



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS **28TH DAY OF JULY, 2010** AT 9:30 A.M.

THOSE PRESENT WERE: Commissioner Fish, Presiding; Mayor Adams and Commissioners Fritz and Leonard, 4.

Mayor Adams teleconferenced from 9:35 a.m. to 12:15 p.m.

At 10:54 a.m., Council recessed.

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

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; and Ron Willis, Sergeant at Arms.

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

COMMUNICATIONS	Disposition:
1077 Request of Charles E. Long to address Council regarding our quest for racial harmony (Communication)	PLACED ON FILE
1078 Request of Bob Shannon to address Council regarding taxes, traffic and parking fees, Light Rail and Trolley (Communication)	PLACED ON FILE
1079 Request of Edward Gutierrez to address Council regarding Diversity and Civic Leadership Academy (Communication)	PLACED ON FILE
1080 Request of Marta Carrillo to address Council regarding Diversity and Civic Leadership Academy (Communication)	PLACED ON FILE
1081 Request of Teresa Lopez to address Council regarding Diversity and Civic Leadership Academy (Communication)	PLACED ON FILE
TIMES CERTAIN	

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<p>S-1082 TIME CERTAIN: 9:30 AM – Declare intent to initiate local improvement district formation proceedings to construct street and stormwater improvements south of Whitaker Way in the NE 136th Ave Phase I Local Improvement District (Resolution introduced by Mayor Adams; C-10036) 15 minutes requested</p> <p>Motion to accept the Substitute Resolution: Moved by Commissioner Leonard and seconded by Commissioner Fritz. (Y-4)</p> <p>Motion to accept the Resolution: Moved by Commissioner Fritz and seconded by Commissioner Leonard.</p> <p>(Y-4)</p>	<p>SUBSTITUTE 36803</p>
<p>1083 TIME CERTAIN: 9:45 AM – Accept proposed improvements to Public Works Development Review and Permitting Services (Report introduced by Mayor Adams and Commissioners Leonard and Saltzman) 40 minutes requested</p> <p>Motion to accept report: Moved by Commissioner Leonard and seconded by Commissioner Fritz.</p> <p>(Y-4)</p>	<p>ACCEPTED</p>
<p>*1084 TIME CERTAIN: 10:30 AM – Approve funding recommendations for challenge grants in after-school, early childhood and child abuse prevention and intervention programs made by Children’s levy Allocation Committee (Ordinance introduced by Commissioner Saltzman) 10 minutes requested</p>	<p>RESCHEDULED DATE TO BE DETERMINED</p>
<p>1085 TIME CERTAIN: 11:00 AM – Promote use of reusable bags: prohibit the provision of single-use plastic or non-recycled paper carryout bags at specified stores, require regulated stores to charge a minimum of 5 cents per bag for recycled paper or compostable plastic bags, and provide reusable bags, at no cost, to seniors and low-income residents (Resolution introduced by Mayor Adams) 1 hour requested</p> <p>(Y-4)</p>	<p>36804</p>
<p>CONSENT AGENDA – NO DISCUSSION</p> <p>Mayor Sam Adams</p> <p>1086 Reappoint Dan Anderson, Debbie Menashe, Richard Larson and Anyeley Hallova to the Adjustment Committee for terms to expire June 30, 2014 (Report)</p> <p>(Y-4)</p>	
<p>Bureau of Planning & Sustainability</p> <p>1087 Authorize an Intergovernmental Agreement with the State of Oregon to receive business data related to City business recycling regulations (Ordinance)</p>	<p>PASSED TO SECOND READING AUGUST 4, 2010 AT 9:30 AM</p>
<p>Bureau of Transportation</p>	

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<p>*1088 Authorize an Intergovernmental Agreement with Multnomah County and accept a grant in the amount of \$175,000 for Communities Putting Prevention to Work (Ordinance) (Y-4)</p>	<p>184019</p>
<p>*1089 Grant revocable permit to Good Sport Promotion to close NW Davis St between NW Park Ave and NW 8th Ave from 12:00 p.m. until 9:00 p.m. on August 13, 2010 (Ordinance) (Y-4)</p>	<p>184020</p>
<p>*1090 Grant revocable permit to Blitz Ladd to close SE 10th Ave between SE Grant St and SE Sherman St from 6:00 p.m. on August 20, 2010 until 6:00 p.m. on August 22, 2010 (Ordinance) (Y-4)</p>	<p>184021</p>
<p>1091 Grant revocable permit to Widmer Brothers Brewing Co. to close both N Knott St and N Russell St between N Mississippi Ave and N Interstate Ave from 6:00 a.m. on September 11, 2010 until 10:00 a.m. on September 12, 2010 (Ordinance)</p>	<p>PASSED TO SECOND READING AUGUST 4, 2010 AT 9:30 AM</p>
<p>Office of Management and Finance – Internal Business Services</p>	
<p>*1092 Authorize an Intergovernmental Agreement with the Port of Portland for the Regional Small Business Mentoring Program (Ordinance) (Y-4)</p>	<p>184022</p>
<p>*1093 Authorize an Intergovernmental Agreement with the Housing Authority of Portland for the City Workforce Training and Hiring program (Ordinance) (Y-4)</p>	<p>184023</p>
<p>Commissioner Dan Saltzman Position No. 3</p> <p>Bureau of Environmental Services</p>	
<p>1094 Authorize a contract with the lowest responsible bidder for the UIC Remediation Project Phase 2 Project No. E09180 (Second Reading Agenda 1059) (Y-4)</p>	<p>184024</p>
<p>Commissioner Nick Fish Position No. 2</p> <p>Portland Housing Bureau</p>	
<p>*1095 Amend subrecipient contract with Housing Authority of Portland to add \$579,397 to provide additional short-term rent assistance for homelessness prevention and rapid rehousing (Ordinance; amend Contract No. 32000138) (Y-4)</p>	<p>184025</p>

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<p>*1096 Authorize subrecipient contract with Portland Development Commission totaling \$5,044,954 for the coordination of Economic Opportunity Initiative Programs and provide for payment (Ordinance; Contract No. 32000393)</p> <p>(Y-4)</p>	<p>184026</p>
<p>REGULAR AGENDA</p>	
<p>Mayor Sam Adams</p>	
<p>Office of Management and Finance – Human Resources</p>	
<p>*1097 Ratify a Letter of Agreement with Portland Police Association to supplement Collective Bargaining Agreement by specifying the terms upon which unit members will be returned to work following extended medical layoff (Ordinance)</p> <p>(Y-4)</p>	<p>184027</p>
<p>Office of Management and Finance – Internal Business Services</p>	
<p>*1098 Pay claim of James Chasse Estate (Ordinance) 15 minutes requested</p> <p>(Y-4)</p>	<p>184028</p>
<p>FOUR-FIFTHS AGENDA</p>	
<p>Mayor Sam Adams</p>	
<p>Bureau of Police</p>	
<p>*1098-1 Authorize an Intergovernmental Agreement with TriMet to provide Transit Police services (Previous Agenda 1053)</p>	<p>CONTINUED TO AUGUST 4, 2010 AT 9:30 AM</p>

At 12:15 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS **28TH DAY OF JULY, 2010** AT 6:00 P.M.

THOSE PRESENT WERE: Commissioner Fish, Presiding; Mayor Adams and
Commissioners Fritz, 3.

Mayor Adams teleconferenced.

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

1099 TIME CERTAIN: 6:00 PM – Accept the Report to the City of Portland
Concerning the In-custody Death of James Chasse (Report introduced by
Auditor Griffin-Valade) 1 hour requested

Motion to accept the report: Moved by Mayor Adams and seconded by
Commissioner Fritz.

(Y-3)

ACCEPTED

At 7:55 p.m., Council recessed.

July 29, 2010
 A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
 OREGON WAS HELD THIS 29TH DAY OF JULY, 2010 AT 6:00 P.M.

THOSE PRESENT WERE: Mayor Adams, Presiding; Commissioners Fish, Fritz and Saltzman, 4.

At 7:35 p.m., Council recessed.
 At 7:41 p.m., Council reconvened.

At 8:45 p.m., Council recessed.
 At 8:50 p.m., Council reconvened.

