoning code.

Fritz: Right, but the applicant or the developer could be inspecting the plants. It doesn't say that the city is going to. This is similar in the environmental zones where we require an inspection.

*****: [inaudible]

*****: Do you want to come up?

Shannon Buono, Bureau of Planning and Sustainability: I'm with the Bureau of Sustainability. To come and explain how they've met the standards that the vegetation is still alive and the applicant will be conducting the inspection on their own and reporting that the vegetation is still alive.

Fritz: Before we vote, I'd like to see the language that's -- that they're proposing to be removed.

Buono: It is in front of you -- oh, what's being removed?

Fritz: Thank you.

Edmunds: The amendment package does not include an amendment related to the working waterfront coalition to pay a fee in lieu of going through river review and this is because there's no relationship between project impacts and project value. And in addition, the city attorney has advised us that such a fee would be an excise tax and that's prohibited by state law. So the substitute resolution you have before you outlines some things that the city will be working on between now and the implementation of the North Reach plan on January 1st, 2011. So even if the council approves the river plan, the work will not be done. So we are expected to return to council with a report on the method proposed to use to calculate the temporary fee in lieu of mitigation that the city will be offering until there's a functioning mitigation bank. You'll hear a little bit more

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about the -- about that in a minute. We have also said that we would explore a threshold under which the use of model we're currently thinking about, hep/hea, or whatever model will be chosen and figure out a threshold that that mold wouldn't necessarily be needed to calculate the offsite mitigation in lieu. And there may be amendments to the river plan that we could explore, and that includes additional standards for lower impact development proposals and refinement to the overlay map based on ground truthing and one the tasks is this mitigation in lieu -- fee in lieu and one of the components will be an independent science panel and Caitlin will tell you a little bit about that in a minute. And we'll have several of the mayor's stakeholder meetings to go over the topics and have a review from the no -- nrac. And Arne is here on talk to you about that and then a hearing and move on to the administrative rule hearing. Between now and the end of the year.

Keitlin Lovell, Bureau of Environmental Services: Good afternoon. I'm Caitlin with the bureau of environmental services. Fish and wildlife program. On March 22nd, sent out a nomination request for independent scientists to participate and they'll be conducting a peer review of the science behind different models so the terms you heard before, hep and hea that year using to conduct the fee in lieu. And we're specifically looking for independent scientists that have a strong emphasis on academics and tribal scientists, city staff, regulatory staff and industrial scientists will not -- are not encouraged to apply.

Adams: But we do want real world practical scientists, right?

Lovell: Absolutely. For diversity of expertise and familiarity with this area of the river. The timeline is that the nominations are due on April 23rd. As you can imagine, getting a bunch of scientists in a room together takes time especially at the end of the academic year so once we have the selection of interested nominees nailed down, it will probably be May or early June before we're able to get them together and have a workshop and the facilitator will report out on that and the panelists will have an opportunity to review and comment and the report will be presented to the city and stakeholders.

Fritz: And I have a related amendment to the substitute ordinance.

Adams: Can you do that after the presentation? Does it representative to anything that was just said.

Fritz: Yes.

Adams: Tease us with that.

Fritz: On the substitute resolution, the last further resolved is a reference to -- I would suggest we insert hep/hea -- it could be something else depending on what the scientific panel recommends.

Adams: Sounds good.

Moore-Love: We haven't read all of those titles into the record, yet.

Adams: Why don't you do that.

Edmunds: Excuse me, Karla, do you have that substitute resolution?

Adams: We're going to do that as soon as we get your staff panel discussions done.

Lovell: Oh, this is a sturgeon, we've talked about the number of species present in the river. Sallie snapped this picture. And it's a reminder we're talking a lot about native species and this one is interesting. It's the oldest fresh water fish in the world and the largest fresh water fish in north America and you can catch it right off the banks of the Willamette.

Adams: Is that legal?

Lovell: It is until the end of this year in certain locations. They found a great unknown breeding ground of sturgeon below what they call the wall in Oregon City and putting restrictions on it.

Fritz: It's the kind of fish that's safe to eat or not?

Lovell: Whether it's safe to eat or you want to eat them are two different questions. Yes, they're safe in certain quantities but they're bottom feeders and the lower Willamette, the toxicity of the sediments is a concern.

Edmunds: This gentleman was headed home to cook some. They're very tasty.

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Adams: Wait a minute: That's legal, really? Ok.

Leonard: You grew up in newport, you ought to know.

Adams: We didn't have sturgeon in newport. In the bay. Please proceed. [laughter] break out in a Fish story. We don't want that.

Ann Beier, Director, Office of Healthy Working Rivers: I'm ann beier, the director of the office of healthy working rivers and want to talk briefly about the north reach advisory committee. It will be charged with overseeing implementation of the plan. We will pick up when we begin implementing the plan, not intended to re-debate the provisions of the plan. We will -- it won't give us a -- give us a forum to raise issues as people get activities permitted through the plan. To make sure that the process is working as we intended. And use the committee to make sure we keep working on funding the things that we proposed in the plan. The infrastructure, the ecological restoration and those key components and report become to the planning commission and the council on an annual basis but if issues come up, we'll come to you immediately. It's that safety valve.

Adams: I just want to, for those who have been closely following the proposal at one point the oversight committee was not going to be impaneled until after the end of the calendar year, but we've actually moved that up. And we'll impanel it immediately to help with the intervening of the rest of the plan.

Beier: We'll be recruiting for members publicly as soon as the plan is adopted. Committee members will be chosen by the commissioner in charge of planning and sustainability and the office of healthy working rivers and approved by the full council and anticipate a group of about 12-15 people representative of all the interests in the north reach. So 12-15 may not be enough. A three-year term.

Adams: And intended to be a balanced perspective.

Beier: Very balanced. Again it's a advisory committee, not a decision making body. Technical support will be provided by city, state, federal, tribal members and those members won't be sitting on the group. The group will be composed of people who live and work in the river. Initial meetings will probably be this fall.

*****: Thank you.

*****: That's it.

Adams: That's it? Great can we have the working waterfront coalition panel please come forward. Dave, allen and susie. Welcome back. Thanks for your work on this. We appreciate it. Dave, do you want to -- who would like to go first?

*****: Actually, I would.

Adams: Ok.

Susie Lahsene, Port of Portland: Mayor Adams, city commissioners, my name is susie, I work with the port of Portland. I'm going it read a letter from bill wyatt, a executive director who could not be here today. Mayor Adams, we appreciate your leadership in working through the complex issues of the river plan north reach, this is a major land use action that deserves a thorough review and your attention has helped bring rigor to this effort and we appreciate the efforts of the bureau of planning and sustainability staff in sorting the details and evaluating the implications of the regulations as outlined by the code. As you know, the port of Portland is committed to helping american consumers -- and their employees and the communities in which they're located. The most significant constraint that seaports face is the capacity and efficiency of the infrastructure that transports those exports and through seaports into overseas markets. That's why being able to improve and modify our facilities in the harbor is a competitiveness issue. From that standpoint, the decisions the city makes in the river plan/north reach set the tone for this city's economic future. We've been fully supportive of the basic premise of the north reach plan. New fees or new business locations should help watershed and natural resource improvement and we know in order for both

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jobs and environmental quality to benefit, these fees must be reasonable and the process navigable. Otherwise, there's no jobs to strengthen the city's economic base. The investment in the harbor is a business decision, not a political one and I applaud your director, mayor, and staff to continue working on the items outlined in your letter. For this reason, I believe, bill believes, there's it's in the best interest of this effort to continue to work on the issues before the entire plan is adopted. I urge you to adopt policy 1a, policies and objectives document. And defer adoption of the other elements of the plan. Adoption of the entire plan at this time or next week, while work still needs to be done, removes the incentive to work out the important details. Thank you.

Adams: Hi.

Alan Sproutt: Hi. Allen sproutt with the vice president with digger industrial and chair of the working waterfront coalition. First, we support the creation of the north reach advisory committee and thank you for that. Second, we support the adoption of policy 1a. Finally, we request that we - that you consider amending the code with our proposed amendment to allow an in lieu fee instead of going to river review, we firmly believe this is the best way to accomplish the natural resource improvement projects in the north reach. If that's not possible, we request you delay adopting the code until all the fixes are in as well as the natural resource inventory. Thanks.

Adams: Thank you very much for your testimony. Hi, welcome back.

Dave Harvey: I'm dave harvey have i, the director of the environmental health and safety at greenbriar companies and representing a rail car and a member of the working waterfront coalition and we appreciate there's been a lot of time and effort that's gone into the river plan and with other members of the working waterfront coalition, gunderson is in favor of a river plan good for the environment and good for jobs. And when we say we're actually for the environment it's one of those things -- i'm not sure people actually believe us but we are and when we say that, why should you believe that? Last year we spent a quarter of a million on water quality improvement at gunderson when it wasn't required by a regulatory and we're going to commit money to early restoration project in the north reach. We expect -- the third thing, we expect or looking at and expect to be able it commit to some kind of pilot project for habitat roofs on our site so looking at those things. None of which are required for us to do. For us, for me, personally, and for gunderson in particular, or gunderson, the balance point is really about jobs. At gunderson, we employ on average, 1,000 blue collar living wage jobs. 40% of those people speak english as a second language. So we have I think a huge impact on a broad cross-section of the folks that live and work in Portland. I work with them every day and for me, they are why I continue to work so hard on the working waterfront coalition work. And I think that attitude is chaired by a number of other people within the working waterfront coalition. We actually have once again, about -- didn't count them before I came up -- eight folks from gunderson came with me today.

Adams: And we heard testimony from folks last time, so --

Harvey: Right.

Adams: We're well aware of that issue and it's an important one.

Harvey: Many workers like them at other sites on the north reach are the most important stakeholders in this process and the most important reason why we need to get the process right the first time. Thanks.

Adams: A couple of points of conversation. Your reason for adopting only the part a is -- what are your reasons so we air it out. I don't think you had enough time to articulate why you think that approach is better than adopting the policy in a provisional basis, additional work to be done before it's actually --

Lahsene: Basically once you adopt the code and the natural resources inventory that supports it, it means that there's a high hurdle to make changes to that document. And yet, mayor, what you're suggesting is, in fact, that we do continue to work on elements of both the code and the inventory. And so I think it -- personally, makes more sense, frankly, if we're able to work through those

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changes and then adopt at a specific time such as the fall, the rest of the elements of the plan. I think adopting the policy document is, you know -- is good policy. It sets the stage, but if you're still working through the issues then the incentive for all the stakeholders to come to the table is not there if you've already adopted basically the code document and the natural resources inventory. So that's -- that's the rationale.

