



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 19TH DAY OF OCTOBER, 2011 AT 9:30 A.M.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Tracy Reeve, Deputy City Attorney; and Steve Peterson, Sergeant at Arms.

On a Y-5 roll call, the Consent Agenda was adopted.

	Disposition:
COMMUNICATIONS	
1094 Request of Matt Thomas to address Council regarding growing local food production jobs (Communication)	PLACED ON FILE
1095 Request of Denise Breyley to address Council regarding growing local food production jobs (Communication)	PLACED ON FILE
1096 Request of Bruce Silverman to address Council regarding growing local food production jobs (Communication)	PLACED ON FILE
1097 Request of Clark Bowen to address Council regarding growing local food production jobs (Communication)	PLACED ON FILE
1098 Request of Linda Perrine to address Council regarding growing local food production jobs (Communication)	PLACED ON FILE
TIMES CERTAIN	

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<p>1099 TIME CERTAIN: 9:30 AM – Tentatively grant appeal with conditions of Rodney Grinberg on behalf of Lindquist Development Company, property owner, overturn a portion of the Hearings Officer's decision to deny a conditional use review to establish a detention facility to be operated by the Immigration & Customs Enforcement Agency at 4310 SW Macadam Ave (Findings; Previous Agenda 1071; LU 11-124052 CU PR) 5 minutes requested</p> <p>Motion to adopt the findings and conclusions as presented by staff and grant the appeal. Overturn the Hearings Officer's decision denying the conditional use for a detention facility and uphold the Hearings Officer's decision, upholding the parking review; the effect of an affirmative vote will be to approve both the conditional use for the detention facility and the central city parking review for the ICE facility to be located at 4310 SW Macadam Avenue: Moved by Commissioner Saltzman and seconded by Commissioner Leonard. (Y-5)</p>	<p>FINDINGS ADOPTED</p>
<p>1100 TIME CERTAIN: 10:00 AM – Proclaim October 20, 2011 BluePath to Accessible Business Day (Proclamation introduced by Commissioner Fritz) 10 minutes requested</p>	<p>PLACED ON FILE</p>
<p>CONSENT AGENDA – NO DISCUSSION</p>	
<p>1101 Reappoint Abdul Majidi, Donita Fry and Donna Maxey to the Human Rights Commission for terms to expire November 1, 2014 (Report introduced by Mayor Adams and Commissioner Fritz)</p> <p>(Y-5)</p>	<p>CONFIRMED</p>
<p>Mayor Sam Adams</p>	
<p>Bureau of Planning & Sustainability</p>	
<p>*1102 Amend grant agreement with U.S. Department of Energy for Solar America Initiative: Solar City Strategic partnerships to accept \$15,270 to fund activities to further the market expansion of solar within the City (Ordinance; amend Grant Agreement SD000005)</p> <p>(Y-5)</p>	<p>184935</p>
<p>1103 Amend contract with Northeast Coalition of Neighborhoods in the amount of \$35,000 to serve as fiscal agent to distribute funds for additional outreach services in the Portland community (Second Reading Agenda 1077; amend Contract No. 30001236)</p> <p>(Y-5)</p>	<p>184936</p>
<p>Bureau of Transportation</p>	
<p>1104 Designate two strips of land owned in fee title by the City and currently controlled by Portland Bureau of Transportation located a N Interstate Ave and N Killingsworth St as public right-of-way (Second Reading Agenda 1080)</p> <p>(Y-5)</p>	<p>184937</p>
<p>Office of Management and Finance</p>	

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<p>*1105 Amend contract with Northwest Testing, Inc. to increase contract amount by an additional \$6,655 to provide additional materials testing and special inspection consulting services for the Fire Station 31 project (Ordinance; amend Contract No. 36927)</p> <p>(Y-5)</p>	<p>184938</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p>	
<p style="text-align: center;">Portland Housing Bureau</p>	
<p>*1106 Authorize Intergovernmental Agreement between Portland Housing Bureau and Multnomah County, Environmental Health Services Department to support Healthy Homes activities and provide payment (Ordinance)</p> <p>(Y-5)</p>	<p>184939</p>
<p style="text-align: center;">Portland Parks & Recreation</p>	
<p>*1107 Amend contract with Silco Commercial Construction, Inc. to over \$500,000 for the construction of Terrace Trails Park Improvements-PlayHaven Park (Ordinance; amend Contract No. 30000602)</p> <p>(Y-5)</p>	<p>184940</p>
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p>	
<p>*1108 Amend an Intergovernmental Agreement with Multnomah County to fund mental health services at the Gateway Center for Domestic Violence Services (Ordinance; amend Contract No. 30000956)</p> <p>(Y-5)</p>	<p>184941</p>
<p style="text-align: center;">Bureau of Environmental Services</p>	
<p>1109 Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Westside Limer Sewer Rehabilitation Project No. E09121 through the exercise of the City's Eminent Domain Authority (Second Reading Agenda 1087)</p> <p>(Y-5)</p>	<p>184942</p>
<p style="text-align: center;">REGULAR AGENDA</p> <p style="text-align: center;">Mayor Sam Adams</p> <p style="text-align: center;">Bureau of Emergency Management</p> <p>*1110 Authorize a contract with Willdan Homeland Solutions for the regional Mutual Aid Agreement update and Mobilization Plan development for a total not-to-exceed amount of \$171,675 (Ordinance; Contract No. 30002358)</p> <p>(Y-5)</p>	

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<p style="text-align: center;">Bureau of Planning & Sustainability</p> <p>1111 Repeal Smith and Bybee Lakes National Resource Management Plan, including amendments to Title 33, Planning and Zoning, and Zoning Map; add three maps to Title 33 related to Airport Futures (Second Reading Agenda 1075; amend Title 33; amend Zoning Map) (Y-5)</p>	<p style="text-align: center;">184944</p>
<p style="text-align: center;">Bureau of Transportation</p> <p>1112 Amend Public Improvement Code to reflect accurate Bureau Director and City Engineer responsibilities; update, clarify and reorganize sections; delete outdated sections; add new regulations for preservation of the 5th and 6th Ave Transit Mall; and codify existing policies regarding hazardous materials in the public right-of-way (Ordinance; amend Title 17) 20 minutes requested</p>	<p style="text-align: center;">PASSED TO SECOND READING OCTOBER 26, 2011 AT 9:30 AM</p>
<p style="text-align: center;">Office of Management and Finance</p> <p>1113 Adopt the Budget Calendar for FY 2012-13 (Resolution) (Y-5)</p>	<p style="text-align: center;">36885</p>
<p>1114 Authorize revenue bonds for Emergency Coordination Center project (Second Reading Agenda 1088) (Y-5)</p>	<p style="text-align: center;">184945</p>
<p style="text-align: center;">Commissioner Randy Leonard Position No. 4</p> <p>*1115 Authorize a grant fund for an amount not to exceed \$100,000 to the Oregon Food Bank who will provide food for families in need (Ordinance) 10 minutes requested (Y-5)</p>	<p style="text-align: center;">184946</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p> <p style="text-align: center;">Office of Management and Finance</p> <p>1116 Allow a Commissioner-in-Charge to enter into an employment agreement with a bureau director (Ordinance) 15 minutes requested</p> <p>Motion to remove the emergency clause: Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-5)</p> <p>Motion to require signature and approval of both the Commissioner-in-Charge and the Director of Human Resources: Moved by Commissioner Saltzman and seconded by Commissioner Fish. (Y-4; N-1 Fritz)</p>	<p style="text-align: center;">PASSED TO SECOND READING AS AMENDED OCTOBER 26, 2011 AT 9:30 AM</p>
<p style="text-align: center;">City Auditor LaVonne Griffin-Valade</p>	

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1117 Revise City Elections code to update and clarify procedures for measures referred by the Charter Commission (Second Reading Agenda 1092; amend Code Chapter 2.04)

(Y-5)

184947

At 11:20 a.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.

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WEDNESDAY, 2:00 PM, OCTOBER 19, 2011

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

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

OCTOBER 19, 2011 9:30 AM

Fritz: Good morning, today is wednesday, october 19th, 2011. The 9:30 session of the Portland city council. Welcome. Mayor Adams will be here but he'll be late so as president of the council, i'll be presiding. Before roll call, commissioner Fish has a proclamation.

Fish: Thank you, President Fritz. Mayor Adams and I, this morning, had the honor of doing a food day proclamation. As part of a national movement, we're kicking off a series of events in Portland to raise awareness around the importance of eating healthy and supporting our local food system. Today, i'm honored to read a proclamation on behalf of the council issued by the mayor and we've invited a few very special guests, to come forward. While I read the proclamation, would the following 3 people come forward. Susan Navratsky, the regional organizer for food day, and Amber Kern-Johnson, the executive director of the hollywood senior center, and Katy Koker, the executive director of the Portland fruit tree project. Welcome to council. I'm going to read the proclamation and then recognize each of you. At the conclusion of your testimony, we have some special guests from grant high school who are going to join us briefly as well. Here's the proclamation. Whereas, the health and well-being of our communities is of primary concern to the city of Portland and whereas reducing obesity and diet-related diseases by promoting healthy and affordable food is a critical factor in improving our community health and curbing junk food in our schools -- and it should say in my home -- and public spaces, is key to combating the rise in childhood obesity and whereas supporting sustainable farms and local agriculture increases access to fresh food and benefits our local economy, whereas working with hunger relief agencies improves our food security and is of critical importance to ending hunger in our community. Now, therefore, i, sam Adams, mayor of the city of Portland Oregon, the city of roses, so hereby proclaim this coming monday, october 24th, 2011, to be food day in Portland and encourage all Portlanders to celebrate by taking part in the activities planned throughout the week. Congratulations. Susan, would you like to kick it off?