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

<p>1100 TIME CERTAIN: 6:00 PM – Accept the West Hayden Island Community Working Group – Report to Portland City Council, dated July 29, 2010 (Report introduced by Mayor Adams) 3 hours requested for items 1100 and 1101</p> <p>Motion to accept the report: Moved by Commissioner Fritz and seconded by Mayor Adams.</p> <p>(Y-4)</p>	<p>ACCEPTED</p>
<p>1101 Direct the Bureau of Planning and Sustainability to develop a legislative proposal for annexation of West Hayden Island to the City with the intent to protect at least 500 acres as open space and identify no more than 300 acres for future marine terminal development (Resolution introduced by Mayor Adams)</p> <p>Motion to accept amendments submitted by Commissioners Fritz and Fish: Moved by Commissioner Fish and seconded by Commissioner Fritz. (Y-4)</p> <p>Motion to insert the word “deep water” before the words “marine terminal” throughout the resolution: Moved by Commissioner Saltzman and seconded by Mayor Adams. (Y-4)</p> <p>(Y-4)</p>	<p>36805 AS AMENDED</p>
<p>Background documents for West Hayden Island items:</p> <ol style="list-style-type: none"> 1. Integrated Summary of WHI Environmental and Economic Foundation Studies 2. West Hayden Island Economic Foundation Study 3. WHI Environmental Foundation Study 4. Recreation Participation, Development Potential, and Current Value On and Around West Hayden Island 	

At 10:00 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
 Auditor of the City of Portland

By Karla Moore-Love
 Clerk of the Council

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

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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.

JULY 28, 2010 9:30 AM

Fish: Those of you new to council, i'm not sam Adams or dan Saltzman, but because the mayor is home sick and participating by telephone and because Dan Saltzman is absent today, it reverts back to me -- god help this institution, sheila. I know, I beat you to the punch. We do have -- first, I want to welcome everyone to today's council's meeting. We have a very full agenda and also have special guests. But before I turn it over to commissioner Fritz, we have a little housekeeping to do and that's to establish a quorum. I understand the mayor is on the phone. First, council, please remind us what the protocol is.

Ben Walters, Chief Deputy City Attorney: Could we confirm that the mayor is indeed on the phone? Mayor, are you present?

Adams: I am present.

Walters: Pursuant to Portland city 3.02.05, a member of the council may participate by telephone as long as it's in a forum where the public can hear the participation and there's a need for the participation in order to conduct business and there are a number of emergency items on the agenda that need to be processed today, requiring a vote of four. Which would constitute a reasonable basis for him participating by phone. I understand the mayor is also sick and does not want to run the risk of infecting the others on the council.

Fish: Mayor Adams, we wish you well. Commissioner Leonard has just arrived so we have a current quorum of the council. Is there any objection to the mayor participating by telephone? Hearing none. We now have a quorum. And i'd like to begin the proceedings by acknowledging my colleague, commissioner Fritz.

Fritz: Thank you, commissioner Fish. Good morning, and welcome interfaith peace walkers to Portland, Oregon. City council colleagues and others are gathered. These monks from japan practice the philosophy at living change by making peace. Their peace walk began at the hanford nuclear and ends august 9th outside of the west coast base of the u.s. Navy's nuclear submarine fleet and arrived in our city last night. Portlanders are welcomed to join them as they cross the river as they head to the temple off hawthorne. Thank you for including the city council in your peace walk.

Fish: Thank you, commissioner Fritz. Mayor Adams, I understand that it was your attention to issue a proclamation for green power challenge kickoff today.

Adams: That's right. [inaudible]

Fish: We -- Karla, can we turn up the volume a little bit? Is there anyone we should bring forward before you read it?

Adams: [inaudible]

Fish: So we have friends from Portland power, Portland general electric. From advocacy, so if you three of our honored guests would come forward. The mayor will read the proclamation and we'll ask you to introduce yourselves and give you a moment to put some official testimony on the record. Mayor Adams.

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Adams: Thank you, commissioner. Whereas, the city of Portland is committed to sustainability throughout the community and [inaudible] and accepts responsibility for a stable, diverse and protect the quality of the air, water and natural resources, and whereas, producing electricity from clean energy sources like wind, geothermal and biomass is a key strategy, and affording both job creation and reducing carbon emission [inaudible] climate change and whereas, the city was an early participant in the green power program, for Portland general electric and pacific power, currently produces about [inaudible] including solar, wind power, micro hydro and biomass and residents and small business owners in the city of Portland have a ability to make a difference in the quality of the environment by selecting green power options that reduce air pollution and whereas, Portland citizens and businesses are leaders supporting renewable energy with more than 40,000 customers [inaudible] and volunteer to participate in green power option. And whereas, with Oregon's largest utilities and [inaudible] of renewable green power from august 1st [inaudible] and whereas, the city of Portland is environmental protection agency and the first city to be awarded a partner of the year designation. And whereas, this will be the largest green power challenge in the united states.

Adams: Now, therefore, sam Adams, the mayor of the city of roses, declares august 1st, 2010, the green power challenge kickoff. All of our citizens to sign up for green power.

Fish: Thank you, very much. Mayor. We have three distinguished guests with us. I will introduce all three and then ask -- recognize Carol Dillion first. Vice president, customer and economic development, Portland general electric. Sheila holden, northwest regional community manager for pacific power, and jeff bisenet. Citizens utility board of Oregon.

Fish: And carol, why don't you tee us off?

Carol Dillion, Vice president, customer and economic development, Portland general electric:

Thank you. Good morning, i'm pleased to be here on behalf of pge to help to start a challenge in the city of Portland. Here to join in chemical rating the city's and nation's most ambitious green power challenge. We urge residents and businesses to sign up for renewable power. Pge and pacific power customers already are tops in usage of more environmental sustainable renewable power. And pge is number one in the nation in the number of renewable power residential customers and while we supported many other group power challenges before, this one is unique. As the mayor said, this will be the largest green power challenge undertaken ever. We're to join up 1,000 businesses and residents between august 1st and september 30th this year. Additionally, this is our first joint green power challenge with pge and pacific power working hand in hand to achieve the goal. In october, Portland is going to host the annual renewable energy conference and we'd like to take that opportunity to show Portland's commitment by announcing the results at this national conference. No city has undertaken such a large goal. Buff we believe the city and residents are up to the task. It's a city recognized in sustainability, a city that's shown its commitment to renewable purchasing and your clean energy works program to make homes and businesses more energy efficient and aimed at dramatically reusing carbon emissions through renewable energy. And mayor Adams, you're u you've worked tirelessly to make sure that Portland is the hub of electric vehicles. Pge is working hard to promote electric vehicles, participating in a project that will add thousands of charging stations to the streets. This is a few of the ways, and this challenge is designed to further enhance Portland's reputation as an environmental leader and we're proud to join with you and pacific power in what we believe will be the most successful renewable power challenge ever.

Fish: Thank you sheila, welcome.

Sheila Holden, Northwest Regional Community Manager for Pacific Power: Thank you. Thank you, mayor Adams and I hope you're feeling better soon. And thank you, for to increase

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customer participation in renewable energy. Through this green power challenge proclamation and today's kickoff. Pacific power's Portland customers have already shown strong support for renewable energy. About 16% of our Portland area customers are already part of blue sky. Pacific has nearly 71,000 customers participating and trade off almost annually with pge as number one in the nation. Last year, our Portland area blue sky customers alone avoided nearly 75,000-tons of carbon emissions equivalent of not driving nearly 152 million-miles. With the challenge, we hope to improve on these already fantastic numbers. Blue sky promotes renewable energy in many way, including funding local projects and grants have helped fund solar installation at harvey scott. Roseway heights and pioneer schools and not only do these installations help the schools with the power bills but help teach the next generation about renewable energy. Last october, mayor Adams received an award as the go green conference's green giant award for greening the Portland streetcar and becoming a blue sky visionary partner. This october, pacific power and pge working with the city of Portland's residents and businesses, hope to announce with the mayor the successful completion of our green power challenge. We'll do this at the renewable energy markets conference and hope that at that time, we'll be able to officially announce that Portland is not only the number one, but also the greenest green power community in america. It is an ambitious but with all of our green-minded citizens and businesses participating, we can meet our green power challenge goal of 1,000 new sign-ups by october. And we hope to at that time, be able to have all of you join in that celebration. I want to thank the pacific power blue sky and the pge green power teams working with your city staff to put together this challenge kickoff today. We thank them all in advance for their roles they will play in getting the challenge out into the summer events, neighborhood newsletters, business meetings, door-to-door, knocks and west side and social media. We recognize the importance of the partnership that will happen between the utilities, pacific power and pge and the city and the bureau of planning and sustainability will play with the blue sky and green power teams. Thank you, mayor Adams, and again, city council members for challenging with us all Portland citizens and businesses to encourage their neighbors and peers to help clean our air and fund local renewable technology by signing up for pacific power's blue sky and pge's green power programs. 100 new sign-ups make Portland officially america's number one and greenest green power community.