Adams: I appreciate that. The legislative intent, this and draft code have been before decision makers for how many years? Including the planning commission?

*****: [inaudible]

Adams: A year and a half active consideration of the code and active consideration of the draft policies. My legislative intent is for the council to -- if -- we're proposing that the council approve this, but my legislative intent is as we move through the science work and the further analysis, if there are needed changes between now and the end of the year, that come out of that work, I will be the first to propose those amendments. But the project has been in flux and evolving, I think in good ways for something, I feel there's a need -- for so long, I feel there's a need to provide a certain amount of grounding and if reasonable changes are needed and perfection is illustrated, that's why it's not going into effect until we do some of this other work.

Lahsene: I appreciate your point. I would say, though, that in the past month and a half, really, since we have -- stopped meeting as a large group and worked individually with planning staff that quite a bit of progress has been made and it seems to me that to continue on that effort, we really do need have some incentive to be able to encourage all the stakeholders to look at those things objectively. I mean, what's happened is a lot of unintended consequences are being discovered as we work through the details of the plan and it makes it hard for people to -- this is a very complex process, and it makes it hard for people to want to delve into the details unless there's an incentive and that's why I think adopting it sometime in the fall and encouraging people to work through the details is [inaudible]

Adams: It's important to me though that council set some parameters as we do, there are folks who continue to sort of push back on some fundamental thing. And I think it's important that council set some general baselines, knowing if good ideas come forward and the continued perfection is assumed and we're setting up an oversight committee that will move beyond the end of the calendar year, so the legislative history, my hope is we'll populate some of the oversight committee with some of the folks that have been around the table. I'll be happy to continue to serve or audit the committee if that's deemed useful. But I would like the council to send a message on parameters. So again, my legislative intent is there's I think, in my opinion, reasonable people can disagree, in my opinion, there's a lot of opportunity to make this better. I don't know -- and I want it to be made better if the context of getting that science and analysis done. So I appreciate what you're saying and like I said, reasonable people can disagree.

Fritz: And both of mayor and I are willing to participate on the oversight committee as needed. It's not like we're going to pass it on move on. My conclusion is, and, therefore, we should adopt this, one of my concerns I have right now is what's happening is not open and transparent. There's a lot of discussion going on that maybe the public is not aware of. In fact, i'm withdrawing the motion that I just made and didn't get a second because it's not clear what's on the table and what's not. Adopting the code language, it becomes clear and if you want it changes, it has to be done in a public process so that everybody is invited.

Adams: We'll try and address as we move forward your concerns are noted and we'll try to be responsive as we move forward. If we move forward. Thank you all very much. Appreciate it. The environment coalition, bob, mike and travis.

Adams: Welcome back to council.

*****: Thank you.

*****: Who would like to start?

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Mike Houck: My name is Mike Houck. Representing the Urban Greenspaces Institute. 26 years ago I was asked by the City of Portland to assist in conducting a Willamette Greenway Plan goal 15 inventory and I realize that the North Reach plan itself, but we've been waiting for over, as I said earlier, a quarter century to bring resolution to dealing with natural resources on the Willamette. I participated recently in one of the myriad workshops the city hosted regarding the Portland plan. One tenet as I understand it, is to ascertain what the city needs to do to make a more livable and sustainable city and you talked about breaking from tradition and I think we do need to break from the traditional land use processes we've seen over the last 25 years or so. In fact, I was thinking about how far we've come from the too many I sat in city council in 1979 facing that direction. When we were discussing the fate of Ross Island and the fact that the City of Portland, the Park Bureau was contemplating filling in what is Oaks Bottom Wildlife Refuge for motocross and a number of other purposes. Commissioner Fish, I'm sure you can attest to the fact we've come a long way in the intervening 21 years.

Fish: I was not the parks commissioner when that first --

Houck: Yes, I'll acknowledge that.

Fish: The record should so reflect.

Houck: But we've not yet put policy into place -- and a new paradigm for how the city will do things differently. And if Portland is serious about -- these are elements of the Portland plan, creating equity across the landscape. It's a break from tradition. Typically, we've thought we have Oaks Bottom Wildlife Refuge over there and the built environment a quarter mile away and the real challenge to achieving the objectives I'm seeing articulated by you all, and by staff, and by the Portland plan, this could do a better job of integrating in the residential areas and commercial areas and industrial area. So I'm urging you to go ahead and get on with it. We've been waiting for too many years. You're willing to be open minded about making changes if they come to the fore. I have two concerns that I'd like to point out, and Bob is going to elaborate on this, that's the issue of the standards and secondly, the University of Portland's request to remove the environmental conservation zone which if they're sincere about protecting natural resources in my opinion the environmental conservation zone allows them to pursue development while ensuring they protect natural resources. Thank you very much.

Travis Williams: My name is Travis Williams. Of Willamette Riverkeeper and we work on water quality and habitat issues throughout the basin. The City of Portland should adopt this plan with a couple of caveats but we're supportive of it in general terms and think it can provide meaningful improvements to this stretch of the Willamette. On the second page, I put a photograph, one, of a particular site as a reminder of a typical view of this stretch of riverbank on the Willamette and it's a pretty vivid example of what one can find in Portland Harbor and how far we've slipped from any semblance of natural river conditions on that stretch. The plan has been years in the making and I think that the current draft actually could merit a few questions. One would be does it provide options to land owners and flexibility in many cases and the answer is yes. There's a -- does the plan require vigorous on-site habitat restoration where riff rap does not currently exist. So I think today, represents what we have really represents a compromise and I think city staff and certainly you as a council and Mayor Adams have taken pains to work with folks so far. To hear their concerns and incorporate them and consider them and to me, from what I've seen with most of the changes made, that's been pretty darn fair and I don't know that one should expect a lot more. I would say a couple of the amendments proposed relating to the E zone and impacts to the E zone should be repealed, of course, you will, or not incorporated into the plan. We oppose the last minute changes to standards. As they relate to outfalls and other structures on these river side properties. Other than that, I would say that, you know, this plan is part of a larger mosaic. Relating to superfund cleanup. To the natural resource damages process and this is something that

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is really a public trust issue that the city of Portland can implement and can support in relation to those other processes. So thanks for your consideration.

Adams: Thank you. Bob?

Bob Sallinger: Good afternoon, my name is bob sallinger are, the conservation director for the audubon society of Portland. We strongly disagree this be delayed. I went to my first river renaissance and this plan has spanned three mayoral administrations. I went to law school and graduated and got married and had two children and watched them crawl, walk, enter elementary school, go to the third grade, read. Play the guitar. That's an incredible span of time: [laughter]

Adams: Never heard it said quite like that.

Sallinger: And the amazing thing, it's only a third of the way down. We still have the south reaches to go. The time it took to develop it is more than a third of the time it will be in effect. It's time to move forward and felt that way at the end of the planning commission process and although there were many things we disagreed with. We said we weren't -- we recommended how much work had gone into this and compromise and sacrifice and accepted it as written and have not raised a single new issue since that time and believe the best way to understand a plan of this complexity is to implement it on the ground and we recommended a strong process of review, a time certain to come back and evaluate it. And oversight committee. We're glad to see you're moving forward on those things because we think we're going to learn on the ground the places we're strongest and weakest. And we think continuing to work this plan over and over and over again and make amendment after amendment at some point ceases to be an public process. We're for open, transparent and public process, but if it goes on too long, the public cannot continue to participate for this kind of time. Only industry can afford this. With the lawyers and staff and consultants. The rest of us are going to have to drop out at some point. We urge you to adopt the plan, evaluate it on the ground. Sound like it might go forward today. The most significant concerns are the last-minute amendments. We urge you not to adopt those. Those I didn't dos did -- ideas did not come in the meetings. We are concerned about the standards and exemptions and glad the council reconfirmed the city's commitment to retain jurisdiction over high water but these standards are a trojan horse for undoing that review that comes with river review. Standards historically had been used for activities that have de minimis activities on river. Other activities are supposed to go through review but since the meetings ended we've seen a number of new standards introduced including one that would allow a unlimited number of outfalls to go into the environmental zone and a standard for allowing a building of any size to be built on paved area are the e zone. Which would have light and sound and construction impacts and we've seen a change that would allow industry to pay a fee in lieu rather than mitigation. And we knew that when they invoke standards because they were supposed to be de minimis, we would not see the e zones gradually deteriorate. Under the current proposal, there's going to be a lot of unnecessary development and gradually see them -- the e zones disappear over time. Lastly, I wanted to comment on the items for further review. We do support moving forward with reviewing hep/hea for the next six months. It's a good decision it isn't complete yet and there's more work to be done the we're concerned about the directive to consider more standards even beyond those in place. The ones -- the new ones go further. We're not close to new standards but would like to see the plan implemented on the ground before we see more activity out of river review. Refinement of the overlay zone, they've been reviewed and on the books for a long time. The draft has been out there literally for years and we have no problem with the map correction process and think that industry should pay, not the city, to go back over the same ground and make sure there's a opportunity for public review so that the entire community has a chance it see how changes are occurring. We urge you to adopt the plan and appreciate the work that's gone into this and hope we can move forward.

Fritz: Can you tell me where the outfall standards are?

Sallinger: They're on -- I believe on page 51.

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Fritz: That's what it says in the index, but I can't find them.

*******:** I'll get those for you.

Fritz: Thank you very much.

Houck: If I can make one final comment. That photo of the sturgeon, sturgeon isn't quite a charismatic as the salmon and i'm reminding about charismatic as the salmon. There are people who think of them as in two different boxes and the image that appeared on the front cover of the "the Oregonian" and carried by most of the papers across the country. It was a stockbroker who had gotten into a boat at riverplace marina and had a salmon that a photographer took a picture of. Nothing exemplifies -- widen and kennedy could not have -- wieden & kennedy could not have sold the quality of life in Portland as well and that's what we're talking about.

Adams: Thank you. Appreciate it.

*******:** Thank you.

Adams: Sallie and staff if you can come back up. Prepare to answer whatever questions anyone has before we consider the amendment. How many people are signed up?

Moore-Love: 14.