Susan Navratsky: Yes, good morning. Nick mentioned that food day is a national initiative. It's a grassroots year. Coordinated through the science for -- six points and in summary, the focus is on healthy, accessible foods for all. Developing sustainable agricultural practices and healthy practices in particular with youth. There are dozens of things happening in Oregon, in particularly, the Portland metro area has taken the lead in terms of food day events. The information for the national food day website and Oregon will be posted on nick's website. So I invite you to take a look at and participate in the events happening through the weekend and next week. I would like to share a little bit of printed information about food day. And we have a memorial bumper sticker for nick and for the mayor.

Fish: Thank you very much. Susan, thank you for your work for the garden we opened in the cully neighborhood. It wouldn't have happened without your leadership. Thank you very much.

Navratsky: Thank you.

Fish: And you mentioned two web sites, Wwww.foodday -- one word -- dot org. You can also go to the nick Fish website.

Katy Koker: Good morning. My name is Katy Koker, I'm director of the Portland fruit tree project. We are one of the many organizations coordinating events for the first national food day and I'm really Pleased to be here as part of this proclamation. I'm here to tell you a little bit about

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what we're doing in honor of food day. It's a small nonprofit organization. We organize people to harvest and care for fruit trees in the city and our mission is to increase access to healthy food and strengthen communities. In honor of first national food day, we're organizing a number of events. Saturday, October 22nd in partnership with the Portland dietician organization, we're organizing a harvesting event, on Sunday October 23rd, we're organizing an orchard banquet, which is a benefit featuring a local chef and local produce which is sponsored by Whole Foods Market. And on Monday, October 24th, Food Day, we're organizing a big harvesting event. And the harvesting parties are open to anyone. And half the food we harvested is distributed to those in need and the other half goes home with the harvest participants but on this special day, instead, we'll be distributing 1/2 the food to the healthy food event organized by the Portland community reinvestment initiatives, the Native American Youth and Family Center and Hacienda CDC. That event is taking place on the evening of Monday, October 24th at 6:30 p.m. So those are the events we're organizing and can be found at PortlandFruit.org.

Fish: Thank you for joining us. Amber?

Amber Kern-Johnson: Thank you, good morning, Mayor and Commissioners. The Hollywood Senior Center has been serving older adults and caregivers in the neighborhood communities with a variety of programs and services for almost 36 years and we're excited in participating in Oregon's observance of Food Day on October 24th. It's an opportunity for the senior center to highlight our ongoing commitment to alleviating food insecurity and malnutrition for seniors and we join with others on this day to ensure that all Oregonians, no matter their age, have the resources they need to make healthy life choices and have access to nutritious food. On October 24th, the Hollywood Senior Center will offer fresh produce with our partnerships. And through the partnership, we've been able to distribute more than tons of produce to low-income seniors this year and we'll bring in a nutritionist from Whole Foods to share information with superfoods and other ways to improve your health through good nutrition. Food Day is a way to raise awareness of the barriers we face in ending senior hunger and Tuesday, October 25th, our work is not over and we'll continue to collaborate with other advocates to find innovative and effective ways. Thank you again.

Fish: Amber, thank you for your great work. We saw statistics that one in five Oregonians are on food stamps and over one million emergency food boxes issued and more hungry children and older adults and thank you all for your great work.

Kern-Johnson: Thank you.

Fish: One more panel before we conclude, Mayor. We have an exciting announcement today, and some special guests from Grant High School. I'd like to invite Leah Haykin, from the Grant High School Environmental Club and Brad Hilliard, from State Farm Public Affairs, to come forward and Emily Hicks, could you join them too at the dais? Leah is accompanied by Zoe Bluffstone, Jesse Meisenhelter, Sadie Grasle and Lena Wright. Today is a late start for school, right?

Leah Haykin: No.

Fish: It is for my son, so -- second grade. Welcome and Leah, why don't you take it -- excuse me, lead off.

Haykin: Um, hi, we're the founders of the Grant Gardens project and students from Grant High School. The Grant Gardens project is a student-led effort that began last year in the school's environmental club. We secured a \$50,000 grant from State Farm Insurance and this money gave our efforts new life. We seek to create two separate yet interrelated gardens, a school learning garden and a neighborhood community garden.

*****: The learning garden will be maintained by students in Grant's new sustainable agricultural courses and yields to produce healthy meals.

*****: We hope to help Commissioner Fish achieve his goal.

*****: And we believe that the Grant Gardens will promote sustainability and good will within the Grant community, one tomato at a time.

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Fish: That's fantastic. Brad, would you like to say something?

Brad Hilliard: Yes. I'm Brad with State Farm insurance. I wanted to mention that at State Farm, we believe in the importance of community and people sharing in the responsibility for achieving mutual goals. The State Farm Youth Advisory Board was designed to address community issues like environmental responsibility, financial literacy, access to higher education and disaster preparedness. We received over 600 applications from across the U.S. and Canada, from organizations and schools looking to engage youth in meaningful service learning projects and now 64 winners were chosen and out of that, Grant High School was chosen for a \$50,000 grant, because this group of teens identified a specific community need and created an outstanding plan to address it. We firmly believe that when students identify and implement their own projects, they become excited about education. Not only will the garden provide local organic food to the community, but the students involved in the garden will learn civic responsibility and develop meaningful leadership and workplace skills. That's why State Farm is the largest private funder -- because it connects academic and learning skills and we're proud of the difference they're making in our community and pleased to offer our support to students that are disengaged and motivated to create a better Portland for all of us.

Fish: Three things I want to highlight. We set an ambitious goal of one thousand gardens, this garden will help us reach our goal. Second, we know that to be successful, we have to reach out to the schools and the churches and the neighborhood associations and the businesses and everybody has a role to play. And what's exciting to us about this, this was an idea that was generated by the students, we learned about it through your principal, Vivian Orland, who I want to acknowledge, there's a few bunches in the road she stepped in to keep us on track. But this is something that you and the environmental club conceived. And wrote the case study and got the funds to do it, this is a classic example of people power making the garden movement go. And third, we simply don't have the funds to build out all of the infrastructure we want over the next year and a half and we rely on partners and we're proud that State Farm has stepped up and written a big check to support these young people and their vision and the benefit to the community will be another garden, which will be a learning tool for future students and a place to grow healthy food. It doesn't get any better and I want to acknowledge Emily on my team, working tirelessly on this, as a movement, Madeline Kochs, and your principal, Vivian and we on the council want to thank you young leaders for what you've done for our community. Congratulations.

Hilliard: Thank you.

Adams: Thank you very much. All right. [gavel pounded] today is Wednesday, October 19th, 2011. It's 9:30 a.m. and the Portland City Council will come to order. Good morning, Karla, how are you? **Moore-Love:** Good morning, I'm fine.

Adams: Please call the roll. [roll call]

Adams: Quorum is present. We'll begin with communications. Please read item 1095.

Item 1095.

Moore-Love: They want to all come up together.

Adams: That's fine.

Item 1094, Item 1097, Item 1098, Item 1096.

Adams: Are we missing one? Ok. That person is not showing up. So, Ms. Breyley.

Denise Breyley: Yes, I'm honored to be here on this auspicious occasion when you're talking so much about food. That's terrific. My name is Denise Breyley, the local forager for the Pacific Northwest region of Whole Foods Market. I've been fortunate to live in the Pacific Northwest since 1999 and obviously know, we're blessed with a bounty of great food here and passionate and creative growers and producers, eager to find opportunities to get their products to market and to connect with eaters. And I think that Whole Foods plays a unique role in helping to make this happen. If you've been in our stores you've probably discovered local favorites of yours. Like unbound

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pickling, heidi-ho organic, Oregon ice works and pies and pastries among others and i'm the person who has the opportunity to go into the community and network with organizations and growers and producers to see if they're products are a match for our stores and help work with them to bring their products to market. As part of that commitment to bringing products to market, whole foods as you can imagine in the 30 years we've been in business, local producers have played a key role in our success and helping to grow those people. In 19 -- well, actually 2007, we created the local producer loan program where we've committed \$10 million to help fund loans to local producers. To help them realize their dreams and grow their businesses. So these are low-interest loans generally between 5% and 7%, and we lend amounts from \$1,000 up to \$100,000, so that these companies can invest in fixed assets for their businesses and we're fortunate to have lent money into the Oregon market and we have a couple producers here today that are going to speak about their experiences. So with me today is matt thomas from townsend's tea company, clark bowen from cb nuts and Linda perrine, who was on the agenda is harvesting her hazelnuts right now so she couldn't be with us today.