Fish: Thank you very much, sheila. Jeff, isn't it? Welcome.

Jeff Bisonnett, Citizens utility board of Oregon: Thank you, good morning mr. Mayor and city commissioners. I'm jeff, representing the citizen -- representing the realize ratepayers in the state of Oregon. Normally weed be up here arguing about something but today we're unified on the benefits of the green power options. They've been in existence for a while and came about because there were folks that wanted to introduce choice and through deregulation. We always said choice is fine but let's do that within the regulatory structure and present choices to the customers and let them make the choice and make sure they stay regulated and that's what happened. Back in 2002, these choices became available to residential commerce throughout the state of Oregon and Oregonian responded. And really put these programs on the map. And the program has grown substantially since then. What people are doing is making an eight or \$10 a month commitment to green energy and making a difference and that's something that everybody can do and people have a chance to drop off within a month's notice but even in these difficult economic times the people that are participating continue to participate and that underscores the depth of commitment that people have. And so we hope to be getting the folks that are, you know, not the early adopters and not the -- the, you know, greenest of folks out there, but really the message is that everybody can do this and everybody can take a part in making a greener more renewable energy future for all of us. Two quick things. One is that there's a benefit to utilities in this. Even if people aren't

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participating, they have a higher opinion of the utilities for even offering the program and that's something that's beneficial in and of itself and even more beneficial if people participate and second, I want to underscore something that I think miss holden said in terms this is a very grassroots approach of signing people up. You will see representatives of green mountain and three degrees, the two companies that work in conjunction with the utilities to actually get out and talk to people about these programs. And you'll see them at community fairs and see them out in front of a store on any given day and see them at your front door. They're very knowledgeable and very good. And the growth of the program really belongs to, you know, folks that believe in these programs and they are good programs and programs that cub is very glad to endorse because we know they're overseen by the utilities and overseen by citizen committee that's appointed by the puc to good through the day in and day out stuff. So customers can be assured that these are good programs that do make a difference. So thank you for supporting them. And we add our endorsement to this kickoff.

Fish: Mayor, would you like the final word? Mayor?

Adams: Sorry, I hit the mute button. Portlanders need to understand that we're very lucky to have two of the greenest -- the two greenest [inaudible] partners in the nation. So just my thanks to them and their team. Thank you.

Fish: And I have a proclamation. You can share it with your colleagues.

Bisonnett: Thank you very much.

Fish: Ok. That brings us to council communications.

Moore-Love: Roll call.

Fish: Thank you, Karla. [roll call]

Adams: Here.

Fish: That takes us to council communications. Karla, please read council -- communications item number 1077.

Item 1077.

Fish: Mr. Long, welcome back to the city council. And if you could just state your name and you have three minutes.

Charles E. Long: My name is Charles Long. Jim Crow is a name of an old minstrel song. Today it connotes discrimination against blacks. Although in the days of Martin Luther King are gone, a new subtle insidious discrimination remains. Michelle Alexander has expounded this in her new book, "The Color Line." The Multnomah County Library purchased 23 copies and there are 100 requested reservations to read it. Discrimination is still here and across the nation. And people are aware of it. The issue of racial and ethnic diversity has multiplied locally since I grew up when 100% of students and faculty were European Americans and in today's Portland public schools only 5% are racial or ethnic minorities, it's a potential, time bomb. The police bureau, the schools and civic affairs. The ministerial alliance has long charged police with discrimination. Ask exalts and killings are prime evidence. Short shrift given schools in less affluent and minority areas, Marshall, Roosevelt and especially Jefferson High, strongly suggest that subtle discrimination by a white upper class school board and if blacks do poorly in schools, because it's because they're living up to the expectations of their teachers. Lavish resources are given to Grant and Lincoln High while Jefferson has suffered from 30 years of neglect and the City Club of Portland has filtered out the poor, the blacks and the homeless. Putting their annual membership cost out of reach to all but the white elite who gather weekly at the Governor Hotel. Racial and ethnic harmony locally, our city government could take steps to help build bridges to interracial and ethnic communication and remove the barriers built up over the years by races and ethnic groups that have focused inwardly

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instead of on the community as a whole. This action requires exploration and implementation beginning at the city hall. Thank you.

Fish: Thank you, mr. Long. Karla, please read council communication 1078.

Item 1078.

Fish: Good morning, mr. Shannon. Welcome to city council. You have three minutes. State your name.

Bob Shannon: All right. To start with, I don't live in Portland. I live in clackamas county, but I see all of these fees increasing, friends of mine live in Portland. This no-parking fee that -- the parking fees on sunday is ridiculous. Parking fees are high in the city, traffic impact fees for businesses, too high. Shouldn't even have it. Rental fees on cars and trucks, 17%. That's out of reason. The fee on -- let's see here. The water and sewer rates should be reduced and shouldn't increase them. I mean the city has got it start living within their means. That's all there is to it. We have the same problem out there. Property owners are having a tough time. Bike paths are taking federal money that should be used for streets and roads.

Shannon: Unreasonable. The store owners need to keep paint locked up and signed for and most are people -- people are ok. To pick up a can of paint, I think that's unreasonable. If they have to spend the time to lock the paint up and then have an employee come around and sign for the thing, I think that's ridiculous. As far as -- I think all of these city, state -- let's see, city, county, state and federal people, I think it's about time you guys take a 10% cut. I did back in the '70s and '80s. I worked for a truck line to keep them afloat and I don't see the federal people taking any pay cuts. We're in a really bad time. I think this country is just about ready to go under. Borrowed up to -- they're not able to pay it back. That's for sure. As far as the trolleys and light rail, it's a waste of money. This thing from downtown Portland to -- let's see, union avenue and back around. \$130 million. Tie up that Broadway bridge until september sometime and the businesses are hurting there. I don't see how anyone can handle a business here in Portland with all of the fees and taxes. There's one guy I know, he had a business on Belmont, and I come to hearing -- this is a long time ago -- and he wanted to move from just across the street to another building, bigger, and they wanted to charge him \$16,000 traffic impact fees. Can you beat that? This is completely ridiculous. Gresham out there, they don't have that impact fees and they're -- and they're encouraging businesses to move out there. As long as the city of Portland keeps all of these fees and permits and nonsense, there's -- the city's not going to go. But the downtown, it's ridiculous. As far as I'm concerned. But I think you people ought to think about this. You know. Have you got anything to say?

Leonard: I have one thing to say. I suspect this isn't going to make you happier. But union avenue is now known as Martin Luther King Jr.

Shannon: What's that?

Leonard: Union avenue has been known as Martin Luther King Boulevard for about 20 years.

Shannon: I came to Portland in 1952, it was Union Avenue and I don't care what anyone says, it's still Union. Changing the street names is ridiculous.

Leonard: It's probably lucky you live in Clackamas County.

Shannon: I definitely am. I lived in Portland for a lot of years, but we haven't got it so good out there. We got annexed into Damascus and my taxes went up \$700. Not happy about that.

Fish: Thank you for coming and sharing your point of view.

Shannon: All right.

Fish: Karla, read council communication item 1079.

Item 1079.

Fish: Welcome, mr. Gutierrez. If you could state your full name and you have three minutes.

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Edward Gutierrez: Good morning, mayor and commissioners. My name is Edward Gutierrez and I'm here to tell you about the diversity and civic leadership academy. DCL for short. It's a program of Latino Network, a non-profit based in North Portland. Before I begin, I would like to begin a hypothetical scenario. Imagine you're unemployed and in dire economic straits.

Gutierrez: Although you're experienced and there are many available positions in your field of labor, you're told you're not qualified for employment because you do not have the preferred education level for the position you seek. At this point, even if you desire returning to school to improve your education and thus better compete for employment, doing so is extremely difficult because your family depends on you financially and what little money you make, that could go to textbooks and paying tuition, must be used to cover the basics -- food, clothing and shelter.