Adams: Be prepared for a minute, minute and a half each for your testimony. If you've already -- so in our previous public hearings, we've -- if a point has already been made I encourage you not to repeat points that have been made in this meeting or previous meeting, but if you have a if you point, we welcome with your testimony. Questions.

Fritz: The outfall.

Buono: Page 51. And it's replacement page 51 in your march 24th amendment package. Page number is at the bottom. Not the page number at the top. No. 5 at the bottom of that page.

Fritz: Oh, it's not -- I didn't realize it was new.

Buono: What is not there, it's not graded because there's a deletion on that page. But i'll find it here. It's no longer there. Subc, said only one outfall pipe may be used on a site. There was a trigger, essentially, that allowed you to meet the standards of one outfall. After one outfall, if you're doing two --

Fritz: Or 100.

*******:** -- you go to review.

Fritz: In I wanted to put that back, that would be reinsert 5c on page 51. 51.

Buono: Thank you.

Adams: Other discussion or questions? All right. Can you stay there while we move the amendments and then take public testimony on the amendments.

Buono: I wanted to make sure that commissioner Fritz saw the language change regarding the inspection of the vegetation area.

Fritz: Where's that?

Buono: The language that's changing is on page 30 -- a variety of pages. 19d I think is the first one. It's in the -- in the march 24th packet. 19d.

Fritz: I don't know that I have the march -- what's today? 19d.

Buono: Should be what you were looking at a minute ago. The section is graded. It's subc and then parenthesis two, option two, irrigation by hand. It said that if the applicant chose this option, an inspection will be required one year later and the applicant would pay a inspection fee in order to do that.

Fritz: Right.

Buono: The amendment on the salmon colored paper, which you got today, would delete those sentences about the inspection.

Fritz: We're requiring a fee though, so I don't --

Buono: I'm going to paraphrase kim from the bureau of development services, they're concerned about the fact that there is -- their inspection staff doesn't currently have -- they would need to be

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trained in order to inspect this so that's a cost to bds, but they're -- technology limitations would never -- wouldn't allow them to trigger the inspection a year later. So there would be money involved with that.

Fritz: And the environmental zones where we have the required mitigation maintenance and there was a report that triggered a year later.

Buono: And there's a report triggered with this as well. This was above and beyond the report.

Fritz: Does it match what we have in the environmental zones.

*******:** I think it does. Yes.

Fritz: Thank you, i'm all right.

Adams: So --

Fritz: I have two amendments.

Adams: You have two? Go ahead and move your amendments.

Fritz: I have two amendments related to the standards we just heard. One is on page 63 to strike the new subsection k which allows the property owner to choose to pay a fee in lieu instead of providing mitigation on the site or the adjacent environmental zone. It's not in keeping with the plan which is to have a string of pearls, connections. And it doesn't require that mitigation to be in close proximity to the development. It also allow it is by choice as a first choice, rather than looking to see if there's any mitigation to be done. Since we're doing ongoing mitigation work as part of the process before january, I move we strike this subsection k because we can figure out what the in lieu fee, how that works better.

Adams: Moved. I'll second. Any discussion? Please call the vote on the amendment.

Fish: Mayor, I guess -- I didn't understand the amendment. Could I have the amendment again and could I have the opponent's position on the amendment before we go to a vote so I understand that.

Adams: Absolutely.

Fritz: On page 63, a new subsection k which allows a developer to pay an in lieu fee which is in keeping with what we have to have happen, however. Language says they may choose to pay whether first looking to see if they can mitigate on-site. It's more liberal than the current environmental regulations and this is I think a last-minute attempt to put in something about an in lieu fee and I don't think the language is correct and we don't need to adopt it right now.

Leonard: I'm trying to follow the page you're citing and looking at 63 and not seeing.

*******:** Replacement page 63, it's the page number on the bottom.

Fish: We're looking at subk?

Fritz: Yes.

Adams: This is part of a amendment package --

Fritz: We just got.

Fish: Could I get a clarification, mayor on your position or planning commission position on this?

Adams: Hear from staff first.

Leonard: So -- again, just so I understand, so i'm on what was called page 75 but replacement page 63. You're moving to strike k?

Fritz: Yes.

Leonard: Altogether?

Fritz: Yes. Rather than amending it on the fly. I think we can figure out what we want.

Leonard: How did this amendment get in here? It doesn't look like it's on the fly. It's printed. How did we get it in here?

Buono: It's been part of the package since february. It was presented after discussions with the working waterfront coalition. And as an attempt to provide some more flexibility for their property owners.

Leonard: Why -- i'm curious why you say it's on the fly.

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Fritz: I stand corrected. I had not noticed it before, there there's a large volume of stuff and I haven't looked at the exact language which I think is too liberal.

Leonard: So I understand, this is part of a package that came forward to us as a result of a work group?

Buono: Yes, over time, as a result of the stakeholder group that mayor Adams chaired and then further discussions that staff had with the working waterfront coalition.

Leonard: I guess i'm curious, to repeat commissioner Fish's question, mayor Adams, where do you stand on this?

Adams: This is one of the areas that the whole in lieu of will require additional work and that's called for in the substitute resolution. The choice before the city council with this amendment is so what do you want to emphasize. Adhering to the current practices or do you want to emphasize more flexibility? Either way, we will not -- I would not recommend we definitively lock down on anything on this until we get the science back and the analysis back regarding the potential in lieu of. So either way, we're going to be revisiting this when it comes back to us.

Saltzman: Or we could just leave it in.

Adams: You could leave it in, yes.

Fritz: Or you can take it out.

Adams: Or you can take it out. [laughter] that's the whole democracy thing.

Fish: Again, and under the new order here, I vote first so I want to make sure I cast an informed vote.

Leonard: I'm going to vote how you vote, so -- [laughter]

Fish: So, mayor, this has been in the package and you're saying this is an issue to be worked out over the next -- the balance of the year and your recommendation is that we keep this language as a placeholder?

Adams: This is a -- this is a placeholder, no matter what we do and perhaps maker of the motion would entertain having made her point and raised her concern, she would entertain withdrawing her amendment.

Fritz: No, i'd rather just have it voted down. Because I want to put on the record that there is -- this concern. And i'm not sure -- I can't support something that says you can choose to mitigate and I think this illustrates my increasing frustration that we have compromised and compromise and compromise, pages and pages of amendments in response to largely the working waterfront coalition's concerns and now when i'm looking at the whole package, I think we're getting over the line of where we've lot of the balance.

Edmunds: Mayor, may I say that we were trying to remember exactly when this emerged and I believe it emerged in discussions with the working waterfront coalition. I don't believe that it did emerge during your stakeholder meeting.

Adams: I don't recall it. So the -- let's vote on the amendment. And I would say that if council doesn't feel like they have enough information on this particular item, my advice to you is to vote it down and we can raise it again. I don't -- if you're not sure, then I would ask you to -- all due respect, I ask you to vote it down and we'll raise it again and provide nor information about the specific irk when we come back.

Fish: This is an amendment it a package we're not going to vote on today. What gives us more flexibility, that approach or the reverse?

Adams: Because all of this work is provisional until we come back with the additional due diligence we have to do to clarify some of these point, this -- and commissioner Fritz is absolutely right, to point it out. It's an important point of consideration either way. I think it will be informed by evaluation yet to come. So I would view it as a point that we're going to focus on in the future regardless of how we vote today. I don't feel we can make a truly fully informed decision either way we go, until we get some of this analytical work done.

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Leonard: My concern is -- it's a working document and to affirmatively do anything sends a message i'm not prepared to send.

Adams: Let's vote on it.

Fritz: [inaudible]

Adams: Ok, Karla, please call the vote on the amendment to the amendment.

Fish: No. **Saltzman:** No. **Leonard:** No. **Fritz:** Aye.

Adams: Aye. [gavel pounded] fails.

Fritz: So I move on page --

Leonard: Huh? [laughter]

Fritz: One more time. And to my colleague, thank you for your patience. On page 51, where the standards for stormwater outfalls we heard just today or recently --

Leonard: Which page? 51.

Fritz: The replacement page 51, which is the top of the page 64. The standards for outfalls and these standards mean that you get to do it without any kind of review and so the group looked at for stormwater outfalls what would be reasonable and similar to what we have in the environmental zones, what was in before was the limit of one outfall per property so that kept the impact minimal.

Without one per property you could have 10 and that could be a significant impact and I don't think that's right. So I move to put back in the limit of one outfall per -- as part of the standard -- the previous letter c limiting it to one outfall.

Adams: The previous greenway plan.

Fritz: The previous proposal.

Adams: Sorry. The previous proposal. Comment on this?

*******:** It was a request from the working waterfront coalition to have this changed.

Adams: All right. Anymore discussion from council.

Fritz: Could you second it.

Adams: Second.

Fritz: I want to put -- again, put the marker down that there's things to discuss so if you were unsure on the other one, and voted no, then on this one, if you're unsure, vote yes on it.

Fish: Before we vote on this, technically, I heard this is the mayor and planning board coming forward with amendments and an respectfully -- I understood this was a package we were going to adopt for purposes of discussion. Now i'm finding fault lines to suggest make I don't fully understand how we're proceeding and mayor, I -- I understand that there's strategic considerations about what's in and timing and other things, I want to make sure we get it right.

Adams: Right. I.

Fish: So --

Fritz: So that --

Fish: And the two of you have spent more time working on the package coming before us, so if -- I think many of these things, the sense would be on the amendment side as a matter of fact of courtesy to bring the amendments forward so they can be debated and we can always change our mind on that, but I don't want to be put in the awkward position of voting first on something that I don't fully understand like you do. And find out it's contrary to what you think is good policy. My last vote.

Leonard: Specifically. [laughter]

Adams: Commissioner Fritz's attention to detail and deep knowledge of the issues is to be respected. I -- and also, know the issue, the last irk. I know this issue less well. I -- the last amendment she made I knew better. We have work to do. I would appreciate it if we don't have these amendments but it's commissioner Fritz's right to make them. Because I understand that it sort of is unsettling and your purpose is to air the issues out. And one of the reasons I want council to vote on this as a provisional document in a week sore, everyone knows which sets of pieces of

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paper we're working off in terms of further perfection. Commissioner Fritz wants to air the issues out and that's -- we're doing this by this amendment process. I wish I could give you --

Leonard: I think that all that you're hearing two or maybe three of us say, we don't have our arms completely around this issue and would like a little guidance and I don't like the sense we're going down a road that somebody is clearly -- clearer about than I am and mayor Adams, you're leading the process and we need insight from you.