Matt Thomas: Good morning, mayor Adams and commissioners. I'm matt thomas, the owner of the townsend's tea company in Portland. My business began as a project at the university. Oregon, a couple of years working in unfulfilling jobs and began a tea house on northeast alberta street and it did well and I opened one in bend, Oregon, and recently, invited to open a tea bar in the hollywood whole foods on northeast sandy boulevard. In early 2009, I began bottling a brand of tea, lightly fermented wellness beverage tea market. Doing it in the basement in our tea house, 800 square feet and a little bit of a aroma of vinegar as a byproduct so the customers in the tea house weren't excited and I needed to figure out a way to get out of the basement and grow my company. I -- we could only make what whole foods could buy and wanted to be able to sell to the other retailers in Portland. When I have heard about the loan program, it sounded amazing and it actually was. They were extremely helpful through the application process and gave me far better and flexible terms than any bank -- I couldn't get a bank loan. So -- they loaned my company \$48,000, to buy the key equipment for me to outfit a brewery in southeast Portland. A 4,000 square foot space and bought tanks and a bottling line and they invited me to put my product into their distribution center in northwest and quickly grew in Oregon and Washington and grew steadily month after month and leased the warehouse next door as well and doing about \$8,000 a month out of the basement and now \$80,000 in sales a month from the brewery in southeast Portland. In the basement, I had two under-paid employees and now I have six full time and two part time and i'm about to add health insurance, which is something i'm proud of. I'm able to put the address on the bottle and helped to support a local nonprofit, ecology and classrooms in the outdoors, science enrichment programs and we put their logo on the bottom and also contribute a small amount of profit each year to that organization. I love my job and i've been able to support my wife and two kids and we employ 30 people, 21 right here in Portland. Thank you. 30 people and 21 right here in Portland. Thank you. **Adams:** These are great pumpkin seeds. Welcome.

Clark Bowen: I'm the founder of cb nuts. It seems appropriate that I bring you all some Oregon-grown pumpkin seeds.

Adams: Aw.

Bowen: We're a Washington-based company but do a lot of business in the Portland area. We're a small craft roasters of peanuts and pumpkin seeds and pistachios and almonds, cashews and those -- and we had many producers and Adams peanut butter up in tacoma and as a adult, I realized that the quality had begun to deteriorate. So I did something about it. I started a company and we started roasting peanuts and these items that I had a passion for. Well, whole foods approached us about the possibility of -- of making a peanut butter in a jar and being able to have a larger distribution platform to do that. A bank wouldn't loan us money either. Whole foods came in and loaned me, my wife, our company \$55,000 in order to build the infrastructure and equipment that we needed.

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We've been -- we received our loan in april, so it's been relatively recent. Here today is Chad from alexis foods. We've been working with them for two months and have 22 different outlets in the Portland area, schools and universities and possibly, next year, the public school system. That will hopefully take our food service peanut butter into their establishment. This would not have been possible without the loan program. We may be going for our second loan with whole foods in the near future as we look to grow peanuts in a joint partnership where we did test crops with Washington state university and had wonderful success rates. I'm here until sunday, on friday, i'll hire someone in the Portland area to become a brand master for cb's. My in-box is full and ready to interview. The loan process has been phenomenal, it lends -- has been phenomenal and lends itself to growth and we're excited about the future.

Adams: These are great pumpkin seeds.

Bruce Silverman: Grown in Oregon, of course they are.

Adams: That's the secret ingredient.

Silverman: You've got it. Good morning, mayor Adams and commissioners. I'm bruce silverman, the regional vice president for whole foods market. I'll take this little piece of your day home. We're honored to support job growth and economic development with this loan program. Denise and our procurement team are ever-present in our market talking to local producers, like matt and clark and talking about our loan program and, of course, securing product but also looking for different ways to partner with them so that we can ensure their success. And these two stories were a great testament to that. We've crossed \$5 million in our local loan program just a few weeks ago. The \$10 million that denise recognized we have earmarked for, we've done over 100 loans nationally. And we're always looking to be able to do more loans here in the market. So, we work primarily with the department of ag, the innovation center, the osu innovation center here, ecotrust has been a great partner and we do our own trainings with vendors so that's how we have been spreading the word. We look forward to just being your partner and in economic development, job creation here. So we appreciate your time this morning and learning a little more about the program and before I give up the mic, I want to thank the commissioners and mayor for doing the flash kitchen with us out in the street a few months ago, I hope you had fun with it, we had a great time and we just appreciate the time you've shown us.

Adams: Someone on council, i'm not going to say who -- nick Fish -- used their fingers a lot in mixing the salad. Nick Fish. [laughter] that was fun and I hope you continue to do those and congratulations.

Silverman: Thank you.

Adams: Thank you for your great economic development, whole foods in terms of your loan program and local procurement, we appreciate it.

Silverman: Thank you.

Adams: All right. We'll now consider the consent agenda. Does anyone have any items to pull from the consent agenda? Karla, please call the vote on the consent agenda.

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

Adams: Aye. Consent agenda's approved. [gavel pounded] we have a 9:30 time certain. To finalize findings. Can you please read the title for item 1099.

Item 1099.

Adams: Commissioner Saltzman.

Saltzman: Thank you, mayor. I need to make a motion. The motion is to adopt the findings and decision as presented and to grant the appeal. Overturn the hearings officer's decision, denying the conditional use for a detention facility and uphold the hearings officer's decision, upholding the parking review and the effect of an affirmative vote will be to approve both the conditional use for the detention facility and the central city parking review for the ice facility to be located at 4310 southwest macadam avenue.

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Leonard: Second.

Adams: Moved and seconded. Council Discussion?

Fritz: To clarify, that included the additional conditions we discussed?

Adams: Kathryn Beaumont says yes.

Saltzman: Yes, O.K. It does.

Fritz: Thank you.

Adams: Any council discussion on this? Do I take public testimony, Katherine? No? Karla, please call the vote.

Leonard: Aye.

Fritz: So this was an important case and I was very glad that the council voted to send the detention part of the application back through the hearings process which allowed us to air out the concerns of neighbors and add necessary conditions of approval to address the hearings officer's concerns about the release plan. This is a land use decision and about whether or not the temporary holding cells comply with the land use approval criteria as listed in the city code and city processes and with the additional conditions I believe the approval criteria are met. The evidence in the record indicates that the existing site on the Pearl District has not had any incidents in its 15-year existence and the Portland Police Bureau has no concerns in their review. With the additional conditions and oversight and guidelines with the release proposal, I believe this will be a functional and safe facility and I'm very glad folks who are released from this facility will be able to go directly home to their families rather than being taken to the Dalles or Tacoma and having to find transportation back to Portland from those facilities. Aye.

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

Adams: Douglas Hardy and Katherine Beaumont and everyone on the city team, thank you. And to all sides of the issue, I appreciate your testimony on work with us on this. Aye. [gavel pounded] so approved. Can you please read the title for proclamation item number 1100.

Item 1100.

Adams: Commissioner Amanda Fritz.

Fritz: Thank you, Mayor Adams, if I can invite Jan Campbell and Therese Grayson to come up to accept the award and hear the proclamation. The Connecting Communities Coalition has partnered with NW Americans with Disabilities Act Center by bringing BluePath to the Portland/Vancouver metro area. BluePath's mission is to increase the inclusion of people with disabilities-- the largest minority group representing \$200 billion discretionary income in the United States by promoting businesses that welcome people with disabilities as valuable customers. It's an exciting program that provides people with disabilities about where to shop, dine, travel or go for fun directory of business profiles. Its aim is to create positive communication and build trust between businesses and people with disabilities instead of adversarial policing. The City of Portland has been a partner since its inception. Whereas people with disabilities do represent approximately 20% of the nation's population and have all of that disposable income and the Americans with Disabilities Act and the ADA Amendments Act establishes accessibility for persons with disabilities in state and local governments and places of public accommodations and whereas, the business of government is the business of all Oregonians, including those with disabilities and whereas, the City of Portland affirms its policy of welcoming all persons including those with disabilities in places of public accommodation and governments and places whereas, the City of Portland acknowledges organizations such as the Connecting Communities Coalition and the Northwest ADA Center and all other organizations that promote access for persons with disabilities in public places and whereas, the City of Portland acknowledges the BluePath program and calls upon all places of public accommodation and government to participate in such programs designed to promote greater access in public facilities and, therefore, Sam Adams, Mayor of the City of Portland, Oregon, the City of Roses, does hereby proclaim October 20th, 2011, to be BluePath to Accessible Business Day in

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Portland and encourages all citizens to observe this day. Thank you so much for being here. Please add your comments.

Therese Grayson: Thank you so much. My name is therese Grayson. The connecting chair of the -- the chair of the connecting communities coalition and the bluepath comes to the city of Portland and we're so excited in bringing this online directory which will bring people with disabilities looking for places to shop, dine or go for fun and businesses, it's not about ada compliance, it's not a policing program. We want Portland businesses to be on our side, for us to be their resource in learning there are some really great paths and easy fixes to accessibility. You mentioned that the people with disabilities comprise about \$220 billion discretionary income. That is pretty big and we want to bring that untapped market to patronize our Portland businesses.

Fritz: Thank you.