Council members, I present this scenario to you because the image it presents, one of necessity and the desire to persevere play out every day and countless times before us in DCL graduates. There's a group of us in the room. We empathize with families we encounter and do our best to provide resources that can help. However, empathy aside, many times, I and others harbor a certain indignation and frustration at the difficulties our neighbors face. This stems from the fact that we as DCL grads are aware of the opportunities available to Portland metro residents, opportunities in the areas of affordable housing, education, career development or small business entrepreneurship.

But the reality is and the frustration mounts because in a majority of cases, just like the scenario of the unemployed workers, communities of color and you do not meet all of the criteria necessary to qualify. In other words, we meet some of the criterion, but in the end, don't get the job. And as anyone can tell you, that's a devastating feeling. Devastating because in the end, getting the job, getting the scholarship, the grant, or the contract, is the only thing that can truly alleviate the suffering in our community. This frustration dear council members is what brings me before you today. As a recent DCL graduate. Without the leadership academy, my frustration would be that and could lead to decisions. Instead I've got an outlet meant to harness my frustration and DCL has done successfully for me and many inspiring leaders. And I ask you to keep in mind the struggles we will face and remember the responses we give to the people in need, the responses that can truly make a difference will be influenced by your decision making.

Fish: Thank you, Mr. Gutierrez. Karla, please read council communication 1080, please.

Item 1080.

Fish: Welcome to city council. State your name and you have three minutes.

Marta Carrillo: Good morning, mayor and commissioners. My name is Marta Carrillo. I was a participant and graduate of the Portland Latino Network Diverse and Civic Leadership Academy this past spring. Thank you for an opportunity to, it strengthened my leadership perspective and helped to develop skills that will be applicable now and in the future. I want to tell you although we were very fortunate to receive a wealth of knowledge from several exercises, and had some of the best teachers from the Portland offices, during our weekend retreat. One thing stood out. The head, the heart and feet. Each section represents the way we process information. Incidents and difficulties.

The head represents the factual information, the analytical part. The heart is the emotion, such as happiness, sadness, anger, defensiveness and the like. The emotions are our reactions to the fact. The feet is how we react to the information process and the cause of our emotions. Part of this assignment was to have personal communications with an individual of our group, someone outside of our network of friends. I met a young man who was -- who has a magnetic personality and shared experiences and made some intellectual comments and perceived to have every manner of personality, you couldn't help but gravitate toward him. This young man, articulated an unfavorable event that took place on the MAX train. As the story unfolded, sharing important information, I noticed his physical reaction and emotional acceptance of the situation. Anger,

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shock and surprise. This -- just about every trigger imaginable. Physically, and emotionally attacked by an individual. At that precise moment, he realized his actions caused him additional distress in his life. I sat continuing to listen. His thought process and decisions. What I learned from this young man, he was very regretful of his reactions and proved he made a choice, one of two paths. A wrong path, which could have led to a life of violence and become another statistic in the prison system or self-destruction. The right path and his final decision chosen was it make an impact on society by contributing to society and being involved with office of neighborhood involvement and apply -- and be accepted into the civic leadership academy. He chose to contribute to society by enrolling and completing higher education and become a leader in our community and become a role model for his sibling. It's because of leadership programs like dcl that will develop our future leaders and make an impact in second's life. It made an impact on this young man's life and myself and because it's an available program to our community of we're able to rise from poverty and tribulations that we face every single day. Thank you very much.

Fish: Thank you very much for joining us this morning. Karla, please read council communication 1081.

Item 1081.

Fish: Miss López, welcome. The city council, all we need is your name and you have three minutes. **Teresa Lopez:** I'm teresa lópez. Good morning, mayor Adams, commissioner Fish, commissioner Fritz, commissioner Leonard. My name is teresa lópez, a student at Portland state university and a graduate from the diversity and civic leadership academy. I'm here this morning to thank you for providing the opportunity for the diversity civic leaders program to succeed. I heard of the program through a student group at psu and immediately felt it would be a great way, not only to learn more about my latino heritage, but learn more about the issues that latino-americans face in Portland. What I gained from the program was learning more about local issues, but just as importantly, I gained a greater insight into the legal aspects of how our federal and regional systems can progress and improve, especially regarding immigration reform. And I developed a greater interest in social justice with transparency and reform for u.s. Immigration standards under the u.s. Department of state, u.s. Department of homeland security and the immigration customs enforcement. I'm strongly considering writing a thesis based on two main reform suggestions concerning transparency within the department and fourth amendment considerations regarding ice, rate practices and arresting procedures where agents are not required to order warrants. I'm working toward incorporating a non-profit organization here in Portland, dedicated to the establishment of recreation and resource centers in global communities. Informally, the organization's first client is an orphanage in el salvador. The networks and programs have inspired me to coordinate collaborative events with diverse groups and foreign governments. Starting at the local level is the biggest step for creating a solid foundation and expanding internationally. That's what the dsl program has done for me. Again, I wish to thank you for your support and your time.

Fish: Miss López, thank you for joining us. Did you have a major?

Lopez: Political science and communication.

Fish: Thank you for joining us.

Lopez: Thank you.

Fritz: I'd like to comment. Thank you very much for coming in and taking the time to come back and say thank you for the taxpayer-funded support for the diverse and civic leadership program. Anyone can sign up for three minutes at council and our participants today got the first available slots that the council clerk gave and mr. Long, rightfully called out that we still have a lot of issue of discrimination here in Portland and mr. Shannon questioned the use of taxes and fees and the

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high level of them and the council does make a very sincere and I think meaningful commitment to using taxes and fees for which they were given. So the diversity and civic leadership academy is funded through the office of neighborhood association with property taxes and addresses those need that's Mr. Long and Mr. Shannon talked about in terms of growing new leaders who can address these challenges. I greatly appreciate the time you took to coming back and the staff and each of the leaders at our diverse civic leadership partners that give this opportunity and making us a more diverse community and empowering our diverse community. Thank you very much.

Fish: Thank you all. Ok. We have four time certain this morning. And we're about 40 minutes --

Moore-Love: The consent agenda first?

Fish: The consent agenda? Karla, let's adopt the consent agenda. Anyone want to pull any items from the consent agenda? Ok, Karla, please call the roll.

Leonard: Aye. **Fritz:** Aye. **Moore-Love:** Adams? **Adams:** Aye. **Fish:** Aye.

Fish: Ok. We have four time certain this morning. Karla, please read the first council item 1082.

Item 1082.

Fish: Andrew, good morning, welcome.

Andrew Aebi, Local District Administrator: Good morning. Good morning, Mayor Adams and commissioners. Mayor Adams, wishing you a speedy recovery. I'm Andrew Aebi, Karla, could we flip to the presentation? The resolution before you would local improvement district to construct street and stormwater improvements on n.e. 136th avenue. Located in the Argay neighborhood. It's the last dirt and gravel street there. And this is a local street and freight district and as I'll touch on the area is in the Columbia Well Head area. We petitioned the project to do full street improvements from Whitaker Way to Prescott Court. The scope was 766 center line feet. We wound up with 27.7% petition support. And for a total support of 67.3%. Because the petition support was concentrated at the north end of the project, offering a substitute resolution. It would change the name of the lid from n.e. 13th avenue to n.e. 136th avenue phase I that -- project lines shortened to 400 center line feet and the assessment methodology from square footage to linear footage with little change to the assessment for properties remaining in the lid that would have frontage improvements. The result is that a petitions increases from 27.7% to 50% and you can see the waiver would bring us to 90% total support for the project. Here is a map of the project as petitioned. You can see the boundary around the benefiting properties. If you look at n.e. 136th avenue, the area of improvement is shaded in green. Looking at this map, which is the alternative substitute proposal, the improvements end roughly mid block and only the north part of the street would be improved. Only the north part of the street is shaded in green. This is a map of the well head protection area and it stretches from 82nd avenue on the west to Fair View on the east. The area in pink circling is the boundary of the 136th avenue lid. What the well head protection program does is maintains the quality of the groundwater and drinking water and sets minimum standards for groundwater protection. We'll be following those minimum standard for groundwater protection. The location of the nearest drinking water is 125th and sandy and between sandy and Whitaker. So the project area is roughly midway in between those wells. In terms of the risk posed, transportation of hazardous materials in the public right-of-way especially on unimproved streets is a risk to the wells. The depth of the groundwater in this general area is relatively shallow. Five-20 feet and this project would help reduce the risk in the event of a spill. This is a project I completed several years ago. One block to the west. This is an example of what a street looked like when it's not properly maintained and not brought up to city standards. This is a picture of the same project as we're nearing completion of construction. So, I do have here a couple of things to pass out. Before I turn it over to property owner testimony. I received two letters late last night from tough property owner who is did not tender their petition support for the lid. Recommending

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we drop sidewalks from the project. I do find this problematic. We're -- the bureau of transportation is currently spending \$16 million to build infill sidewalks of which a large proportion of the targeted to east Portland and this neighborhood, of course, is in east Portland. So I'll pass out copies of those two letters. I've not had a chance to respond in detail to the issues raises in the letter.