Adams: I'll give it to you in a second. You wanted to say something?

Fritz: When did the piece about the one outfall disappear from the document?

Buono: That one came out this -- let me check the page. What page? 51.

Fritz: While it's being looked up, when something is not shone in strike-through, it's difficult to figure out in a document as complex as the river plan, what's in and what's out and I didn't see any shading with this.

Buono: It's in the march 24th version. It was not taken out in the february 17th. This amendment has occurred between february 17th and march 24th.

Fritz: And I think it's relatively recently.

Buono: Yes.

Adams: And as a result of the discussions with the working waterfront coalition?

Buono: Yes.

Fritz: And so it was something that was just brought to my attention so that's why to me, commissioner Leonard, it is a change from what I have thought we were at even a week ago.

Leonard: So staff, did you then agree to this proposal?

Buono: Yes.

Leonard: And if so, why?

Buono: The number of outfalls that have come through greenway review in the last few years was minimal and we didn't feel like there was a influx of outfall requests to put outfalls in.

Adams: In part because isn't it true that outfalls trigger other potential state and federal regulations?

Buono: Yes, potentially and there's mitigation due for whatever number of outfalls there is.

Adams: Which is one the reasons why -- some of the reasons why few new ones have been.

Leonard: The bigger question, if we leave the document as it is, it doesn't prevent anything from changing with this new process we're undertaking?

Adams: Absolutely, correct. So we have a -- i'm trying to work with my cosponsor here. But my preference would be -- you've stated your spent you want us to vote. Moved and seconded. Karla, please call the vote.

Fish: People watching us struggle with this, I would say that we deal with a lot of complex issues here and there's a tradition of at left initially following the lead of the sponsor and the lead staff person to guide the discussion and then council is free to make its own judgment. On something like this, where the amendments have come to us fairly late in the game, it complicates the situation and my particular interest here since we're not taking up the merits is to do no harm. I want to make sure we have a clean document to debate but we'll not be voting on this for another time. I will say as fairly new member of this body, this for me, raises another question which is the timing under which we get amendments. That's not a criticism. This is a lengthy process. Maybe i'm old school, I would prefer in all of our debates to have more lead time because foolish me, it gives more time to study them and have this dialogue outside of this forum. Which is not always the best suited. That's not a criticism, but how we do process in this building. Because I don't think we're precluded from revisiting this, i'm going to vote no and have this discussion at a later date.

Saltzman: No. **Leonard:** No. **Fritz:** Aye.

Adams: No. [gavel pounded] I want to underscore the first be it further resolved. The second sentence in the resolution, the words as a starting place. That what we -- the second be it further resolved. A starting place for the further refinements i've spoken to repeatedly this around. So I

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move we should have a resolution that's titled "substitute resolution number." changes are the overview of the work to be done in the last now, therefore, be it resolved. The creation of the science panel we heard about in the power point and the immediate creation of the nrac, north reach advisory committee, as we'll start taking applications for that within the next couple weeks and make decisions on who will be on it and put folks into place as we go through that process.

Fritz: Second.

Adams: Moved and seconded on the substitute resolution i've reviewed with you the details of the changes. Karla can please call the vote.

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

Adams: Aye. [gavel pounded] substitute is approved. Let's move to the sign-up sheet.

Adams: Welcome to city council. Glad you're here. Just need to give us your first and last name. No address. And if you're representing a group, if you're a lobbyist, you need to declare that and the clock helps you count down your time.

Dan Rohlf: I'm dan rohlf. All it take it is a op-ed in the newspaper to get to be first.

Adams: Actually, you signed up first.

Rohlf: I know, I had that opportunity. I'm not representing anyone but myself. I was amazed at what just transpired if I understand what happened and unfortunately, that is emblematic of a lot of unfortunate occurrences that have happened in this whole process. Between when I was here, attempting to testify and not being able to because it took so long last month and now, there have been a series of apparently private conversations with between the working waterfront apt city staff that resulted in a series of the amendment that's weakened the plan that's been on the table, as mr. Sallinger said for years. Those amendments are just swept into that document with the promise of perhaps further process down the line. I think that's entirely inappropriate and I also think that at some point, no matter how many opportunities people like me have to come and testify, the public and the public interest is processed to death by conversations between interested parties and the city and it results in a process like we just see where amendments that were proposed perhaps as late as last week, get voted into the document and I just think that's inappropriate and encourage the council to immediately adopt the plan as it appeared before these last-minute amendments.

Adams: Thank you for your testimony. Hi.

Darise Weller: My name is darise weller. Thank you, mayor Adams and commissioner Fritz for your amendments and the addition of the panel and the inclusion of scientist activities to oversee the river plan. But the amendments give me these [inaudible] promises. Social justice is a subject I would like to address. States the importance of economic prosperity, watershed health, access, riverfront communities and partners. If we use a scale of economic prosperity and -- on one side and the other topics on the other, this land is weighted too heavenly on the side of -- heavily on the side of economic prosperity. A huge inequity exists and shouldn't the subtopics be considered equality? We have a major crisis uh pending. Peak oil, climate change, a major catastrophic earthquake and our biggest challenge of the future -- water. None of these are addressed and the 30-year future for our economy and river and survival. The subject of social justice are issues of public input. The environment [inaudible] -- environmentalists.

Adams: I need you to wrap up.

Weller: Ok. Public engagement and whittled down [inaudible] make neighborhood livable and sustainable community. Asking for little of the original vision. Access to the river and keep the entire mill site out of the industrial sanctuary and open to possibility that will allow other uses and not only h.i.

Adams: Thank you for your testimony. Appreciate it.

Donna Matazzo: I'm another one the people who came to the hearing on february 17th and was here for over three hours and didn't get a chance to testify because I had to leave and then I wrote the next day and got no response, which I found very unusual and I just wanted to comment that all

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told, it just left a feeling like citizens, were like -- an afternoon off work to come in front of you have less of a voice than perhaps industry. This process has been going on for a long time and dragging it out makes it harder for every-day citizens to come and take time away from home to be part of the process. Sauvie island has more than 300 species of wildlife and the ecological health of the river affect not only the birds but those that migrate far away, so the ecological effect of the north reach has a long reach far beyond that river's watershed, so we urge you to adopt the plan.

Adams: Thank you for your efforts at testifying. We know it's a challenge.

Fritz: I'm good 500 emails behind at this point. There's a lot of folks I know who have written and I haven't had a chance to respond. Thanks for writing.

Adams: It's a busy couple of months on a variety of issues. We're behind in my office. Karla.

Adams: Welcome back to city council. Glad you're here.

Jeanne Galich: We're back. My name is Jean Gallich. I'm taking time out of my work day to support this plan. After the last few hearings, this is a real act of faith. It's important to note that many supporters of the plan were shut out from being able to testify because of the inordinate time devoted to industry concerns. In fact, given the time and attention spent on the working river coalition comments, I thought they were a new city bureau. With only a minute to testify, I urge the city to do not delay, but to pass this plan, and I would urge you also to remove those last-minute amendments and really take seriously the concerns raised by the environmental counsel -- or, panel. Thank you very much.

Fritz: Thank you.

Francie Royce: My name is Francie Royce and with the organization called m.p. Greenway and we're the advocate -- the organization dedicated to advocate for the north Portland greenway and that Allen will -- Alan will get the trail he wants through the bigger industries. I urge you to adopt the plan is my main point. Secondary, on the recommendation for an advisory committee, the various types of people that are recommended in the amendment from March 24th, do not include a specific trail group and trail supporters. We feel the trail is a trail -- as a trail advocacy group, stands the breadth of the kind of groups listed there and we would like a trail group to be included and invited on the advisory committee.

Adams: Go ahead.

Dick Springer: Thank you. Good afternoon, and greetings. Mayor and commissioners. I'm Dick Springer, the manager of the west Multnomah soil and water conservation district and previously submitted written comments and at the first public hearing. Soil and water conservation district runs from Lake Oswego to St. Helens and we work with property owners along the entire reach of the river and we're engaged in Miller Creek and Bawl Shall Creek -- the Balch Creek areas and working with property owner there is to remove the dangered -- pardon me, the species to restore these critical sites identified in many documents at a scoping session at the Portland Harbor Purpose Fund Trustees Committee just this past month and I'm old enough to remember previous governors working on the river 40 years ago, we've made a lot of progress. The public has spend a lot of money to restore the river. Now is the time to finish the job.

Adams: Appreciate your testimony.

John Mullin: Mayor Adams, members of council, for the record, my name is John Mullen, here on my own time as vice president of the coalition -- the board, the coalition for a livable future. I know the council is well aware of the work of the coalition but I want to point out that the coalition includes members like Audubon that were among the founders of the coalition but we have groups like Kaiser, Reach and the Oregon Food Bank and we have a diverse coalition and not only is our work known by our name, what our name is about, but also engaged in the work of equity through the Equity Atlas and I bring this up, because in the introduction of the Equity Atlas, it's talked about there's something about this place, as it begins, and the reason is the rivers. Something about the place we live in in greater Portland. You've heard from a number of people about the interest to

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adopt the plan and coalition for livable future certainly supports that. We also would point out our equity agenda means people having access and also having the quality of the river is very important to us. And so my time is up, but thank you for your consideration.

*******:** Good afternoon, thank you for entertaining us again. [laughter] first of all, thank you for the process, to me it's been open, yes, it's confusing in terms of what has --

Saltzman: Can you give us your name.

Curt Schneider: Curt schneider, north Portland greenway. I live in cathedral park, st. John's. A hearty thank you. Please adopt it. It puts in place something that's concrete and when we make amendments, we'll have something that's concrete there that we know we're making amendments to. To me, it's far more transparent than the continual bringing in amendments at this time. Lastly, thank you for the changes in mitigation. Thank you, i'm sure commissioner Fritz, you're largely responsible for some of those. I appreciate it. And we will be watching to see where in the city code you will be placing those. The certification process. So thank you very much.

Fritz: Thank you for your comments and it's an open and transparent process. You've seen how the public process being done in daylight here today. Probably the entertainment factor.

Schneider: Didn't mean it that way.

Fritz: And thank you for your complement. I have to note that the mayor and staff have done yeoman's work and -- yeoman's work.