Jan Campbell: Good morning, mayor and commissioners and thank you, commissioner Fritz, for introducing this proclamation. It means a lot to the disability community. Portland is elder friendly, we know about the elder friendly program. It's pet friendly and also bicycle friendly and the city of Portland also is disability friendly but we want to make it more disability friendly and one of the ways is to bring the bluepath program to Portland and putting on businesses a decal that looks like this. After we've gone through it and talked with the owners and employees about why it's important to make it a friendly -- a user friendly facility. And this will help bring businesses to - - bring people into the businesses as well as help with employment. Because if people know that the place is user-friendly, the people with disability, they'll go and apply for jobs there. And I want to tell you, it's difficult now, it takes me a long time to find a place I can go to that's truly accessible. Sometimes I have to worry if I can get into it and I have to call ahead of time, and they say the place is accessible and when I go there, it's really not. Or I can't use the restroom and this will help when people are walking around or if they want to pull up a directory -- also there's access through the internet, to find out what accessible -- what places are accessible. They'll be able to know that when they go into that place, again, it's user-friendly and there's a welcoming attitude for people with disabilities because we know that attitude is one of our major, major barriers we need to break down regarding people with disabilities. So i'm very, very excited about this and I also want to invite you to a event tomorrow, commissioner Fritz will be presenting awards and I will be receiving an award that i'm so honored and I would love to have you all come and celebrate with me and this is going to be very, very exciting. A lot of technology and interactive. We're hoping to have over 400 people. Mayor Adams has attended that, i'm not sure other commissioners have. So if you're able to attend this event and this will be where we're opening up bluepath and announcing we've started here in Portland. Thank you very much.

Fritz: I would add on for folks watching at home. This is a connecting communities event at the doubletree hotel in the lloyd center, from 5:30 to 7:30, free and there's food and other good stuff. Definitely something that everybody is welcome to come to and will be a great time. Thank you for your leadership in that.

Fish: I believe that dan and I had the honor of attending the event two years ago, it's a terrific event. Thank you.

Grayson: Thank you so much. I wanted to introduce chris leever, part of our ada subcommittee, we'll see you at the event tomorrow.

Fritz: Do you want to add my comment, chris?

Chris: No, thanks.

Adams: Thank you all so much. Appreciate it. All right. Karla, please read the title for emergency ordinance item number 1110.

Item 1110.

Adams: Good morning, welcome. What are we looking at here?

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Valentine Hellman, Bureau of Emergency Management: Good morning, I'm valentine helman, from the bureau of emergency management.

Debra Harrison, Bureau of Emergency Management: I'm Deborah Harrison, Bureau of Emergency Management.

Hellman: We'd like council to authorize the contract for the updates, the regional law enforcement mutual regional aid and the development of the regional law enforcement mobilization plan and all of the funding comes from a homeland security grant. There are no matching requirements. We followed the competitive solicitation process through the city code and the resulting contract contains 34.3% mwesb participation.

Adams: Questions from council?

Fritz: Yes, I have a few. Thank you for your report. I was concerned there's no public involvement in the development of this proposal. Can you tell me what public involvement there'll be in the development of the plan?

Harrison: It's likely that there will be very little public involvement. This is strictly a law enforcement agency agreement. To offer mutual aid across jurisdictional lines and put in place processes and policies for sharing the law enforcement resources that have been funded through the homeland security grant.

Fritz: Why haven't we had this for 10 years or more?

Harrison: That's a very good question. There's been a lot of discussion about a mobilization plan. We have a mutual aid agreement in place, it was signed in 2002 and needs to be updated. And the new mutual aid agreement will likely include additional agencies not on the original one. The mobilization plan just does not exist. The state of Oregon does not have a law enforcement mobilization plan either. So we do have state agency involvement with this process and hopefully this will kind of spark their process as well to get a state agreement in place too.

Fritz: Thank you. Will the council get to review the agreement before it's finalized?

Harrison: Um, i'm -- I -- sure: [laughter]

Fritz: Thank you.

Adams: It might be individually, some of the aspects of it.

Fritz: Presumably the commissioners in charge of the appropriate bureaus would be able to see it and i'd be really interested in how the 9-1-1 bureau would be involved if at all. Thank you.

Adams: Any additional council discussion? Anyone wish to testify on 1110? Karla, please call the vote on the emergency ordinance.

Leonard: Aye.

Fritz: Thank you for being here to answer questions. Aye.

Fish: Aye.

Saltzman: Aye.

Adams: Aye. [gavel pounded] approved. Can you please read the title and call the vote, second reading, 1111.

Leonard: Aye.

Fritz: Thanks again to mayor Adams and commissioner Fish for your bureaus' participation in the revisions that are coming this way and for the great process that's been involved so far in this project and also thanks to all of the community volunteers who are so engaged in looking after these wonderful resources. Aye.

Fish: Aye.

Saltzman: Aye.

Adams: Aye. [gavel pounded] 1111 is approved. Please read the title for nonemergency ordinance first reading 1112.

Item 1112.

Adams: Welcome. Mr. Gardner, welcome back.

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Don Gardner, Bureau of Transportation: Thank you.

Christine Leon, Bureau of Transportation: My name is Christine Leon, and I manage the development and street systems management division of the --

Saltzman: Use the mic.

Adams: Can you get closer? Yeah.

Leon: Do I need to repeat all that have? With me is Mary-Beth Henry from the office of cable and franchise. They have a new name.

Saltzman: Office for community technology.

Leon: Thank you. And Mr. Don Gardner also with the office of transportation. We have some important but actually rather insignificant changes to Title XVII we're bringing forward that. We've been working on them for quite a long time, actually, they were originally initiated by a request from the office of cable and franchise, to put into code some language to make it consistent with what we do for our franchise and privileged utilities for using the right-of-way. When we were going through that review, we realized there were also a number of changes that needed to be made for updating code to our current business practices. So you'll see that a lot of language that had the city engineer has been changed to the director. Don's going to get into the details, as much as you want of those places that those changes have been made. But essentially, retained the city engineer's authority and code for those technical specifications and plans and matters and essentially shifted over to the director for most other things. Again, to make this consistent with our business practice. Code has been amassed over, you know, 30, 40 years and this is really the first time we've had the opportunity to look at some of the changes that we've needed to be made a long time ago, regarding the organization. So there's some out-dated materials in here. There's some structure problems with the different chapters and this is a clean-up of that. They're important but really insignificant. We're not changing policy. We're not changing any fees. There's no addition of people or deletion of positions with these changes in code. So I think Mary-Beth is going to say a couple words and we'll turn it over to Don to go through the details.

Mary Beth Henry, Office of Community Technology: Mary Beth Henry, office for community technology. I'm here to speak in support of this. This has been a multiyear process, our office, thanks to council support three years ago, was able to fund this effort. What happened was we were negotiating franchises and we had updated street use language and all of these franchises we've been negotiating over the last 20 years, but the Title 17 code doesn't reflect these modern practices. So we worked very closely with the transportation office to update and we're very supported -- and were very supported and we have a close working relationship with transportation because of our role in franchising. So I asked council to support this, we're happy that the multiyear process is finally concluding.

Don Gardner, Office of Transportation: I'm Don Gardner with the office of transportation temporarily. Um, I think the main things -- the main start was to bring the code language in Title 17 up to date with what's been done in franchises. The biggest issue has been -- is that code was in some cases way too prescriptive and some cases never addressed issues that needed to be addressed and were addressed in the franchise language so we've tried to bring that all up to a consistent level, update our code, many of the things that were in the old code that were proscriptive, how many sets of plans needed to be submitted and what kind of paper and so we've gotten rid of those things and gone ahead and made it so that it's more able to -- as technology changes and processes change, they can just do it as a matter of policy in the policy document. Unfortunately, as code was built over the years and I wrote a lot of it, there was no policy process as a policy document system so, we had to write everything out prescriptive language in code. Thankfully, that can go away. As Christine said, when they created the office of transportation about 20 years ago, they made the shift to break it apart and put most of their duties under the director of the environmental services. It was never done with transportation because in most cases the transportation director was city