Aebi: If council approves this resolution, that I could provide a letter to council at the lid hearing addressing the issues -- addressing the issues in the letter. I'm passing out a copy of the deed restriction obligating public storage in participating. And I believe a representative from public storage is here today.

Fish: Andrew, has the substitute been circulated to all of the affected property owners?

Aebi: It has not been circulated to all property owners, but I did notify all property owners of the substitute project scope and it was posted online with the council agenda last friday.

Fish: Are you asking us to adopt -- to move the substitute resolution and take testimony on that?

Aebi: I am. My recommendation respectfully, commissioner Fish, would be to take the property owner testimony and then vote on the substitute after the property owner testimony.

Leonard: [inaudible]

Fish: I'm sorry, commissioner Leonard, I don't think your mike was on.

Leonard: Normally we have testimony on the matter before us and I don't think it would be as good to have a resolution we weren't going to vote on being testified to as opposed to the substitute.

Aebi: I'm sorry.

Leonard: I'm sorry I was turned off, normally we don't have --

Aebi: Okay.

Fish: Do we have a motion to adopt the substitute?

Leonard: I move the substitute resolution and exhibits as proposed by Andrew Aebi in his July 16th memo to the council.

Fish: We have a second. Karla, please call the roll.

Leonard: Aye.

Fritz: This doesn't mean we're actually going to accept that in the end. It means that's what is on the table for discussion.

Leonard: Yes.

Fritz: Aye. **Fish:** Aye. **Adams:** Aye.

Fish: Ok, thank you. The substitute resolution is adopted for purposes of our council discussion. Karla, do we have some folks who have signed up?

Moore-Love: We have one person who signed up. Steve Morasch.

Fish: Welcome to city council. If you're here in a representative capacity, identify who you are representing. You have three minutes.

Steve Morasch: For the record, my name is Steve Morasch with a law firm and here on behalf of public storage and we're one of the property owners that Andrew mentioned and I just gave the council clerk seven copies of the letter I emailed to him last night. Briefly, our client would like the council to consider not forming the lid and the reason is because in these economic times it's going to be increased costs on their business but if the council does decide to form the lid, our client would request the council consider reviewing the -- removing the sidewalk element from the project and a couple reasons for that. One is, they looked at 1981 waiver and our interpretation that waived remonstrance for street improvements but not sidewalk improvements and the second reason our client is concerned is a fairness issue. The way an Idaho lid works is the property owners organize with the city, the city comes in and if they're going to acquire a right-of-way, they

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have to condemn and pay the property owner and then turn around in the end and charge the property owner an assessment for the costs of acquiring the property owner's own right-of-way and that doesn't seem fair to our client and the final issue with the sidewalks is we question whether they're really necessary given this is a freight and industrial area. It's not a realize area or commercial-retail area. The necessity of the sidewalks in this area seems to be less and given that it would require right-of-way acquisition, our client would prefer if an lid moves forward, it be without the walks and we've talked to some of the other property owners, including the ones in support of the lid and they seem to be in agreement with us it would be better to do the project without the sidewalks to limit the costs of the assessments. So that's my testimony. I'm available for any questions. Thank you.

Fish: Questions? Thank you very much, sir.

Morasch: Thank you.

Fish: Andrew, do you want to come back and address those concerns, if you would.

Aebi: Thank you, commissioner. Andrew Aebi, local improvement district administrator. I'll be following up with a memo to council if council adopts the resolution to explore the details in more detail. The copy of -- the waiver of remonstrance does not single out every element. It doesn't enumerate streets and curbs and sidewalks. Sidewalks are simply an element of street improvement. The city of Portland is required under the americans with disabilities to build sidewalks as part of enough facilities we construct. Just as a clarification, one of the property owners who did sign the petition in favor of the project very specifically told me he did want sidewalks constructed because he has customers coming to his business and they're parking and they have to step out into the mud and that doesn't give a good curbside appeal for customers patronizing his business. On another note, yes, this project is in a freight strict. Where you have long -- freight district. Where you would least like to mix pedestrians and vehicles in the same area. In terms of the right-of-way acquisition, we are proposing to acquire five feet of right-of-way. Typically if we run into topographical constraints, we'll pull them in tight. The proposal is for separated. If push come comes to shove, we would probably pull the sidewalks in curb tight. On a final note, I should note that the property owners to large extent are in control of right-of-way costs. I'm working on another lid in the adjacent parkrose neighborhood and got together with the property owners and talked about the acquisition process and folks agreed it would be less expensive for everyone to be collaborative and cooperative and we had a lot of it did he natured and saved money in -- donated. And saved money in going through the negotiations and all of that. Obviously, we can't require anyone to donate the right-of-way but that's an option and the property owners have an opportunity to reduce the cost as we have a collaborative effort on this particular project. So it's, of course, council's discretion to modify the scope of the project and i'll be happy to answer any questions you might have.

Fish: Thank you. Council discussion? Karla, this is a resolution. Do I have a motion to adopt the proposed amended resolution?

Fritz: So moved.

Leonard: Second.

Fish: It's been moved and seconded. Karla, please call the roll.

Leonard: Aye.

Fritz: Well, thank you, andrew, for your excellent work on this and thank you for coming in to note your concerns. As i'm wearing my 20th anniversary of the ada bracelet, I can't support a request to not supply a sidewalk. And i'm envious of this neighborhood, the last of the improved streets. With the modification be a small piece of right-of-way in the argay neighborhood and I

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hope that's getting done. And I do appreciate the modification to remove the property that would find it difficult to move. Aye.

Fish: Aye. **Adams:** Aye.

Fish: The resolution is adopted. Thank you all. Karla, please read time certain 1083.

Item 1083.

Fish: Commissioner Leonard.

Leonard: Thank you. I'm -- i've got the who's who of the building process here. Anybody else? David shaff is here. He's probably out having a latte somewhere. [laughter] thank you all for coming. As council knows, we've been working on the consolidation of permitting services for quite some time and this is one of our updates.

Paul Scarlett, Director, Bureau of Development Services: That's right.

Fish: Welcome paul.

Scarlett: Thank you, paul scarlett, bureau of development services director. Accompanied by sue kiel who is the director of pdot and dean marriott, director of BES. [inaudible] [laughter]

Fish: David, we're grateful when you can make time.

Leonard: Even if it's late. We appreciate it so much. Thank you.

Fish: Welcome.

Scarlett: Timing is everything.

Fish: We apologize for the interruption.

Scarlett: No problem. I'm glad we're jovial because we have for you a report that's really a positive report. It includes improvements to the public works permitting process and reflects a lot of work that's occurred on part of staff and part of the development review advisory committee and stakeholders and user groups and last april, 2009, there were a number of initiatives that were outlined in the public works permitting improvement process. And it's been a year, and a year ago, a year and a half ago, we anticipated, you know, being able to use public works-type projects to have good measures to report back to council now. A year later, however, with the economy and you all can attest to this, projects have been reduced. The type of projects come to us has reduced in scope and size and those that would trigger public works permits have dropped off tremendously. And it's consistent with the economic crisis we're experiencing. However, some of the expectations that were in place then are still in place now. The expectations of the customers who have predictable timelines, fee, processes and ability to have appeal processes are still in place and actually are being implemented and exercised on a daily basis. One of the big part of the -- what was actually decided on, collocation, was to have the different interagency bureaus co-located in one place. The 1900 building. That occurred in december. And there were about 10 staff from bes and pdot, mostly, that were at the 1900 building and in december, about close to 30 new staff and I can tell you and the directors here can attest, it's been very -- it's been a very good move. The ability to work aside each other from the different bureaus as well as in conjunction with staff from bds and provide our customers the assistance and -- of having people in one place and our folks are able to interact and collaborate and dialogue and, of course, focus on problem-solving and solution-oriented solutions. That's been a positive. And I can't be more proud of andy peterson and the interagency team who work on a regular basis and one of the concerns we had, how can we kept informed of progress? And the developer has a good system of reporting and providing feedback and update about the improvement process at the planning and development director's meeting, we work bi-meeting and quarterly and it's a good way to keep us informed and it doesn't dismiss one-on-one briefings, but we have that forum to -- for the teams to provide us update and really give us input as to what the stakeholders are feeling about these measures. And I think I would be remiss, sarah has been a key staff person behind the scenes but very integral in pulling information

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together and assisting the team and us. And sarah will be pursuing other ventures and will be leaving the city shortly. And she's here and andy peterson might say more about her. But we have a very qualified and committed staff who is going to replace her. And that's kim tall. I want to -- kim talent. Taking over for sarah and helping andy and the interagency team. I'm doing the flyover, andy will come up and give more details about the different objectives as part of the public works initiative and there are about six or seven objectives that are either underway, has been developed or yet to be developed. A big part of it is outreach. We have continued to seek input and feedback on how the project is going, the process is going, because we pride ourselves on being collaborative. Not just with each other, but our customers and stakeholders. Without further ado, i'll turn it over to the new director it say words.