Schneider: It's been great.

Fritz: It's a community effort and I think that the conversation on all sides has been very healthy.

Schneider: We've been there, every meeting. Thank you.

Adams: Karla, call the next three. Please.

Moore-Love: I have the separate sign-up for the siltronics and -- do you want it take those now.

Moore-Love: I read them into the record.

Adams: You read them into the record?

Moore-Love: Yes, I did.

Adams: Huh? Let's do that.

Fish: Let's take testimony on the other two matters.

Fritz: Do we have a staff presentation on the other two matters.

Edmunds: We have a staff presentation on the others.

Moore-Love: She's not going to testify, thank you.

Adams: Where are we at?

Fritz: We're going to hear the staff presentation on siltronics.

Adams: Ok.

Fritz: Just by way of a filler, this council is working really, really hard on multiple different issues. This week we heard budget presentations and we passed the changes to the independent police review and those are just a couple of the major issues happening also right now.

Edmunds: Excuse me, it the university of Portland?

Adams: Yes.

Moore-Love: Are you ready for that now?

Fish: Are we doing siltronic or u.p. first?

Edmunds: University of Portland.

Fish: Ok.

Edmunds: Thank you very much. This resolution directs the bureau of planning and sustainability to negotiate a development agreement with the university of portland. Little bit of background on that, the natural resource inventory for the willamette river ranks the university of Portland bluff as a special habitat area. And as a result of that, the river plan applied the environmental protection and conservation overlay zones to the bluff area. The university of Portland came and testified before you last -- at the last hearing and indicated that they want to build a gateway structure to

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connect the upper campus with the new river campus and requested some flexibility. This is an illustration of their master plan. The structure were talking about is one that I'm pointing at. So the draft resolution before you calls for the preparation of the development agreement and a key step in that process is the determination of appropriate mitigation. And that analysis is proposed to be conducted by bureaus of planning and sustainability, the bureau of development services, environmental services and the office of healthy working rivers. So if the city council approves the resolution the city will enter into negotiations with the university of portland to prepare a development agreement. And if that development agreement can be reached, city council will hold a hearing to consider that draft agreement. And then if council approves the agreement then the city and the university will sign it. They will not apply environmental overlay zoning to one part of the bluff on university of portland property. We've inserted a timeline to the resolution of October 15th.

Fish: I have a couple of questions.

Edmunds: Yes.

Fish: Is this the same process that we have followed with Siltronic?

Edmunds: it's very similar to the process that we followed with Siltronic. There were a number of issues with Siltronic and Siltronic was interested in conveying an easement to the city. In this case it's a little bit different.

Fish: But in terms of the framework it's the same process?

Edmunds: That's right.

Fish: And it's subject to a) u.p. reaching an agreement that is then b) brought to the council, and approved or not approved by the council?

Edmunds: That's correct.

Fish: And, and who would pay the fees of, of negotiating this agreement?

Edmunds: The university will pay the hourly rate for, um, some of the city staff who would be working on this.

Fish: Thank you.

Adams: Other questions from council on the resolution on the university of Portland?

Fritz: So what would be the approval criteria, how would we know whether we got to an agreement? What are the parameters of the agreement that we are expecting this to --?

Edmunds: We would identify mitigation that would be commensurate with the anticipated impacts of the development.

Fritz: And what about the avoidance of impact that would be required if we left the environmental conservation zone on?

Edmunds: That would not be part of this discussion. In a broad sense, although we would look to avoid the impact of any the trees within the area.

Fritz: I believe that we should have something in there that, part of the development agreement, I will just state this with the Legislative intent from my part, at least, that we're not expecting the, the proposed development to be put on the other side of the campus but to the extent possible in the area where u.p. would like it to be. I think that we still need consideration of avoiding minimizing and mitigating the impacts to the environmental zone or to the resources.

Adams: I think it's useful to get on the record that kind of individual legislative intent, and this will have to come back to council for approval, so you will judge for yourself and your own vote whether what staff negotiates and proposes meets that or not. Any other discussion from council on this draft resolution that we will be voting on in tandem with the rest of the package, the future date? Ok. Let's move to the next one. Anyone wish to testify on this resolution?

Moore-Love: We have bob sallinger, dick springer and christe white.

Adams: This is for the u.p. resolution. Please come forward.

Moore: What about barbara quinn.

Adams: Barbara quinn.

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Fish: Bob, you addressed this in your letter, correct?

Sallinger: I did. Can I go first?

Christe White: Absolutely, go ahead.

Bob Sallinger: Bob Sallinger, conservation director for the Audubon Society for Portland. We would urge you to go with the original recommendation of the planning commission and staff, which was the p zone on this property. It's an incredibly important wildlife corridor and also a steep slope. It's the kind of development that we should be 20 years beyond. And we appreciate the needs of the University of Portland to have connectivity between their upper and lower campuses. We support that but we want it done in the most ecologically responsible way possible, and that, to me, is not an elevator, a parking garage, plus, classrooms. That is looking to see if there are other alternatives, and that's looking to minimize the impacts. This is the only corridor left in the north reach. It's probably one of the only ones left in the city that really functions, and it's now going to have a building in the middle of it, and I think it's going to stand as an example as people go up and down the river of the kind of development that we don't want to do. It will be a very high visibility example of that. So, we would encourage you to keep the p zone, if not that, a c zone so you avoid minimizing and mitigating and we believe that those, those kinds of zoning approaches are the appropriate way to deal with the site of this significance. So, that's our position on this issue. Thank you.

Christen White: Christie White for the University of Portland. I first would like to set a little context. This site that we're talking about is not located on the river. The area of the east sandy p Zone is about 800 to 1,000 feet from the river. The University of Portland completely supports everything within the river plan that's actually river protective and the new river environmental review have no issues with that. The University completely anticipates greenway remediation on the site and full support of that on all of the concepts in the river plan. Another thing that's important to note here is that the University of Portland's existing conditional use master plan has this property within its boundary, and also, has approval for university uses within this boundary. So, the new ec overlay on this property, of course, post-dates that, cums, and what we're saying is the e.c. overlay stays on the property. When we bring the development agreement back to you, it will comply with all of the mitigation standards that would otherwise apply in an e.c. zone, and that the University of Portland will apply those mitigation standards and mitigate for whatever disturbance occurs within that e.c. zone. The other thing to note there, as we've been talking with the Bureau of Planning and Sustainability, on incentives and maybe this goes to your point and Commissioner Fritz' point, on avoidance, so in other words, if there is a significant white oak within the disturbance footprint, should the mitigation standard for that white oak be more significant than it otherwise would have been under e.c. as an incentive to move the building away from that white oak? And that is things that the University of Portland is very willing to consider as part of the development agreement. I will also say that some of the pictures that were shown to you by the staff demonstrate in that area that it is rather devoid of vegetation, which doesn't mean it's not a wildlife corridor. It does have a lot of ground cover but the University of Portland is also considering a unique ways to maintain as much of the wildlife habitat as it can, and in other words, ecoroofs that may be at grade because the topography of the site could provide an opportunity to extend that wildlife corridor, and lastly, of course, we are asking for a very small piece of this e.c. corridor. There is a large width of the e.c. corridor between the building facing the river, that would be retained under any scenario, so we would urge you to, to move forward with the proposal to develop a development agreement to bring back to council to deal with this e.c. mitigation.

Adams: Ok.

Saltzman: Bob, you are saying at least keep it in the c zone, conservation zone, right?

Sallinger: Yes, sir.

Saltzman: And isn't that what the e.c. --

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White: It will, under this proposal, the e.c. zone will stay on the property, but we will be allowed to develop in the e.c. zones subject to e.c. mitigation standards that will be proposed to you under the development agreement. The big difference is, that in an e.c. zone we would have to do an alternative analysis, which I think commissioner Fritz has referred to a few times here. We're you would have to show other footprints we're you might be able to build this building, and what we propose to you is that this building area has been on the university of Portland's conceptual master plan for some time, and we don't want to go through an analysis that puts this anywhere else because it's a gateway building intended for this gateway location to tie the two together.

Saltzman: So that's the fundamental distinction then between the two of you?

White: I think it's, I think --

Saltzman: You want the alternatives?

White: Yes.

Fritz: Because it wouldn't say. I have got a number of environmental conservation reviews in neighborhoods. It doesn't say you can't develop on that site or if you own a property on the other side that you have to do it there. It does just say, instead of using the economic incentive of the white oak, it would say, put the building here, rather than put it there. As part of the environmental review.

White: I've never done an environmental review in the city where the building didn't move. So, I believe that, that the chances are that it will move and, the intent of the university of Portland, the historic intent here, both with the decision to acquire the triangle property below and remediate it, and a large part of that kind of threshold analysis was can we tie our campuses together? Can we create a safe pedestrian circulation system we're these campuses operate, visually and physically as one. And this is that location.

Adams: Thank you for your testimony. Thank you both. All right. Let's go to the next resolution.

[Item 454]

Fish: Siltronic.

Adams: Siltronic.

Brian Campbell, Bureau of Sustainability: I'm brian campbell with the bureau of sustainability. On february 17, the council heard a presentation on the proposed agreement between the city and siltronic. And a few comments, as well, after the presentation. In response to this there are several amendments which I will try and go over quickly because I think that they are straightforward, and they are in your packet. Strike out shading. First, there were several changes to points one, two, and 10. Primarily, that's just clarification language. I would be glad to talk about those if you have any questions about those. Point 4, in the agreement, put a 15-year limit on development related activities on the part of the conservation easement adjacent to the development site. That was a rather hard number, and I think what we have agreed to do now instead is to, is to propose the details of how long the development related activities in this conservation area, easement area would be allowed, and what the, the restrictions are for those allowed uses, and that would be negotiated in the development agreement in the next couple of months. So, those are, that's, that's the trade-off there. We have taken off the 15-year time frame, and, and add some other, others, and we'll be talking about the specifics of each and every activity there. Point 6 is really the, the heart of the agreement, both sides have agreed that the value of the conservation easement will be balanced against the value of the habitat lost on the development site. That's not at issue here. However, the size and shape of the easement area has changed since the original real estate appraisal and the habitat valuation so the two valuations you need to be reconsidered. And we are confident that we can do that, work through that issue in discussions over the next two months, so again, the is a exact details will be worked out in the development agreement. And point 7 is the, offers clarification on what the city and pdc intend to do in terms of the contribution from the city. To build an eco-roof with habitat value, should that prove to be feasible all the way around for, for

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both parties. So is, again, it's just clarification language that, that was, was discussed between siltronic and the city. So, ask the next step in the process --

Adams: The reason i'm supporting that specific provision is for this to serve as a prototype to show the Reparability of industrial eco-roofs and habitat. Ecoroofs serve habitat, as well. And it's in a tax increment district.