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engineer and as engineer and director it, didn't matter -- it started to matter when Sue Keil took over and started to make little shifts. This is just a comprehensive, and we fixed it and state law requires that the actual practice of an engineering must be done by an engineer so the way we've kept code, anything -- technical plans and specs, the city engineer takes care of. The policy decisions, is the director's, that's consistent with how bes is set up and the bureau of water is set up. Those were the main things to get that handled and we started going through it, there are a lot of regulations and because we had to be proscriptive that no longer make sense. There was still in code a four-page section that talks about the schedule for moving wiring downtown to underground. That's been completed for 30 years, so we deleted that. Finally. [laughter] there's also a big section that dealt with underground fuel tanks for commercial buildings placed in the street. I ran that department for 20-something years and then ran the bureau, i've never issued a permit for an underground fuel tank for the right-of-way. The whole idea of using fuel oil for commercial buildings is long gone. People use more efficient or easier to use systems moving to gas. And we went through the code and found a lot of things, as we wrote them at the time, got interjected in a section that seemed relevant but didn't make a lot of sense. There's a section that deals with contractors must preserve cobblestones when discovered in the street. It was in the utilities section, but applies to everyone. We took those things and moved stuff to the permit section where it made sense and took a lot of the other sections where they were specific -- structural driveways which have unique requirements, we worked closely with bes on those but they were under a section called obstructions in the right-of-way. Not a place where the public or developer would look and our staff used to come and ask, where is our rule on that? So we've created sections that are separate and new by using those and eliminated things. When we built the transit mall, we needed to expand the definition of the transit mall because it's so much bigger and needed to talk about what we'll do to preserve the operational light rail on the mall. It used to be you could excavate on the mall if you were a utility or private contractor by obtaining a permit. We've made that more restrictive and we've worked it out, but we put that in and also -- there were a number of things that were on the transit mall prior to the remodel, there were kiosks for posters and for retail use and kiosks for commercial display, on poles where supposedly four times a year, they were supposed to put up seasonal banners, all of those things were taken out. As part of the remodel of the mall. The big thing on the transit mall, because of the light rail operation, we have to get fairly restrictive how you can do work and what we've done, obviously, because all of the utilities were not removed from the transit mall, but relocated away from the track way, what we've done is said, you have an emergency, obviously, you can fix it. If you have no alternative way to serve a building and we want find a way from a different street, from a side street, the back side, then we'll have to go into the mall. And then the other big one that was a concern for the water bureau, there will come a time when the facilities have an end of life. Water mains last a long time, but some day they have to be replaced. What we've done is put in provisions you can do replacements at end of life, but we've asked for a two-year notice you plan to do that so we using that time to coordinate with the other utilities, if we're going to shut down light rail to do major work, we want to make sure that everybody has time to budget and plan and get in and get it done. Those are really the main changes. The other one is one -- one is hazardous materials in the right-of-way. We wrote a policy, probably 15 years ago, when the whole issue of hazardous materials was first coming up. It was a Portland policy document, right after it started. Spent a lot of time in the attorney's office going through it. Federal and state laws have changed since we wrote that. So we brought it up to date and because of the importance how committees working in public rights-of-way, deal with that, they said we should move it to code, it's one of the things that's relatively proscriptive but consistent with law and state and federal law how you deal with hazardous materials change, then the christine's folks will have to go back and update the code. And that's the range of what we've done. Public process, we talked with the utility providers, including the city-owned ones and sent notice to every neighborhood coalition and

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every neighborhood association chair. We had meetings with the neighborhood coalition land use chairs. We offered meetings with the utility companies and no one came to a public meeting but there were some individual meetings that the utilities addressed specific concerns. Those have been addressed to their satisfaction and ours. That's pretty much the process we went through. The things we did hear back, the east Portland neighborhood association, bonny mcknight, has a letter -- her concerns are not with the changes we're making. She's actually supportive of that it needed to get done and it's time. But she has broader concerns which are how we fund local improvement districts or how street improvements are done. The west Portland neighborhood association also wants to talk about a broader policy issue, the implementation of sidewalks. Again, they responded and said we realize this is not the place to do it, but it needs to get done. I was hired to do a very technical short-term review of a policy process so, that's something that christine will have to deal with, mayor Adams, and the rest of the you, on whether or not you want to proceed with something like that in the future. But that's a significant effort, and would take a lot of time and to be blunt, money, to go through this kind of process. But are the only comments we've heard. But I promised bonnie, I would bring it up.

Leon: To speak on that for a minute. We're investigating new opportunities for local streets and street flexibility and trying to get a more comprehensive permitting system out there for the neighborhoods-- definitely responding and hearing what bonny mcknight and her groups would like to see. So we're going to continue to work together. It may not end up in city code, but we're going to do what we can to get those things out there.

Fritz: I just have a quick question about the kiosks on the transit mall. There's still the one on fifth, is that still covered?

Gardner: Yes, That's covered because what we did is when everything was removed, we agreed we wanted to keep that one as a historic remnant. So an ordinance was written that allowed that to be -- we went through a process that converted it from a bus shelter to a coffee shop -- whatever retail use it has. The other one is the old bathroom entrances at the pioneer courthouse, we're in the process of -- they have a private consultant bringing plans to modify that and that will be turned into some type of retail or kiosk use. The concern, was while they don't have a historic designation, they're very important to people and so it's like how can we use that in a way that enhances that experience on the transit mall. Gives you activity in an area where sometimes the activity is not what you might wish. It becomes a more useful space.

Leon: We would take those through as ordinances and my division would permit them to be in the right-of-way.

Fritz: Ok, thank you.

Adams: Other council discussion? Anyone wish to testify on this matter? All right. Moves to further consideration -- [gavel pounded] -- next week. Can you please read the title for resolution item number 1113.

Item 1113.

Adams: Mr. Scott.

Andrew Scott, Office of Management and Finance: Good morning, andrew scott, financial planning manager and i'm here with jeremy, the budget coordinator. The calendar before you for f.y. 2012-2013 process this calendar is not much different than ones in the past years but we built in an extra week between of mayor's proposed and the council approved budget and we're available to answer questions you might have about the calendar.

Adams: Any questions from council?

Fritz: I have a concern about the utility rate review and how that is going to fit in and why we're not doing that earlier in the budget process.

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Scott: So the utility rates are traditionally adopted in may. With sort of -- so the 30-day time frame so they can go into effect july 1. So we have first utility rate hearings scheduled for may 16th and then the 2nd reading on may 23rd.

Adams: Well, we're changing it -- I don't know if it shows up. But my request of each of us that have utilities come forward with the criteria you suggest for public comment. And for purb consideration. Around what is in and outside criteria for the utility rates and then the budget hearings are all about utility spending and rates. The adoption, of course, comes at the end.

Fritz: Right, but --

Adams: That doesn't -- if it leads -- if the way it's written leads one to believe that's the only place they're considered, that's not the goal of the process.

Fritz: Right, and clearly we can amend this, depending on what happens with the independent public utility commission discussion. My hope is we'll have some significant discussions at the council level on utility rates, particularly, earlier than may. So that as part of the mayor just said, part of the budget discussions it would be set aside, work session after the presentations from the utility commission perhaps so we can get council's input on that before the purb and perhaps the utility commission would have their discussions. I'm also wondering why there wasn't any public involvement in the preparation of the budget schedule, particularly from the public involvement advisory committee or the citizen advisories from last year.

Scott: Traditionally, the schedule doesn't change much from year to year, again, this is pretty consistent with prior year calendars.

Fritz: I did -- i, in my three budgets, found that things get -- that -- whether the calendar is like this or not, sometimes the opportunity for rounding with the council after the budget presentations gets missed or we don't have some of the work sessions and particularly, i've heard frustration from citizens in terms of their ability to participate in the process. Being fairly late. So again, just looking forward to next year, perhaps, that -- getting feedback from -- at least from the citizen budget advisors on the schedule and where they might weigh in as a group or individually would be really helpful.

Saltzman: So you said you built in an extra week between the mayor's proposed budget is released and the council adopts --

Scott: Yeah --

Saltzman: Where is that approval?

Scott: The mayor's target date for release is april 30th, which is right around the same time it has been in the past. The actual proposed budget document available may 15th, which takes us about 2 weeks to put that together. But the budget action to approve the budget is may 30th, that's a week later than it has been in the past.

Adams: There will be almost a month.

Saltzman: Ok.

Scott: A month between the decisions are released and two weeks from when the actual physical document is available.

Adams: Any further council discussion. Anyone signed up? All right. Please call the vote.

Leonard: Aye.

Fritz: Thank you for your work. Aye.

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

Adams: Aye. [gavel pounded] 1113 is approved. Can you please read the title and the vote for second reading. 1114.

Item 1114.

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

Adams: Aye. [gavel pounded] 1114 is approved. Can you please read the title for emergency ordinance 1115.

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Item 1115.

Adams: Commissioner Randy Leonard.

Leonard: Thank you, we have from the Oregon food bank, Laura Golino DeLovato, do you want to come forward. This year, the council agreed to donate \$100,000 to the Oregon food bank and it was interesting to me that we're doing that on the same day that Commissioner Fish brought forward the proclamation for Food Day. And many of the things that we're -- were said there, are certainly applicable here. The Oregon food bank helps nearly one in five households fend off hunger and one of the things that I know we all appreciate as a council of the food bank is that 94 cents of every dollar that is donated to them goes directly to fighting hunger so we're very pleased to have been able to help the food bank and -- and bring the assistance to families that now need help providing meals to themselves more than ever in this economy. And it's -- you guys do great work and so please make any remarks you would like.

Laura Golino DeLovato: Yeah, well, good morning, Mayor Adams and Commissioners. On behalf of Oregon Food Bank, we want to thank the City of Portland for this very generous grant. It will be used to purchase food as we're facing one of the most challenging years we've ever had with food donations decreasing and food prices going up and cash donations decreasing and more seeking emergency food assistance. As you said, one in five people in Oregon face hunger and as you said, Commissioner Fish, earlier, last year, was the first year that the Oregon food bank and its network throughout the state of Oregon delivered enough food to fill 1.2 million emergency food boxes. It's really stellar. One in five people in Oregon face hunger and it's a problem that we feel needs to be addressed. It's a priority. Unemployment is an issue that continues to drive hunger and the need for people to seek emergency food more than the four times a year they typically do. You'll be pleased to know with the \$100,000 contributed by the city, we'll be able to purchase between 300,000 and 400,000-pounds of food. Because we purchase in bulk and we get extremely good prices and that will be a variety of shelf-stable foods like oats and beans and rice and fresh produce which is more in demand and goes to the healthy eating needs of even hungry people. Again, thank you very much.

Adams: Any other council discussion.

Saltzman: I was curious, you mentioned food donations are down? That come from grocery stores and stuff like that?