Fish: Before you speak, I want to make an announcement to anyone here for time certain 1084, which is the children's levy allocation committee report. Because commissioner Saltzman is not here today, that matter will be set over to a future council. If you're here on the children's levy allocation report, that matter will not be heard today. And the next item after this will be on a resolution to ban the bag. Director keele.

Sue Keil, Director, Bureau of Transportation: Thank you. Transportation director. Paul said most of what needs to be said, and I will say amen to that. The system is working. I think what we're hearing is that the reliability in the process and fees is particularly appreciated. And the inquiry process where someone comes in and talks their way through a -- before they get into a formal permitting kind of process, we did that kind of thing before but we're really organized on it now and those are particularly helpful aspects and the collocation has been good. The bureaus are joined at the hip. We're particularly in the public works permitting process, we have a unique kind of situation where the supervisor is reporting to all of us now that may give them a split personality problem but it seems to be working very well. And I think that's -- you should be happy with the results and not detail that you'll get, you'll see that we really are doing what we said we were going to do.

Fish: Thank you, sue.

Dean Marriott, Director, Bureau of Environmental Services: Dean marriott. I want to thank the staff. Andy has done a terrific job and sue keele and the collaboration has been commendable and I want to thank lana from my staff for picking up the bes issues. The collocation is working. As paul said, we're sort of in the -- we're in the merge lane right now waiting for the economy to come along and there are some positive signs which we're optimistic about and I think we'll be ready. With that, i'll turn it over to david shaff.

David Shaff, Director of the Water Bureau: Thank you. I'm the director of the water bureau and I want to echo what was said. The collocation was something that the bureaus were quite nervous about. We were worried it wasn't going to work. That we were going to have issues continuing to maintain that relationship with the -- with what we call the parent bureau. But I think the service that we've been providing our customers has been improved. The collocation has worked and we still have that connection between the employees at the 1900 building and their parent bureau, bes, pdot, water, over here in the Portland building. And so, i'm very pleased to say that we were reluctant and a little concerned and it turns out to have worked pretty well. And our overall service to the customer has improved.

Fish: Well, it's not lost on this council that it's working because of the four of you have made a commitment to make it work.

Shaff: Thank you.

Fish: Thank you. Paul, what's the next part of our presentation.

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Scarlett: Andy Peterson to give a report, exhibit a, has so much good detail, comprehensive information, I'd like Andy to give some more -- an update on what's been happening.

Andy Peterson, Bureau of Development Services: Good morning, Andy Peterson, Bureau of Development Services. I want to echo comments on the staff that's been working on this. Christine and Curt and Cindy and Riley have all played a big part in this. We've been guided along as we go through this by the staff that's been coordinating our efforts. Keeping us on track. Sarah has been providing that for us, and the beginning of September, she'll move on to another challenge. And we'll miss her guidance but we have staff to help take over. In Kimberly's talent. We have provided a report that identifies the different objectives we've -- working on for the last year and each of those, we have implemented the directive as stated. We have been able to identify places and areas that we can continue to work on over the course of the next year. We have set over some of the data reporting on the public works permitting process simply because we haven't had sufficient projects come through the system. All the way through the system. I think a total of two that have gone to permit at this point out of the 14 that have been submitted for permit. Which doesn't give us a large enough data set to draw from, work on. We'll continue to monitor the programs we're working on. Our goals continue to be consistent with what was identified. The streamlining of the process, collocation of staff so we get coordinated responses from the bureaus and working with our stakeholders and user groups. We've implemented as recently as June, the public works appeals process and have already had two appeals that have gone through that process. That was a successful endeavor. We did find ways to improve on that, even in the first round, so we continue to make shows improvement, shortening the timeline a little bit and making those improvements in that process. We continue to make improvements in timing, transparency and again, the bureau coordination which is a key part of what we're gaining out of this collocation of staff in one spot. For all the customers to be able to access and get consistent information from. Our goals have been at least identified clearly, I think we've been able to establish the processes and how we're going to get there. We need more projects to come in so we can go down the path to monitor and track those and continue to make improvements. Which the team is committed to do over the course of the next year. We, as Paul mentioned, do give quarterly updates to planning and development directors and keep them apprised of what's going on as well as take their input on our changes and challenges we face as we go through this process. In report and summary handed out to you, there's a tasks remaining list. Many of those at the bottom of that list do require some funding for some of the larger elements in this improvement process. Funding for policy and process management type of database that allows us to bring -- and to identify conflicts or policy issues that need to come back to us. Our directors as well as council for examination, improvement, just revisiting as we find consistent challenges in implementing code and policy here at the city where they may be conflicting between two or more bureaus. We do look at some programming for online work that needs to take place for the public works process. Those elements, again, we -- as we work through the processes, we'll be able to identify what -- what programming needs to take place to make it easier and adaptive for our customers to use online services. Both maximizing their efficiency and applying for permits or process online as opposed to coming to the one-stop spot we have now. As well as improving and enhancing the efficiency of staff. With that, I think overall, the programs are working. I'm open to answer specific questions you may have about the report or work we've done. Other than that, I'll let the report kind of speak for itself.

Fish: Council discussion or questions.

Fritz: I have a couple of questions or suggestions. First, thank you, for all of your work. I'm delighted to see how well -- thank you, Commissioner Leonard for your leadership on this. It demonstrates when the council is unanimous and sets direction that the staff is happy to work

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together and make it work. You mentioned about the appeals and the -- I know we're committed to getting decisions made as quickly as possible, I also noted that the drac subcommittee and the user groups get -- feedback, they might like more time to do an appeal. More of a notice to my colleagues, even though that might extend the timeline and not look as good on our end, if it works better for the users and developer, that's something that I would encourage you to consider.

Peterson: I think the time frame you're referring to is the time frame in which they can submit an appeal. And we have considered that and working to increase that time frame already as we go into the next round of appeals.

Fritz: Thanks. So it's just a note to us and the public, that doesn't mean the system isn't working as intended but that we're response i. I appreciate that. The other question or suggestion, we set it up with the \$150 basic review or \$3,000 level which has more staff involved and I notice no \$3,000 reviews have been done. I would encourage you to look at some interim. Somewhere between \$150 and \$3,000. Because I do recognize that the bureaus are currently subsidizing this process and there was a hope there could be some funding to promote that. That, of course, is impossible at this time. So if there is some way to provide some kind of interim review, that would be a good thing.

Peterson: Certainly. Thank you. We have considered that and that's a work if progress as we continue to monitor and improve on the systems we have in place.

Fish: Other council discussion? Commissioner Leonard, this is a report. Do we need to adopt it?

Leonard: Uh-huh.

Fish: Karla, do we have anyone signed up to testify?

Moore-Love: We do. We have linda bauer.

Fish: Thank you both. We just need your full name and you have three minutes.

Linda Bauer: Linda bauer. Citizen, and good morning, everybody. I am concerned that even though everyone is now sitting together, a bureau person interested in the public safety needed to call me to request that I submit a complaint about a specific project under review. The subject property went to the county in 2005 and said that they were a church and -- were a church and did not want to pay taxes and their request was granted. The same applicant came to the city in 2005, 2006 and 2010 for a new construction permit and always claimed they were a single family residence. Even though other bureaus are able to acknowledge that this property looks and acts and county-approved as a church, bds only seems interested in perpetuating the lie that this application is a single family residence. Public safety is going to suffer. People using this site park their car where is the sidewalk should be, which requires pedestrians to walk in a travel lane of an arterial in order to get to the bus stop. I provided you with pictures taken during a weekday and I invite you to contact bds in the interest of public safety. Thank you.