Campbell: Right. So, the next step in the process, is create the development agreement consistent with the mou, and if that, indeed, can be done, then the city council will hold a hearing to consider the draft agreement, and then, that will move to signature before hopefully july 1, 2010, and the, the new environmental overlay zoning on the siltronic would not be applied when it goes into effect january 1 so, that's the basic presentation there.

Adams: Questions?

Fritz: How wide is the conservation easement?

Campbell: It varies. It has a narrow dimension down to as little as 70 feet in one particular point but the general dimensions around the critical bend in the dome creek corridor is 100 feet from the creek corridor, and it goes out to, to 135, 140 feet as it moves towards the willamette river and on the willamette river front angle, it's 200 feet wide. That's really the critical, one of the critical places that, that, that the city would be gaining to a conservation easement on the riverfrontage, itself, we're a significant amount of, of revitalization work and rehab, lab at that time improvements, thank you, could be done, so that's the critical spots, and it's pretty wide.

Fritz: The narrowest point is 70 feet so that's 35 feet on each Side of the stream?

Campbell: No, 70 feet on the siltronic side, the other side of the stream is on the railroad easement property, so it's, it's open ground, and provides a fairly good, significant habitat area on that side. As well.

Fritz: And what guarantees do we have that, that the conservation area will not get smaller or, or be used for something else?

Campbell: Well, that would be part of the, of the language in the development agreement. Would specify what could and couldn't happen there. And we pretty much have done that in the mou, if you look at the language. It's clear what can have happened but we, what we need to do and the development agreement, it has to be turned into the legal language, and then, and then put into a, a legally binding agreement.

Fritz: That's helpful clarification. I'm interested in getting more safeguards for the conservation easement area construction, and making sure that, that they are tied to the adoption of the river plan, otherwise, so thank you.

Saltzman: I'm looking at the new language on the eco-roof, and i'm looking at how much money in section 10 is expected to come from the willamette industrial urban renewal area, 200,000 over a couple years so, I guess what I want to get clear to the bottom line is, this, this memorandum, or this agreement states that they will explore an eco-roof with habitat value with the possible Financial incentives from pdc to do that. And so, if it doesn't turn out feasible to do an ecoroof with habitat values, are they going to do an ecoroof period? That's what i'm looking for.

Campbell: That's a good question, I think siltronic would be the one to ask that question of.

Saltzman: Or we could put it into this agreement.

Campbell: If they would agree to that language, so far they have been reluctant to do that, I can tell you from talking to their staff, so I think that, that, i'm assuming that they will probably come up and talk and you can ask him that question yourself.

Mayor Adams: Great, let's go to testimony.

Moore-Love: Two people signed up. Brian and bob.

Adams: Is tom fahey here? Why don't you come up, too. Welcome to the city council.

Brian Lightcap: Mayor sam Adams and commissioners, i'm brian lightcap, and i'm a retired ecologist, and I think that I have just relatively speaking kind of stumbled out of the west hills into

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this siltronic thing, so you but when I first looked at the easement in the million dollars and so on that was part of this, didn't look like we were getting a whole lot. It seems like a lot more can be done, and I think that the councilors should be asking for more. The money doesn't buy a lot. It would be nicer to have a greater show of corporate leadership in this area. You know. Like, um, like intel, nike corporation. There is some corporations that, that, know, even like gunderson that do things, just because it's the right thing to do. I don't know what the, the walker siltronic culture is like but it will be nice to get a bit more, I don't know what their development plans are or whether they are tentative or what. But, um, I think that they would like to say gee, this is our own property, and wow, this is really neat. Look what we can do to this stream, I mean, wow, I guess that doesn't happen with corporate mentality but it would be nice. I'm not speaking because I know them personally but it would be nice to see. From my part, I own 52 acres of, of forest right next to forest park, and I have 10 acres of, of age she not timber, 400, 500 years old, and I am not asking for anything, i'm not asking for a million dollars an acre. I'm just a citizen doing my part, and I would ask the council to, to ensure that siltronic does a bit more on their part because this connection between the river and forest park to this quarter, to this corridor is a big deal and I hope they will understand that in greater detail.

Adams: Go ahead, bob.

Bob Sallinger: Good afternoon, bob, conservation director for audubon, sorry to be up here for the third time today and I will be brief. I appreciate the work that the Council, mayor Adams are trying to get done. I think that there has been a lot of good faith negotiations and I appreciate the time that siltronic has taken to come out, or allowed me to come out and tour the site twice and participating in the ecoroof charrette. We had that on monday. And so, i'm impressed with the work that has been done to date, and the progress that's been made, at the same time, I am still concerned about what the city is getting in this agreement. And specifically, this is not very high, it maybe high but because it's so narrow, the wildlife passage and the ability for that and so on, the end of the corridor right by the river is, is [inaudible] I give you that. And we would like to see, to see more because the corridor is narrow, the commitment to do the ecoroof, surefire, and not one that's an aspiration, as well as vegetation along the 50-foot setback on the bay. I think if the city could get those two things, we would have a good deal and one that we could be proud of, otherwise, we have doubts but I want to appreciate the work that's gone on, because it has been significant and they have been very open with us.

Adams: Do you want to speak to commissioner Saltzman's concerns?

Tom Fahey, Siltronic: The director of human services with siltronic corporation. One of our concerns about doing an ecoroof, if it does not have the correct habitat value, is, obviously, the cost of that. We did participate in the eco-roof charrette, as bob mentioned earlier this week, and the, the design for a very large situation like that as the mayor has referenced, it's fairly unique. It's very hard to find industrial-sized buildings that, that have these kind of eco-roofs, and for that matter, I would refer to the university of Portland and their new engineering building. It does have an ecoroof but it's on a very small portion of the roof of that building because of the cost associated with that, as they indicated to me when I visited there. So, that is one, one reason the cost, and that really relates to the other point that we have, which is we may not be the developer of this property.

We are the owner of the property that we bought from the city for development, 1978, and we may lease the property and have someone else develop it. So, it's very difficult for us to, to obligate a future unknown party to those kinds of additional costs.

Saltzman: I appreciate what you are saying and appreciate your feedback about the charrettes and everything but I guess it seems to me an ecoroof with habitat value is, is, if I have got this right, i'm presuming it's more expensive and a heavier load. So what I was trying to say, if, if you can't do that for whatever reason, you know, how about just committing to do an eco-roof, which is, you know, More conventional and, and lesser of a load.

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Fahey: Right.

Saltzman: Ok. There are certain trade-offs we're getting here with respect to a, a 70-foot corridor on one side, which is, which is getting narrow.

Fahey: I understand. I did not attend the charrette so i'm not sure if the distinction between the two, an ecoroof and one with habitat value, we're open to considering that. We have not ruled it out at this point. But, the cost is something for such a large area that we would have to take a look at. We have also done sound measurements as recently as two weeks ago, and because buildings like there have a lot of equipment on the roof. So, having an entire surface that's an eco-roof probably is not practical. Certainly a portion of it, something that we would consider.

Adams: So this is prairie country for deer and other varments, and if you grew up near deer, you know that, that, and this is unique to your point, this pasture-prairie grassland is unique and BES has educated me on where this particular herd of deer travel across the railroad tracks, and highways, and, and parking lots.

*******:** Parking lots.

Adams: And into foyers, you know, these are deer, deer are aggressive, and the potential win-win here, not to get too far into the thicket, but the, the potential of habitat here is grassland. So, for deer and other things. So, the cost differential between other kinds of habitat that's geared towards deer, might not be as big, and your point about, about, as you move into the dda negotiations of wanting that to be more sort of ironclad or more certain, I think that's heard and acknowledged.

Fish: I would suggest that we get a copy of that speech on video. I can send it in support of your application, the new host of "wild kingdom." [laughter]

Fish: And a beautiful statement of the natural landscape.

Adams: Thank you for your testimony. All right. And there is a reason that, that this is, this has been nine years in the making, and, and it is highly technical. We want to get it right, and it's been important to me since i've had it actively over the past six months, seven months, that when we have a, threshold beyond a certain point of disagreement, or we lack a certain amount of agreement, that we continue to work at something, and also, when decision makers, we just haven't sort of met the standard for fully informed decision-making, so I would move that subsection k be added to the list in the substitute resolution as items that will come back to us in greater detail, and we'll be informed by, by the other work on the list, and the last, therefore, be it resolved. That's my motion.

Fritz: Second.

Saltzman: Is this u.p.?

Adams: No, this, I would add to the to-do list, to come back to us for more discussion, so it has been moved and seconded, additional discussion from city council. Carla, please call the vote.

Fish: Thank you for the clarification and for, for the clarity about how this issue would be resolved and how the proponents would prefer to have this resolved in the future. I am comfortable as long as it's in the mix for consideration and we'll come back to council, aye.

Saltzman: Aye. **Leonard:** Aye.

Fritz: I greatly appreciate this amendment. Aye.

Adams: Aye. [gavel pounded] Amendment approved. All right. Anything from staff? All right. Yes, sallie. I'm almost afraid. [laughter]

Edmunds: So, I believe, are you going to vote on the whole amendment package today?

Adams: On the substitute, so what's before us is this substitute, and, and that's it.

Edmunds: This amendment package with the amendments you just made to it.

Adams: And the substitute resolution. We have already accepted the substitute resolution. Thank you. So the amendment package. Would you please call the vote --

Fritz: I'm not clear, what are we voting on?

Edmunds: The amendment package with the modifications that you have just made to them, and the package. The amendment package, ok.

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Adams: We have a clean ordinance and package to debate and vote on next week.

Fritz: On the 15th.

*******:** Thank you.

Adams: Two weeks.

Edmunds: Plus the salmon-colored amendment that, that, that we just gave to you.

Edmunds: The code change on the, the inspections.