Golino DeLovato: Uh-huh, all sources. We get about 50% of our food from the food industry, which includes retailers, farmers, manufacturers, packagers and they're all being hit by the bad economy as well. So they are seeking secondary and tertiary markets to sell their product where it used to be all mislabeled food would come to the food bank or local pantry, now we're seeing those retailers and manufacturers seek out markets to sell that food. Possibly to discount stores and possibly overseas but it has had an impact, a negative impact on us. We've seen food donations go down 12% just among that group since last year. Since the prior year. And we're expecting that some of our food that we get through Feeding America, the national food bank affiliate, as well as USDA food will also go down, just because of the economic impact and food prices meanwhile are going up 4 to 5%.

Saltzman: I realize this may be a difficult question to answer. But does the food bank have programs that specifically target children? I mean --

Golino DeLovato: Yes, we have childhood hunger corps, it's a partnership with Feeding America, where we look at how we can address childhood hunger. We've piloted five school based food pantries and the pilot just ended and we've summarized the data but basically it was successful. It's a centralized location where children go. Where their parents go to pick them up. There's less opportunity to be stigmatized by going to a pantry because you're already at the school and it's a way also for the burden of the food being brought home not to be put on the child, but the family. We piloted backpack programs as well. Where a child is given a backpack full of food on a Friday

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to take home to the family. But the school pantry is working much better and we're looking to determine whether or not we're going to do that permanently and then look for funding for that.

Saltzman: I'd be interested if it's something that you want to share to see the results of that pilot.

Golino DeLovato: Absolutely. A third of the people who eat out of an emergency food box every month are children. And that affects education and employment.

Fritz: My understanding is that donating money to the food bank, you can leverage, buy much more with a dollar than I could buy at the grocery store, correct?

Golino DeLovato: Absolutely. We pay on average 51-cents for a pound of food, 12 cents for a pound of produce so we can leverage it. And the cash donations we receive help us support our transportation department which delivers the food throughout the state and even into clark county, Washington.

Fritz: If someone is watching at home and cares about this challenge that Oregonians are facing, they don't have to go to the store and figure it out to get it to the --

Golino DeLovato: Go to Oregonfoodbank.org and send a check or donate directly to the pantry.

Adams: Anyone else wish to testify? Karla, call the vote.

Leonard: I think this is the seventh year i've brought a measure forward for the food bank --

Golino DeLovato: Thank you.

Leonard: It's my pleasure and notwithstanding the economic challenges next year, i'll be bringing forward another measure and the reason is for the articulate answers you gave, how you use the money. In my view, I don't think there's much more fundamentally that a government is responsible for than to make sure its citizens are fed. And i've been impressed with your work, how far you have stretch a dollar to help the neediest in our community and i'm pleased to vote aye.

Fritz: Thank you for the staff and volunteers of the Oregon food bank and commissioner Leonard for bringing this forward and former commissioner mike bloomberg who is a tireless advocate and visits us to make sure that we understand that the need as you say, has been growing and there's a lot of good work being done and it's wonderful the compassionate Oregonians are helping each other through this crisis. Aye.

Fish: Randy didn't mention he'll propose for the next budget cycle funding but not be on the council to see it carried through, so i'll be the first to make a public commitment that i'll be supporting whatever he puts in the budget. And make sure that we continue the momentum and enjoy at the eighth, ninth and tenth year of supporting your good work and thank you, randy for being a champion.

Leonard: I appreciate that, your one cycle off, I'll be able to vote in the next cycle and so i'm counting on your second vote. It will be the next one after that.

Fish: I got caught up -- prematurely caught up in the emotion of his imminent departure. [laughter] thank you, randy.

Adams: Did you vote?

Fish: Aye.

Saltzman: Thank you, commissioner Leonard, this is definitely a worthwhile investment of city dollars. Aye.

Adams: Thanks to commissioner Leonard, thanks to the food bank, I enjoyed your harvest dinner the other night. That was great.

Golino DeLovato: Thank you for being there.

Adams: Need you now more than ever. [gavel pounded] so approved aye. Please read title for 1116.

Item 1116.

Adams: Commissioner nick Fish.

Fish: There's no particular reason this should be an emergency ordinance so i'd move to remove the emergency clause.

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Fritz: Second.

Adams: Moved and seconded to remove the emergency clause. Any discussion on council? Karla, please call the vote on the motion.

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

Adams: Aye. [gavel pounded] emergency is removed. Commissioner Fish.

Fish: We have yvonne deckard and anna to walk us through the proposed ordinance.

Yvonne Deckard, Director, Bureau of Human Resources: My name is yvonne, director of the bureau of human resources. I'm just going to start off before I turn this over to Anna Kanwit, to walk you through the ordinances to give you a little background on how we got here. Over the last several recruitments for bureau directors, we have been -- as we've made cold calls to potential candidates, we've had candidates that have elected not to apply for these positions, both locally, regionally and nationally. Because of a lack of a employment agreement. It is really critical more so than ever at this time for the city that we're able to attract the best talent that we can, given the critical issues and the important work and services that the bureaus and the bureau directors have to do in delivering services to our citizens. There are 14 local government jurisdictions now that offer employment contracts and agreements and they range from lake oswego, beaverton, clackamas county, tualatin, new metro, west linn, sherwood and salem school district and this is not unique for public sector jurisdictions in which we are competing with. And at this time, while we were actually interviewing -- I mean, getting ready to recruit after we received the resignation from the parks bureau director, commissioner Fish and I met, we decided to do preliminarily cold calls and ran into the situation of having candidates not be willing to apply because of what they felt was lack of security even if they were performing well in their positions based on partially our form of government and the how positions here are actually, you know, filled. At that time, I suggested to the commissioner that it's time to look to see what other government and jurisdictions are doing and what we would need to do in order to be able to recruit top talent into the city. I'm going to leave it at that as far as the background and turn it over to anna to actually go over the ordinance.

Anna Kanwit, Bureau of Human Resources: Thank you, anna kanwit, assistant to the director of the bureau of human resources. The ordinance before you is an enabling ordinance on advice of the city attorney's office, because the ordinance allows commissioners in charge to enter into a employment agreement with bureau directors, council authorization is needed to do that, it's considered a form of contract. The -- without the approval by council for this, there really isn't a mechanism for entering into these types of agreements. The ordinance amends human resources 8.04 on compensation and the city's targeted severance program for a term of 36th months for bureau directors appointed after july 2011. The ordinance does not change the current at will status of bureau directors but does provide for a payment if a director is let go for no cause. So not for performance-based reason. I'll get to that in a moment. The charter amendments in 2000 were shall the amendment that's created bureau directors as at-will employment for the city. The reason for that change was actually not to make appointments political, but to remove the bureau directors' property rights to their jobs. The fact they had a property right to their job meant in any termination for cause or not for cause, the civil service board was actually the final arbiter and decision maker on that. Not the commissioner in charge or the city council. It was the civil service board. So the charter change removed the property right and hence the due process and appeal rights of bureau directors had prior to that change. And this did not impact the portion of the charter from 1980 that gives commissioners in charge the right to appoint bureau directors. That's been in the charter -- at the time, bureau directors were not actually at will employees. At the time of hire under this ordinance the commissioner in charge would decide the severance amount, ranging from six months, rather than the current program of two months, up to a maximum of one year, which is the year that the program currently has and the ordinance makes clear if a bureau director is let go for cause, which the model agreement, we would be directed to provide, defines a broad definition.

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Misconduct, workplace violence, violation of the city rules and insubordination and performance-based issues that cannot be improved through expectations and directives. So for a termination for cause under this ordinance, and change in the administrative rule, there would be no requirement for payment whatsoever. But does protect a high-performing bureau director who is let go for no cause simply because of a change in commissioner, a desire for a new person and not based on their performance and only for the initial 36-month period. At this point, I would like to turn this back over to commissioner Fish.

Fish: Thank you both. Mayor, if I could make my preliminary comment now that we've heard from the two experts. First, a perspective, as been noted. I've been involved in two national searches -- excuse me, two searches and in the course of those searches learned a lot about the strengths and weaknesses of our current system. Particularly in the context of a desire expressed in our community to get the best possible talent pool from the most diverse pool of candidates and looking for ultimately the best talent. So my -- my approach to this is informed by the experience i've had over the last six months. And I believe that this change will -- will put us in a position where we can effectively compete with jurisdictions in Oregon and across the country to get the best talent and i've had a lot of people ask me questions -- let me understand something. You're running a search but you may not be the person I answer to? Well, yes, that's our commission form of government. I serve at the pleasure of the mayor and there could be a change at any time. Let me get this straight, you're asking me to sell my house, relocate and take this job and you may not be my boss and a week from now, I may have someone else who doesn't care for my politics let me go and I have no recourse. Again, that's our commissioner form of government, it's a quirk in how we do things. It's come up enough that I concluded that it's putting us as a competitive disadvantage in not having this in our system. And when I learned that other jurisdictions moved to having this system, it struck me as becoming main stream. Because other jurisdictions are doing it, it puts us at a level playing field with folks we may be competing with. There's a couple other values I want to identify, though, one is the balance that h.r. is trying to strike here. That's the balance between accountability on the one hand and protecting the rights of both parties and I want to be clear. Under this proposal a non-performing bureau director does not get century pay. Let me say that again, under this proposal, someone who does not perform and that judgment is generally at the discretion of the commissioner in charge, does not get severance pay. And it will end a practice done informally at council, which is bad policy. The practice of paying directors terminated for cause severance pay on their way out. Because these agreements state clearly if you're terminated for cause, you're not eligible for severance pay. The fourth is cost. If we implement this change and do thoughtful hires, it will reduce the cost, not increase the costs to the city. It does not change the existing flexibility that is built into our system. In terms of having the director that meets the needs of the bureau. A non-performing director is subject to documentation about performance issues and ultimately termination for cause. So it does not handcuff the commissioner in charge. And finally, I think it brings some consistency how we address these things that's long overdue. The reality is that the severance typically done over the years has been done at the end at the end of the process on an ad hoc basis without a consistent pattern and for all of those reasons and because it doesn't change the fundamental principle that people can be terminated for cause, for reasons related to performance or non-performance, i've concluded this will help us get the best possible talent without putting unreasonable restrictions on commissioners in charge. It's a difficult issue to talk about. It's an easy issue to caricature but it's in the public benefit because it will help us land the best talent and over time less tax dollars going out on severance pay, that's how I view the issue. If it's helpful for a discussion to follow.