Fish: Thank you very much.

Fish: I need a motion.

Fritz: Second.

Fish: The motion to adopt the report. Karla, please call the roll.

Leonard: Well, this has been a tremendously difficult work for anyone who sits outside of government and wanders at times about our processes. For instance, prior to this consolidation, why it required going to five or six different places to get a permit to do something. It seems like a no-brainer to have one stop to go to get a permit. But to actually make that happen is -- acquires superpowers that paul and his staff and other agencies who are involved in this have demonstrated repeatedly in doing the work of bringing the consolidation together. It sounds boring, but it's really fundamentally important work and i've learned and the council knows, oftentimes people, whether they're building a home for themselves or remodeling a home or building a commercial property

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are focused on how long it takes to go through the process than the cost -- and almost always and bringing people together and having them talk to each other a particular permit has allowed us to do our work in a much more expedited fashion and thus, saving people a lot of money who are wanting to start doing development. So I appreciate all the work of everybody, but particularly Andy Peterson, above and beyond the call of duty. Oftentimes worked evenings and weekends to make this happen. Thank you. Aye.

Fritz: Thank you, Linda, for coming in to tell us about a different issue. As a former citizen activist, I respect that. This is about public works permitting and so we can look at that other issue, now that you've brought it to our attention. This report represents a tremendous amount of work and it's a very well written report and the story behind the report and work behind the report is very impressive. So thank you, Sarah for your work in coordinating and assisting and I wish you well in your future endeavors. I -- we won't know how well the system works until the permitting picks up. In some way, it's fortunate that we have this slow time to make sure we work through the kinks. But it sounds like that's what you've done and I think we're ready for some pressure when the economy comes more robust. I do believe a feedback loop with users and neighborhoods will continue to be needed. Even after we're getting it going. But really, this represents city government doing what it's supposed to do. I actually mentioned -- Beth was working on a story yesterday and interviewed me about my first 18 months and asked me what are some of the things I was pleased with last year and I mentioned the collocation. And frankly, she almost keeled over with the issue of the whole -- the issue of collocation and consolidation and I said citizens shouldn't be all that interested in what we're doing in this project. This is exactly what we should be doing and shouldn't take a lot of citizen engagement because of staff and bureau leadership making our system working better for everyone and this is what this is doing and I greatly appreciate the work that's gone into this and happy to support the report. Aye.

Fish: I think the permitting reform project is one of the handful of the important things that this council has tackled, certainly, during my service on the council. And I want to begin by acknowledging, it was the result. Very row bust council debate and -- robust council debate and compromise and how we work collaboratively to get to an outcome. And I want to thank commissioner Leonard for his leadership and Paul and Dave and Dean and the staff because they've done the heavy lifting to get to this point and acknowledge someone who used to be on my team but now is traveling extensively with her husband, who retired. And that's Hannah, who is probably in Germany as we speak. But she's sorely missed and helped me understand this issue at a higher level and I want to thank her the work she did. Paul is smiling. This is really important and it was one of the handful of key reforms that was framed by the mayor, led by commissioner Leonard, and has brought us to this point and I'm very pleased to accept this report and to join in offering my thanks to everyone who is putting it into action. Aye.

Moore-Love: Adams.

Adams: I want to thank commissioner Randy Leonard for taking on [inaudible] these past 18 months. This is critically important. And wouldn't have happened without his insight, hard work, [inaudible] and I want to thank the staff team --

Leonard: Don't hear that often.

Adams: -- and Paul [inaudible] and I'm really pleased that he's taken this on. With such gusto and we've got more work to do, but really proud of the work that is been done. So thanks. Aye.

Fish: Mayor, in deference to your medical condition, I did not rule your comments about commissioner Leonard's quote/unquote charm out of order. Thank you for your work. The report is adopted. The next time certain is at 11, which is in 10 minutes. We could try to take up the first item on the regular agenda if folks are here. And see if we can get that done. Is that the will?

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Leonard: Yes.

Fish: Karla, do we have folks present for that item. And the next time certain on reusable bags is scheduled for 11:00.

Moore-Love: Read the title first.

Item 1097.

Steve Herron, Bureau of Human Resources: Thank you, I think I do that just about every time I appear, commissioner. Good morning, mayor and commissioners. I'm Steve Herron, labor relations manager. The matter arose in the context of a grievance. An officer had been off work in a non-service connected disability for several years and the city received a medical release for the officer's return to work from the healthcare provider. Didn't have prior notice that was coming. The officer's dps certification had lapsed but the officer got it recertified and wished -- the dispute arose because ppa asserted the officer -- the city maintained it should have a reasonable time to obtain a duty exam. The settlement -- and the city negotiated an agreement how these would be handled and that's the matter before you today. The agreement is prospectively for an officer that's been off for greater than a year, the officer is obligated to provide the city with 60 days' prior notice prior to the officer's return to work. During that period of time, the city has the opportunity to obtain fitness for duty examinations and so on. And then upon passage of that 60 days of notice, then if the officer is willing and ready to return to work but the city needs to do further work, the city commences paying wages. If the officer is not ready, willing and able yet, for whatever reason the officer is making, they won't commence wages until that point is reached.

Fish: Briefly explain why this is an emergency ordinance?

Herron: Because it involves -- it came up in the context of settlement of an individual's wages and ordinarily, my understanding is when we have wage commencement related matters, we bring them to council on that basis.

Fish: Ok. Council discussion? Karla, anyone signed up to testify on this matter?

Moore-Love: No one signed up.

Fish: This is an emergency ordinance. We have the requisite quorum. Call the roll call.

Leonard: Aye.

Fritz: Thank you for your work. Aye.

Fish: Thank you, Steve. Aye.

Adams: Aye.

Herron: Thank you.

Fish: Council is going to take a six-minute recess and we'll reconvene at 11:00 sharp.

Leonard: What's the time certain, commissioner Fish?

Fish: It's the reusable bag. And we have time set aside for that.

Fritz: Can we do the four-fifths?

Fish: We could try that. Is -- is someone here to take on 1098-1. Karla, read the item?

Moore-Love: It's the police bureau -- I don't know if they're here.

Fish: I don't see anyone. So let's take a six-minute recess and reconvene at 11:00. [gavel pounded]

At 10:54 a.m., Council recessed.

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

Fish: we have taken a brief recess. We have another time certain. Would you please read the title of time certain number 1085?

Moore-Love: Did you want to announce the 1084?

Fish: First read 1084.

Item 1084.

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Fish: At the request of commissioner dan Saltzman, this matter has been set over to a future council meeting, date and time to be determined. Please read time certain 1085. Mayor Adams?

Item 1085.

Adams: Thank you, president Fish. My views on this issue are well-known. I will work with community partners and the for-profit sector to pass this. I am pleased today to offer the city council, for their consideration, the resolution that will help ensure that plastic bags are banned and reusable and paper bags are used and this is for the proposed purpose as indicated in the title of this resolution to get all of us to bring our own shopping bags. I want to thank surf rider, environmental Oregon, and willamette river keepers, audubon and others. Without their taking up the challenge two and half years ago that I gave to them, which was create a crusade, an environmental army of advocates on the ground that will stand up to significant pushbacks by the gas industry [inaudible].

There is a compromise we have worked out where we support efforts to get a statewide [inaudible] that is very similar to what I propose here in Portland on a statewide basis. That's our first option. If that doesn't work, we will move forward on roughly the same time line that I proposed several weeks ago. I think it's a year and a half. Why do this? Around the world, plastic pollutes waterways, damages ecosystems. Why should cities care? Why should Portland be at the forefront? Because much of the trash generated will reach our ocean from storm drains and watersheds. We have developed a policy that demonstrates Portland's commitment. Reuse sale bags can be used easily and at almost no cost. A week and a half ago, I drafted an ordinance to ban the use of plastic bags in Portland. Today [inaudible] that earns passage of the statewide ban through the legislation. I support partnering with the state. I think Oregonians are ready for it. I think it's shown that two-thirds of the citizens believe we need to take action now. If the proposed ordinance comes back to council soon after the legislature is concluded in session and it has not been able to pass, then i'd ask the city council to support an ordinance. I think this will spur action in subsequent legislative sessions if we're not able to get that in the next legislative session. So, with that, president Fish, i'd ask that we let our legislative leadership step forward and provide us with their thoughts on the issue, and i'm looking forward to a partnership.