Adams: And I want to, to -- oh, it didn't get passed. I want to -- I just want to, to restate to my colleagues on the city council that, that if we are not, if you are not feeling out of today with this vote we will have a clean, a clean set of documents which we will go around to the stakeholders and to our council to fully brief. If it requires further amendments just to be clear, we will do that, so I just wanted -- the complexity of this issue cannot be overstated. We want the policywork, the proposed provisional policywork and the provisional code work, code to do the hard work of explaining what a complicated issue but in the real world, that this will provide some simplicity. Would you please call the vote.

Fish: I want to thank staff for helping us through this. This is very complicated. I have had dozens of meetings from various stakeholders, and I think this is one of the most ip exclusive and transparency Processes that we have had in a planning process, and now, what we are doing is adopting amendments so we have a clean document to then considerate a future time, and I appreciate your guidance to this complicated process. Aye.

Saltzman: Aye. **Leonard:** Aye. **Fritz:** Aye.

Adams: Aye. [gavel pounded] This moves to a second reading on april 15. What do I need to do? No, it was part of the motion. Yep. All right, council is adjourned --

*******:** No.

Adams: Oh, council is in recess for seven minutes for a compassionate purposes. [gavel pounded]
[recess]

Council recessed at 4:06 p.m.

Council reconvened at 4:16 p.m.

Adams: The council is back from recess. We have two items, they are unrelated. Karla, please read the title for item number 456 and 457.

Item 456 and 457.

Harry Auerbach, Chief Deputy City Attorney: All right, 456 is an evidentiary hearing. This means you may submit new evidence to the council in support of your argument. Testimony, this is a consideration of a hearings officer recommendation on a comprehensive plan map amendment. Testimony considering the hearings' officer recommendation will be heard as follows. We'll begin with a staff report by bds for 10 minutes, and following the report, the city council will hear from Interested persons in the following order. The applicant will go first, and will have 15 minutes to address the council. And after the applicant, the council will hear from individuals or organizations who support the applicant's proposal, and each person will have three minutes to speak, and next the council will here from persons or organizations who oppose the applicant's proposal, again, each person will have three minutes, and if there is testimony in opposition to the applicant's proposal, the applicant will have five additional minutes to rebut testimony given in opposition to the proposal. The council may then close the hearing and deliberate, and the council may vote today on the hearings officer recommendation, if the vote is a tentative vote the council will set a date for adoption of findings and a final vote on the hearings officer's recommendation. If the council takes the a final vote on the findings and recommendation today that will conclude the matter before the city council. I would like to share several guidelines for those addressing the council today. Any letters or documents you wish to become part of the record should be given to the council clerk,

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Karla, sitting over there, and after you testify. Similarly, the original or a copy of any slides, photographs, drawings, maps, videos, or other items you show to the council during your testimony, including power point presentations, should be given to the council clerk to make sure that they become part of the record. Any testimony, arguments, and evidence you present must be directed towards the applicable approval criteria for this land use review or other criteria in the city's comprehensive plan or zoning code that you believe apply to the decision. And the bds staff will identify the approval criteria as part of the staff report to the council. You must raise an issue clearly enough to give the council and the parties an opportunity to respond to the issue. If you don't, you will be preclude from, from appealing to the land use board of appeals based on that issue. Additionally, if the applicant fails to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the council to respond, the applicant will be preclude from bringing in action for damages in circuit court to challenge the conditions of approval. Those are the, the disclosures that I need to make. Any questions?

Adams: Do any members of the council wish to declare a conflict of interest? No council has conflicts of interest to declare. Do any members of the council have ex parte contacts to declare or information gathered outside of the hearing to declare? No council members have ex parte contacts to declare. And do the council members have any other matters that need to Be discussed before we begin this hearing? All right. We'll begin with the staff report following the supporters of the applicants, the opponents, and rebuttal, council discussion, and decision-making. Hi.

Sylvia Cate, Bureau of Development Services: Good afternoon. Mayor and commissioners, I am sylvia gate, the bureau of development services planner, assigned to this review, and I would also like before I get started to bring your attention to the fact that kurt krueger and bob hailey are with us today representing Portland transportation and frank charboneau is with us today, as well, for the applicant representing. He's the applicant's transportation engineer, so if there are any questions that you have related to transportation issues, we have got experts in the room. And I know that you have had a long day so i'm going to try to get through this very quibble for you. The applicant requests a comprehensive plan map amendment and concurrent zone map amendment to change the current designation and zoning on the site from ar, attached residential, which is the designation, and r2.5ah which is the zoning to urban commercial, which is the designation, and storefront commercial, csh, that is the aircraft landing overlay zone, the commercial zone will match the base zone of the abutting lot to the south of the site. The applicant has also proposed A specific development concurrent with this zone change request, the applicant proposes a three-story nine-unit condominium, which is allowed in the proposed storefront commercial zone. The proposed development will require two adjustments to, to applicable development standards, which are as follows -- an adjustment to reduce the building's setback along the northern property line, which abuts a residential zone, and from the required 11 feet to seven feet, and an adjustment to reduce the width of the required landscaping along the northern property line from five feet to three feet, four inches. And the hearings officer's report contains findings for all of the applicable approval criteria. His report also addresses the concerns and objections raised before him at the public hearing on february 17 of this year, and the site is a 4,000 square foot lot developed with a one-story duplex built in 1979. The site is zoned r2.5ah, which is a single dwelling zone that allows attached townhouses. The site has frontage on northeast 26th avenue, a local service street, and is approximately 100 feet north of northeast alberta, which is a designated community transit street. The proposed zoning as shown here is zh, as I discussed previously. The storefront commercial zone is intended to preserve and enhance the commercial areas but have a storefront character. The zone intends that neither Development in these areas be compatible with the desired character, and the desired character includes the areas which are predominantly built up with buildings close to and oriented towards the sidewalk, and especially at the corners and the development is intended to be ped oriented and buildings with a storefront character are encouraged. Residential is allowed

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with no limitations. And this is a site plan that shows the proposed footprint of the building as described in the hearings officer's report, the building is proposed to be a setback three feet from the south property line to provide some space between the proposed building and the adjacent commercial-zoned lots to the south. The seven foot setback from the north would allow landscaping and a pedestrian path to the main entrances of the ground floor units. One lot is, essentially, paved but vacant, and there is some, some storage of, of trucks and dumpsters, and the, the next lot to the east, and I will have pictures of the, of the slide and vicinity of the quanset, kind of structure that, that I believe is a recycling center.

Fish: You have photos?

Cate: Yes.

Fish: Thank you.

Cate: You are welcome. And this is the proposed north facade of the, of the building, and here we see the two elevations, the one on the left would be the facade that fronts northeast 26th and the one on The right is the building's facade that would face the alleyway that is to the east, and this is the facade that would face the abutting commercially zoned lots to the south. The hearings officer found that the proposal is on balance supportive of the comprehens I have planner, goals, and policies, and with the condition of approval meets all of the applicable approval criteria for the requested zone change. The applicant also requests two adjustments for the specific development proposal, and with conditions the adjustments meet all of the applicable approval criteria and therefore, the hearings officer recommends to you approval. Now, we'll go to, to a very quick virtual tour. This is, in fact, this is precisely the, the main slide shows the two commercial lots to the south and the arrow points to the site that is subject to this review. This view is looking northeast from the corner of, of 26th and northeast alberta. And here, we're looking up further north so you could see that quanset on the far right, the site is, indicated by the arrow, and you could see how it, it starts to become homes for, further north, and northeast alberta street is zoned storefront commercial along both sides of the street in this area with some r-1 zoning that penetrates the commercial zones, so it interrupts the long stretches of commercial zoning, and here, we're looking west along alberta just again at the Intersection of northeast 26th and alberta, and the block face just around the corner from this site is one of the situations we're the c.s. Zoning is interrupted with r-1 zoning on the western end of the block, and northeast alberta street, itself, has had significant upgrades that include crosswalks and extended curbs to enhance the pedestrian storefront commercial development along both sides of the street. Multiple bike racks along the commercial strip and bus service make the immediate neighborhood friendly for a multi-modal travel. And although there is a vibrant storefront commercial area, along alberta street, there remains pockets of vacant land and opportunity sites along this street, such as this vacant parcel we see that's just, just southwest of the, of the site, subject to this request. And this is a view of the site, and the existing duplex that's on the site, portions of the commercial lots to the south, you could see here, we're there are vehicles and some, some dumpsters stored there. And this is the view looking north, northeast, i'm sorry, along northeast 26th avenue, and again, the site is indicated with the blue arrow, and the existing duplex is proposed to be demolished and the site redeveloped with the three-story condominium of elevations I showed you earlier. And directly across from this site are two lots. They are non conforming. It's a commercial use, but it got split zoned when the, the storefront commercial line was drawn. And, and just north of that commercial building that you just saw is the parking lot that's associated with that commercial use, and again, it is non conforming because of the zoning that was applied to the site. And, and in summary, there were some concerns raised before the hearings officer, and they included impact to onstreet parking, and there was a concern raised that the economy, the current economy will not support a condominium project. There was concern expressed at the units would, therefore, become rentals, and some of the neighbors testified to the hearings officer that they were concerned that renters are less inclined to go carless as

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compared to, to condominium owner. It was lesser discussion but some points raised, there were some concerns about the overall size of the proposed building and that there was a feeling that, that the bike parking was inadequate. And the hearings officer considered these concerns but made findings that, that the onstreet parking impacts would not be significant. That the number of units proposed were consistent with the requested zoning designated, designation and the market conditions is not irrelevant approval criterium. The hearings officer found that the application on balance is supported with the comprehensive planned goals and policies, and that all of the approval criteria are met with two Conditions of approval. One related to the retention of no less than two housing units on this site to preserve housing potential, and the condition regarding any future reviews. This concludes staff's presentation. Are there any questions for me? Ok.

*****: Ok.

Fritz: Why was this a commercial zoned [inaudible] multi-family zone?

Cate: That was discussed at the preapp and given the zoning pattern, in the area, and, and one of the, one of the comprehensive planned goals, which is to, to make sure that, that the, the zoning pattern is consistent, of the c.s. appeared to be the best request rather than put, essentially, a spot zone of higher density residential.

Adams: So is that after conferencing the staff?

Cate: Well, that was discussed at the preapp.

Adams: Did staff recommend that approach?

Cate: The applicant came in asking what the city would prefer to see here and based on the zoning pattern that was our response back to the application as they put together their application to come forward.