Deckard: One clarification. This agreement would not apply to an interim director or a director appointed as an interim. It would only apply to directors as laid out in the city code, which would include the directors under the office of management and finance.

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Fish: And it's also -- there's a time limitation.

Deckard: And there's a time limitation.

Fish: The first 36 months. I will tell you with a lot of people in America with their homes underwater and a good job being an important commodity these days, when you're asking people to consider pulling up stakes and leaving a secure job and coming to Oregon to take a job, the absence of any protection, if you're terminated within the 36 month period for political reasons unrelated to your performance is a deterrent for quality people considering working for the city of Portland in this environment.

Saltzman: So, the at-will bureau directors include all of the ones we normally think of, plus did you say the directors in the office of management and finance?

Deckard: It would not apply -- for example, h.r. is under the office of management and finance but it would apply to the h.r. Director because that's a director laid out in city code and it would apply to the cfo, the cto, the technology director and the business services director and apply to bureau directors under city code. What it wouldn't apply is -- is when you're appointing an interim director and before we replace the park director, we had appointed an interim director, it would not have applied -- it does not apply in that situation.

Saltzman: Those are all at will under the charter amendment of 2000?

Deckard: Yes.

Leonard: It applies to your position, but not you, because you worked for the city for more than three years?

Deckard: It would not apply to me because I was hired as director prior to 2001 and with the charter change in 2000 that went no effect in 2001 that made bureau directors at will, any director on before that, was grandfathered in?

Leonard: Even if you were appointed after that, more than three years ago --

Deckard: It would not apply.

Leonard: Because you would have worked for --

Deckard: Correct. We would have not go back and pick up current directors, anyone that was hired prior to July 1, 2011.

Saltzman: Anna, you said under the new ordinance, a bureau director terminated with cause, there's no requirement for a severance?

Kanwit: That's correct, yes.

Saltzman: So does no requirement equal not allowed?

Kanwit: It equals not allowed while they're under the employment agreement for that 36 months. If that's the terms of their hire that both parties under at the time of hire.

Saltzman: Will these employment agreements be public record?

Kanwit: Yes.

Saltzman: It should be a boilerplate agreement because there's no amendments allowed and not renewable.

Deckard: The way we've crafted this, we need to have consistency, if we start opting in and out -- if we start opting in and out, changing the terms of the agreement, it opens the city up to risk because then you have to make determinations of why this person and not this person and why three years here and one year here or six months here, that opens the city up to discrimination complaints and suits for liability.

Saltzman: The only blank would be the salary.

Deckard: The only blank is the salary and things you're able to negotiate now with the director, which is things like their salary, you know, vacation time, but other than that, the agreement would look identical for every employee and that we're hiring and you would enter into --

Leonard: What's the dispute resolution process if a person hired under this provision has less than three years, is discharged by the commissioner in charge and the commissioner in charge says that

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he or she has cause, but the director doesn't believe that's the case? Is there a dispute resolution process to adjudicate whether or not the director was discharged with cause or without?

Kanwit: There's no process built in, the model agreement does state that there's a requirement for advanced -- advance notice and allowing the director to discuss with the commissioner in charge their agreement with that and the ultimate decision and the hr director and the ultimate decision is made by the commissioner in charge in consultation with the h.r. Director and we have that in the model agreement to be sure that basically have the expert advice and assisting to make that final decision.

Fish: If I can address that point. Because it doesn't provide specifically for arbitration of the dispute, the traditional recourse would be to bring an action against the city. But technically -- i'm talking out loud. Tell me if i'm wrong. But if there was a dispute, it would be within the purview of the city, the advice of the city attorney whether we choose alternative dispute resolution to resolve that dispute. It but doesn't specify there's a mandatory arbitration, so you would bring your claim, and the city would exercise discretion how it wanted to adjudicate it.

Deckard: The goal is not to change the at will status and, therefore, if you are moving to remove someone for cause, you're sitting down with the h.r. Director and preparing -- you know, that rationale and getting advice on that rationale and once the employee receives your rationale, they can request a meeting with you and the h.r. Director to, you know, give input and ask questions and get clarification and, you know, if -- if for some reason there's something that is not -- that we could not -- that we feel wasn't for cause, that's when the h.r. Director sits with you and say we don't have an action of cause here. And so that's how that would work.

Fritz: And currently we have the option of offering a severance package when the question of cause is questionable. In order to avoid those lawsuits and we have the flexibility to make the severance package from two months up rather than six months; is that correct?

Deckard: Currently, that is not what our program was designed to do, even though we have used it that way, it's been inconsistent, I would say that right now, we've had directors that we've moved -- removed for cause, that i've advised some of you at the time that we shouldn't be doing a targeted severance, which we have. That's -- this takes that subjectivity out of that process and I think asks for more consistency.

Fritz: Why is it retroactive, since all the people we've hired recently have been local people?

Deckard: It doesn't really -- I mean -- what we're talking about here is our ability to attract and retain or recruit qualified candidates whether they are local national or regional. And what I can tell you is that even with some of our local candidates and internal candidates, people have stopped and said I don't really know if I want to apply for these positions. Not to -- I mean -- when we hired our last police chief, this was a question he had and he stopped to consider and I had to have a couple of meetings with him to try to -- to move him forward, the same thing with our current CFO. And whether you are coming from across the nation, commissioner, or you're coming from down the street, or from another employer, locally, you're leaving job security.

Fritz: But you're not, within the city of Portland, excuse me for interrupting, but if we have somebody who is at will, who's not a bureau director who chooses to step up to be a bureau director, there's now going to be more security for the person who's making \$150,000 plus a year than for the one at the level lower down. That doesn't seem - -

Leonard: Having just recently been involved in exactly that circumstance, I can tell you that is not the case, that the hire that I made from a civil service classification to an at-will position took some pause and sometime to consider whether or not to do that, given he had just sold one house and was buying another house, given that he has a growing family on the way, and it was a fundamental issue for him to leave, albeit a lower paying job for a higher paying job, one that had absolutely no security and one that absolutely could turn on whoever was the next person in charge. And so i'm very sympathetic to that argument.

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Fritz: That's throughout the system. Anybody who's going from a union job to a non classified job. If it's not a bureau director, they become at will.

Leonard: That's not true.

Deckard: That is not accurate, commissioner. We have very few - In 2007 with the 2007 charter change, we did make some additional positions in the city at will that deal with policy creation, but that's very few positions, and so most of the positions that we're -- even internally, people aren't necessarily coming from represented positions. They may be coming from a non-rep position that actually has civil service protection, because we have very few at-will positions.

Leonard: Which is the circumstance i'm describing, exactly. He was not in a union position. He was in a classified non-represented position.

Fritz: O.K. thank you that is a good clarification. But this would apply to the police chief?

Deckard: Yes. The police chief is an at will position.

Fritz: So the commissioner in charge of the police bureau would not be able to make a change without paying a severance package? I would think it would be difficult to prove cause in a position like that.

Deckard: I would wager our public safety positions such as police, fire, boac, are easier to prove cause. Those positions are very straightforward, and so we've never really had a problem in being able to look at that position and determine cause.

Leonard: I might add, exactly the circumstance I found myself in when I had the bureau of emergency communications. We did not pay a severance package, and we had cause to make the change.

Kanwit: And at the bureau director level, part of a definition of cause is an inability to carry forward the mission and direction of the commissioner in charge. So it is somewhat different expectations than people below that level.

Fish: And I think we should acknowledge that, in crafting this proposal and having in-depth conversations with everybody up here, you in fact took a lot of the feedback you had and revised it, and that was not something I drafted or any member of the council drafted. It was a consensus document, and it led to the 36-month term and what I would call, as a former employment lawyer, a very broad and generous description of cause. This is not a cause clause that is narrowly tailored. It's designed to give as much flexibility as possible, again balancing some issues here and some basic fairness for someone who's giving up a job, a home, and job protection for which a job where they can be terminated solely for political reasons unrelated to their performance. Within the first 36 months, that's what we're addressing here. If we do smart hires and follow our procedures and we know longer pay departing bureau directors who are terminated for cause, severance pay, I actually think, over time, this will save taxpayer money.

Fritz: I have an additional concern that, for the small bureaus. If there was a six-month severance for one of my bureaus that has four people, I would have to leave the director position open for six months because I don't have the capacity to pay that amount of severance pay. There is no provision here to have that money come somewhere else other than the bureau's budget?

Deckard: The money does come from the bureau's budget. I would say, even with small bureaus, our ability to manage the timing of our hires and how long it would take us to do an executive recruitment, your ability or the situation of having a short turnaround is actually quite slim.

Fritz: You wouldn't even be able to appoint an interim director because you wouldn't have the budget in the bureau. You'd be using the director's salary to pay the severance.

Adams: That's one choice.

Fish: I can tell you my experience. A bureau director is recruited to another position at least voluntarily, and someone becomes acting, and they are normally someone in the chain of command who's put up for an interim period of time and placed there, my guess is that, on something like this,

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nothing precludes a commissioner from asking for a supplemental appropriation if it becomes a budget issue.

Deckard: Right, and generally, when we look at how we budget the salary, how we use cola set-aside for your personnel cost in the end, I think if you managed to have a candidate that was right there or that you wanted to do an interim, it would be -- I think the city has the ability to absorb that within how we budget for personnel and how we do cola set-aside in requesting that appropriation at the time in our budget. I think the flexibility is there.

Leonard: I will just tell you in nine years being here, I have been involved in a number of terminations of either directors or at-will employees, and I have never offered a severance package. Ever. So the only circumstance I can envision in the example commissioner Fritz gave is giving a severance package to somebody who there was no cause to fire.

Deckard: Right.

Leonard: Whether this was in existence or not, I wouldn't pay it. And not because of some philosophical reason but, when somebody doesn't live up to the standards that are minimum standards that we expect of at-will employees, I believe that it's my responsibility -- believe me, it's the most unpleasant responsibility I have -- to directly deal with that and replace the employee and, even in circumstances where there were some protections, we have never paid a severance package because we had the basis for which to terminate the employee. So if anybody finds themselves in the circumstance of paying a severance to somebody under this provision, I frankly would be very concerned that we were somehow without justification terminating somebody just because you didn't like how they combed their hair or whether they have a different political registration than you. That would be the only case under which I'd see this provision even being used.

Deckard: And that is the point, even in a small bureau, commissioner Leonard is right, the only time you would pay the severance is if you were removing the person not for cause. If you're removing the person for cause, commissioner, even in a small bureau, you wouldn't run into the problem because there would be no severance if you were removing the person for cause. If you're removing the person for a reason other than that, you may be in the situation you just proposed.

Saltzman: So under this ordinance -- we'll say a new director is terminated without cause. How is it determined, the severance period of six months, seven months, eight months, up to 12 months? Who decides that?

Kanwit: That would be negotiated as part of the initial employment agreement where the commissioner in charge would make that decision whether they want to go four or six months up to a year of salary based on -- I'm sure there would be negotiation between the commissioner and the potential hire, in terms of that amount.

Saltzman: That would be negotiated before the person actually, that would be part of the contract.

Deckard: That would be part of the contract. So if you were hiring me, commissioner, you would sit down, and I would negotiate my salary. I would negotiate my vacation. At that time, I would also negotiate what the severance would be, and you would be working with the h.r. Director to determine whether or not that's a reasonable amount in our criteria of getting there and why -- if it would be six months, or a year, or nine months. But that would be done on the front end. And so, if you chose to remove the person for a reason other than cause, then you know already what the severance pay-out would be.

Saltzman: But isn't that always going to end up being one year then under this scenario?

Deckard: No, not necessarily.

Saltzman: If I'm a potential new hire for a bureau director, I'm going to say, yeah, I want the year, and the commissioner in charge obviously wants me there, so it's going to be a year, isn't it?

Deckard: Well, not necessarily.

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Fish: I can tell you, having gone through this recently, people are free to pitch, but we don't have to hit. In any negotiation, someone is free to propose all kinds of things. There's practices, I understand, in the city where people get additional management leave, additional vacations. Each of us gets to set the standard that we're going to use and be clear with people and enforce it.

Saltzman: My point is, if you've got somebody you really want to hire, the difference between six months and a year to that Commissioner-in-charge is really inconsequential versus I want this person here, so therefore --

Deckard: You would have the option of saying, hey, I really want Yvonne, and I want it to be a year. And, or I really want Anna, I'll use her, and I really want it to be a year. You're going to be sitting down, and you're going to be discussing that with the h.r. Director, and I'm going to be looking at this and determining whether or not that's the right amount given what it is that we're trying to do. I may be advising you that, in that particular circumstance, that - that is not what we need to do. It's a negotiation like any negotiations. I don't necessarily -- when we went through the park director recruitment, certainly our candidates negotiated for a salary that, in the end, we came in lower at. I'm doing that with the commissioner. It's not always, it's seldom at the top of the range or the top of whatever we're negotiating is my experience.

Saltzman: So who has, do you have ultimate approval of the unemployment contract? In terms of compliance with this ordinance.

Deckard: Well, you are the one that would be entering into the contract and, in the end, you will be the one that is signing the contract. You are doing that with the advice of my office.

Saltzman: But again, my earlier questions about the contracts, should have two blanks then, the severance period, the salary, and maybe vacation time. Three blanks. If a contract gets negotiated that has more than three blanks on it, who calls us to carpet on that to stay consistent with this ordinance?

Kanwit: The intent of the ordinance is that the bureau of human resources provides a model contract, and that's the contract that should be used that only has those three banks in it. It does not envision with a commissioner in charge could negotiate something different than that.

Saltzman: What if it does?

Deckard: Under the ordinance you don't have the authority to negotiate anything different from that, without us having to come back and change the ordinance. Right now there are administrative rules, commissioner. You could not just appoint someone at top of range. Once you get above the mid range, it takes the approval of the h.r. Director. There are stop gaps, checks and balances.

Saltzman: I understand that part. What about any miscellaneous provision that somehow comes up in a negotiation -- that is decided to be put into the employment contract?

Fish: Let's be clear, Dan. It currently could be done without any oversight by council. It's talking about the current practice that has gone on during your entire tenure. If someone tries to do that -- we're trying to actually curb some of the inconsistencies that have occurred over a period of time when people could do basically what they wanted and create a standard. I think the answer is h.r. Sits down and negotiates it. If you have a thought for how we can put an additional level of protection to make sure that each of us who supports this honors the ordinance that we're supporting, we're open to that. I don't think the problem is preventing us from following what we're doing. This is new territory. And actually establishing consistent across the board rules.

Saltzman: Maybe an amendment that spells out exactly what we're discussing.

Deckard: I think the other thing, commissioner is, that the city attorney's office is also signing this to form. And so if you're actually putting something in the contract that deviates from the ordinance and the actual contract that we're providing with those three blanks, then when the city attorney's office -- if it's not meeting that form, then the city attorney is not signing to form.

Saltzman: So could we put something like that in this ordinance now that we're having this second reading? That just spells out there's no other parameters other than the three we've talked that are

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eligible to be included in this contract? I mean, you can think about it for a week. I guess you need to do it now, because this is the first reading.

Deckard: I don't really -- I get what your hypothetical is. I don't see how that can happen. We're going to provide you with a contract. We're going to review it with the potential employee that you're trying to hire, and then the city attorney is signing to form. I would say, if you want to have another check and balance there to state your director is negotiating this with you, then we could add to the contract that it takes the signature of the commissioner in charge and the h.r. Director, and therefore you get that consistency, because that is --

Saltzman: I move that amendment.

Fish: I think that's a friendly amendment.

Deckard: O.K. We will add that, the approval to be the commissioner in charge and the hr director. And then that way - -

Adams: You need to do that today, though.

Saltzman: Yea. I just moved it.

Adams: It's a little more than a friendly motion, I would say.

Saltzman: I moved it.

Adams: So moved and seconded, and the motion is that it requires the sign-off of both the commissioner in charge and the h.r. Director.

Deckard: H.R. Director, yes.

Adams: Any additional discussion? Karla please call the vote on the motion.

Leonard: Aye.

Fritz: This entire package, I think, is well-intended, but I can't support it, so i'm going to vote no on the amendment.

Fish: Aye.

Saltzman: Well, as the person who authored the 2000 charter amendment to make bureau directors at will, i've struggled with this issue of the employment contract, but I do believe it is something that's a part of -- it is a dynamic that -- and it's been a while since I recruited a new bureau director, but I think it is a dynamic that it's time for the city to address to be able to attract the best and the brightest. I think, this is, it's been through a lot of discussion amongst us and you and I think with the three parameters of simply salary, vacation time, and the duration of severance, and nothing else negotiable, no other amendments -- I do believe this is a fair way to move forward. But I think this amendment that we're just adding that guarantees that the scope of the contract only addresses what's in the ordinance. It's even a better safeguard, so i'm pleased to vote aye.

Adams: Aye. Further discussion? All right. Anybody wish to testify on this matter? It moves to a second reading next week. Please read the title and call the vote, second reading, item number 1117.

Item 1117.

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

Adams: Aye. So approved. We are adjourned for the week.

At 11:20 a.m., Council adjourned.