Fritz: The c.s. zone allows a 4,500 feet and the proposal is 40 feet. None of the slides showed any buildings that tall. Are there any in the vicinity that tall?

Cate: There are, um, well, the block face I showed previously with the r-1 zoning, that's a relatively tall building, that's Just around the corner. I can't tell you precisely what the height of that is, but I believe its, it's a three, at least a three-story building. There is another building just, just south on the south side of alberta around the corner to the east that I believe is also a three-story building. This is an area that I think, um, it's safe to say that the development potential has not been fully realized along this particular stretch of alberta.

Fritz: What's the height limit in the zone?

Cate: 35 feet, I believe.

Fritz: We don't currently have anything in the code about solar impacts, is that correct?

Cate: Not for this review. There are no, no criteria that speak to that.

Fritz: You mentioned about bike parking, what is the plan? How many spaces?

Cate: I believe that, that the, the plans submitted show four short-term bike parking spaces in front for visitors, and, and in the application, there was, um, narrative discussing long-term bike parking available in the building.

Fritz: They will be required to meet the new standards?

Cate: I believe that that's correct.

*****: Ok.

Fritz: But, what about other parking? The slide showed that the streets are pretty parked up. We're will the, we're will the residents go?

Cate: Well, that's a broader issue, and that is one of the concerns that was raised. I will precursor that with a few comments and then I think the transportation experts in the room can really delve into that in greater detail, but the storefront commercial zone does not require parking throughout the application, the applicant has, has talked about wanting to, to provide these units and encourage folks to, to, to go carless, be carless because of the location, so close to, to, to excellent transit service, and the, the bike-friendly area. And we're, we're --

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Fritz: Since the map change talks about family housing, we're will the children who live in these homes play? There is no outside area.

Cate: I would defer that to the applicant.

Fritz: That's something that I would be interested in hearing about. And, and the issue of ownership in the r2.5 zone is considered a single family zone, right?

Cate: That's correct.

Fritz: But we have no guarantees about what, what the ownership of this project will be or, or the, the, whether it will be a rental or condominiums?

Cate: That was an issue brought before the hearings officer, and he made findings that there's no criterion that speaks to ownership versus renters, that it's really, really in the greater scheme of things, the condominium building is, is multi-dwelling housing, whether it's a condominium building or an apartment.

Fritz: Thank you.

Adams: Let's hear from the supporters of the Applicant.

Auerbach: Do you want to hear from the applicant?

Adams: I'm sorry, first the applicant. Do we have any opponents in the room? Ok.

Sam Penfield: I am sam penfield, the owner of the property, and we've been working through this process for, I think, a little over two years at this point. And, and I really don't have any testimony, and I am going to defer to, to the designer of the building, the traffic engineer, and my, my representative, but I would like to mention that we did an informal traffic study, and there were lots of parking spaces, and I won't speak on numbers, I will leave that to, to marcus to deal with that issue. And, and when I was looking at those slides, it looked to me like there was a lot of parking up and down those streets. As far as a place for the children to play, there is really not much of a yard there now at the duplex. The yard is pretty small. There are several parks closeby and the properties are just not large enough to support a large play area. That's really all that I have at this point.

Adams: Thank you very much.

Penfield: Thank you.

Fish: Mayor, I want to clarify, there is no one here to oppose this?

Adams: No.

Fritz: Neither association sent a letter.

Adams: Ok. Supporters of the applicant.

Marcus Pickrell: I am marcus, and I am the designer working with sam penfield, and the various consultants. As sam said, we've been working with this for a couple of years, and we actually started off, i'll make this quick, too, we started off really trying to do our due diligence in the research, what is in the spirit of Portland, and I traveled and sam traveled separately all over Portland, looking for, for ideas on new growth and new designs and that's we're we came up with this design. Of course, the challenge was the size of the lot. We wanted to, to produce something that was very, very pleasing, and like I said, in spirit of we're we thought, we could see we're the growth was going, and as for, for, as sam mentioned, I did do over a two-week period informal, I went out to the site, traveled up one block and over half a block, and not parallel streets, but, and then I went up one block and, and different times of the day from morning to, to noon to, to late amp, to, to, or mid to afternoon and on up to about 9:00 at night, of different days, including weekends. And I took photos, and in fact, it was very similar to this we're, we're I count no less than 50 parking spaces at the moment dense times and quick counting after I hit 90 as I walked around we're people could, could park. I even talk to the people because, because nice people, a few of them, five of them walked up and asked who I was and I Told them and, and I guess I was received very nicely. And, and I wish this was a rendering in full 3-d color to see what, what the, the building is going to look like. And I think that it's going to be a very pleasing thing. Sam has a

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lot of pride in this, and he has kept me from, from taking any shortcuts, not that I would, and so, we hope that, that, um, we have a, we have accommodated everything that, that is being required as far as, as far as children, as sam said, this is a small lot, and the building on there now takes up most of the lot. We could have, have taken the building out to the street. We held it back to allow for bicycle parking, and grassy areas. And so, and one more thing, um, right now, there is four bedrooms, and there is going to be nine bedrooms with the new building, so it's a difference of five. We're increasing the, the density by five bedrooms. So as far as parking and so on, parking has been a concern, has been, I have heard, a concern. And five bedrooms is all it's increasing. So, as far as how many people would be occupying this, I don't think it's going to increase it that much.

Adams: Thank you for your testimony.

Fish: I have one question. I just want to clarify something, this is a nine unit condominium proposal.

Pickrell: Correct.

Fish: The average square footage of each unit?

Pickrell: my other square footage of each unit, pardon me, 800 square feet.

Fish: And these are mostly one bedrooms?

Pickrell: There are six one bedroom and three two bedrooms. No, one, two, three, six, yeah, six, one-bedroom and three, two-bedroom.

Adams: Commissioner Fritz.

Fritz: That's 12.

Pickrell: I went all the way through school, and I did ok in math, except for today.

Adams: It's late in the day.

Pickrell: Thank you, I will blame it on that.

Fritz: Maybe this is a question to come back for staff, I don't understand the hearings officer said that this is, this is family housing, I don't think that most -- two bedrooms is still pretty, pretty, a small family, 800 feet.

Fish: Multi-family refers to, to, just, just meaning more than a single family.

Fritz: I understand that, but there is a criterion in the comprehensive plan map amend talking about family housing.

Pickrell: It's, it's probably not going to attract as many, not going to attract children per se. We're thinking of more, more, um, more professional couples and so on and we purposely did that size so that it wasn't -- it wasn't trying to provide huge housing for, for couples.

Fish: I was not aware that, that multi-family has a requirement of a certain number of bedrooms to qualify. I know when the pro family Housing we created a, a bonus provision for three bedrooms and certain footprint to encourage certain signed of occupancy but i'm not aware that multi-family has to be --

Adams: Can you come up and settle this for us? Anybody at all. You are fine, thank you, sir.

*******:** Thank you very much for your time.

Adams: What's the criteria?

Cate: Multi-family would be a building that houses more than an individual unit.

Adams: Is it a criteria of multi-family or family-friendly?

Cate: Multi-family. You can have a broad range of units within a multi-family designation.

Adams: Any opponents to the applicant? There were no opponents, so in need to rebut, I assume. So now we're at council discussion. I will stainer entertain a motion.

Leonard: Move to accept the hearings officer's recommendation.

Fish: I will second it.

Adams: Moved and seconded. Discussion.

Fritz: I'm not going to support the motion. And I can explain why whenever.

Adams: Karla, please call the vote.

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Fish: It's unusual in these proceedings not to have an opponent up here, but I understand that the neighborhood association set forth, sent us a letter, and some of the objections are stated in the Hearing officers' report and the hearing officer notes a number of the concerns are not germane under the code, and others have been addressed. We have an affirmative policy of wanting to increase density we're appropriate, and the -- this is a part of town that is growing, and there is certainly a shortage of, of, of housing in our city. I'm persuaded, based on the findings of the hearing officer that on balance, this meets the approval criteria, and therefore, I vote aye.

Leonard: Well, if there has been a letter sent, not been provided to me. I note that in the report that the council did get that nod, the land use co-chair of the concord neighborhood association testified about the concerns that neighborhood association members have but noted that the concordia association neighborhood had not taken a formal stand on the proposal. So I find that this application meets our criteria. Aye.

*****: You asked us about ex parte communications and how we approach this.

Fish: I have not received a letter from the neighborhood association. It's not in the packet that was presented to us, not in our formal materials. So, that is not part of my consideration.

Adams: Did we get a letter?

Fritz: It was sent to us yesterday at 2:30 from sue parsons.

Fish: I wish that we could turn things around that fast. Keep voting, please.

Fritz: We got the letter sent to us by email, as I mentioned, in a previous hearing am i'm about 500 behind, but I was looking for this particular one. I can't support this because I don't believe the approval criterion of title 12 with the urban growth management plan for protection of residential neighborhoods is met. Hearings officer finds that because it abuts a c.s. zoning district the proposal on balance meets the intent of the title, this means that all properties abutting this edge would therefore be allowed to change their zoning designation, as well. And this is a comprehensive map amendment, not a zone change in compliance with the comprehensive plan. I don't believe that it meets goal 2 urban development which requires that the change will retain the character of the established residential neighborhoods and business centers, and the whole, there is not the stepdown between there and the commercial neighborhood with the height and bulk of this building and the lack of outdoor space, there is not a stepdown to the surrounding 2.5 neighborhood, and again using the logic any development proposal could be granted approval for further immersion into the lower density neighborhoods and the character of the established residential neighborhood is not respected. Without the zone change there would be two allowed units on The property and having additional housing is a good thing but the character of the existing neighborhoods shouldn't be pushed aside in the quest for housing especially when a comprehensive plan map amendment is passed. No.

Adams: I'm going to support the motion. I believe that the applicant has met the criteria under the code, and as required by state law, so I vote aye. [gavel pounded]

Adams: So approved.

Item 457.

Adams: We are, we are onto one more. You have the ordinance. And commissioner Fritz is going to vote against the ordinance, as well, it's an emergency ordinance. You might want to remove the emergency clause. As a courtesy.

Fritz: As a courtesy. I will vote for it.

Adams: Please call the vote.

Fish: Aye. **Leonard:** Aye.

Fritz: With that stipulation, aye.

Adams: Aye. We are adjourned for the week. Good job, team.

At 4:46 p.m., Council adjourned.