Fish: Thank you, mayor Adams. So it's my pleasure to welcome three invited guests who will kick off the testimony, and then we'll go to public testimony. If you haven't signed up, Karla has a list. They are senator mark hass, my state senator, senator jackie dingfelder, and representative dean cannon. Who wants to start? Senator hass, if you could begin, we welcome you and invite your testimony.

Mark Hass, Senator: Thank you. I have a prepared statement from us i'll just hand out. I think we're all here really to say we strongly support this resolution, and mostly we want to say "thank you" for making way for this state approach. I think the litter problem in Oregon is every bit as bad as it was in the '70s when Oregon responded with the bottle bill, which was a statewide solution that not only helped put Oregon out there as a model for other states to follow but also gave Oregon the highest recycle rate of any state in our country. And more importantly, there's no more beer cans or pop bottles on the roadways or on the beaches. Unfortunately, though, since then the plastic bags have found refuge on those very same beaches and roadways, and that's why I think a statewide solution today on plastic bags is the most common sense solution here. So thank you for this resolution, and I promise to work as hard as I possibly can to try and pass this in the state legislature. To that end, i've made friends with some key people, including the chairs of the house and senate environment committees who are here today.

Fish: A nice segue to the distinguished chair of the senate environmental committee.

Jackie Dingfelder, State Senator: Mr. Mayor, city commissioners -- mr. Mayor, sorry you can't be here in person. I appreciate all the hard work that you've done and am here to say that I

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completely support the city's resolution that's before you today regarding plastic bags. I've heard from a lot of my constituents, as I know you have as well, on this issue and the vast majority overwhelmingly support this ban. Portland's resolution will assist us at the legislature in passing this. I believe it's an important step. Just like we worked together on the payday loan issue -- I worked very closely with commissioner Saltzman who unfortunately is not here -- I see this as a similar partnership in order to make sure we have a statewide comprehensive policy. Certainly that's our goal is to pass that. I've committed to my colleague here that this will be one of the first bills that we hear in my committee next session and certainly look forward to hopefully passing that out in a timely manner. Specifically in regard to plastic bag issues, I want to recognize the leadership of the mayor and want to thank him for the years of effort on this issue. He's taken it on for several years. Certainly the waste generated by these plastic bags is tremendous, and hopefully our actions here today and in the legislature will help reduce that. Certainly that's an issue that both representative cannon and I are looking at, not just single-use bags but a comprehensive approach to how we can manage these products and reduce waste overall in the state. I believe that working together on this legislation will be a very positive partnership. I'm looking forward to hopefully having many of the folks behind me coming to testify in my committee and certainly will encourage other commissioners and the mayor to come testify. I would be remiss if I did not also thank my colleague, senator haas, for his leadership. We did have a hearing in the february session.

Fish: I'm now pleased to introduce the only rhodes scholar in the room, representative ben cannon. Welcome.

Ben Cannon, Representative: Have you checked on the other members in attendance here? You never know.

Leonard: He was the only rhodes scholar in the legislature.

Fish: He assured me it was an error when he placed it on his resumé. He has promised to delete it. [laughter]

Cannon: I am grateful for that.

Leonard: That's spelled r-o-d-e. [laughter]

Dingfelder: With a harley in front of it.

Cannon: I'm here to join my colleagues in offering strong support for the resolution in front of you today. Just a couple messages time part. One, a huge thanks to the mayor in particular for his leadership on this issue. So often it's the case in policy licks, at the level at which we work, that really good ideas bubble up from local government and the political support for things that eventually happen because of the support of local governments. It's aggressive action by local government that has helped create the political will to move things forward at the state level, and I think very much that's what I see happening here. So thank you for that leadership. And the other messages that -- as I think you understand and my colleagues certainly do, passing a bill in the Oregon state legislature is a difficult thing to do, and there are no guarantees here. We've moved forward with a lot of confidence that we can muster the political support to pass this on the statewide level, but we make no guarantees, and I urge you to not only adopt this resolution but then follow its intent. If we are unsuccessful next session in Portland -- I hope we're not, but to move swiftly forward with an ordinance that will implement this for my constituents for the city of Portland who have expressed a strong support for banning plastic bags. I appreciate particularly the mayor's leadership and staff, the organizations that have worked on this issue and you all for the resolution today.

Fish: I want to see if my colleagues have any comments they want to share with the panel.

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Leonard: I wanted to express that nobody will appreciate more than I do how difficult a task it will be in the next session to get approval of this bill and not to mention how high the stakes are then in the governor's race to make sure it gets signed once it's passed, and that's all but uncertain given the dynamics of the governor's race, so I appreciate the leadership all of you. I know what's ahead of you. Appreciate it.

Fish: Commissioner Fritz.

Fritz: Thank you very much. I'm very glad we're moving together and locked up, and I appreciate your move with mayor Adams to make sure we're all on the same page.

Fish: We're very fortunate in Portland to have such a positive working relationship. I want to acknowledge martha and her team working behind the scenes that help us work on these issues so effectively. So thank you all. Mayor Adams, last words?

Adams: No. I mean, i'll make comments as we go.

Fish: Thank you all very much. Do we have folks who have signed up?

Moore-Love: Yes. We have six people signed up.

Fish: You each have three minutes. Tara, why don't you kick it off. Just state your name, and then you have three minutes.

Tara Gallagher: My name is tara gallagher. I'm with the surf rider foundation, also a student at lewis and clark law school as well as one of the people responsible for a lot of the noise you had in here a couple weeks ago. First off, I want to thank sam for his continued leadership and support on this issue. Thank you, sam. I'm sorry you can't be here today. As demonstrated to you on july 14th, there are thousands of people in the city who support an ordinance banning single use plastic bag. We understand the political reasons behind passing an ordinance. However, we urge you to absolutely commit to the actions stated in the resolution before you today. I have been working on this issue with surf rider for almost two years now, encountered many people who live, work, and play in this city, and I can tell you one thing. They get it. There are others who can more eloquently cite ons for passing this resolution, and i'm sure by now you've heard them all. To quote the infinite wisdom of dr. Seuss, sometimes the questions are complicated and the answers are simple. Solving the crisis of our ocean is a complicated problem, but the answers are simple. Reducing the amount of single-use plastic by bringing our own bags to the store will reduce the amount of plastic in our ocean and in our food chain. Simple. Again, I urge you to create binding policy for the city of Portland. Pass this resolution because it is simple, and it is the right thing to do. Portland is ready, and we've been patiently waiting. Thank you.

Fish: Thank you.

Pete Stauffer: My name is pete stauffer, and i'm a resident of southeast Portland. I'm also a member of the Portland chapter of the surf rider foundation and one of the organizers of the ban the bag coalition. First of all, I want to say it's really terrific to see this on the agenda, really want to thank the mayor and all of you for moving forward on this issue of banning single-use plastic bags both in Portland as well as statewide. Reusable bags have many advantages, much better for the environment both locally and at a global scale. They can save money for both businesses and consumers. They can also help improve waste management. We do strongly support this and do hope you'll pass this today. As you know, we did hold a big rally here a couple weeks ago. Hundreds of people turned out. For those of us that worked so hard to organize it, we knew that we were going to have a good turn-out, but I think what really struck us is just the people that came out of the woodwork. I probably spent about seven hours in front of city hall that day, and so many people who had work or had school couldn't make it to city council chambers but wanted to come by. They wanted to engage and express their -- express their support. People of all ages, from all aspects of the community. From that perspective, as tara said, they want to see a policy

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implemented. Passing this resolution is a huge step forward. Good faith that state lawmakers can get a bill passed in 2011. That's the outcome that we're looking for. If for whatever reason that doesn't happen, the citizens of Portland can count on you to move forward with an ordinance to address this issue at the city level. That's a message we've been hearing from our supporters, and that's what we want to communicate back to you. I want to specifically thank mayor Adams and his staff, especially Megan Ponder, for all their work on this issue. We know how much time you've put into this over the past few years and really appreciate it, and I think your willingness to, quote-unquote, step aside and go the route of a resolution and work with the state lawmakers says a lot to your commitment to the issue, so thank you.

Fish: Mr. Parker, I'm just guessing you're here to enthusiastically endorse this proposal.

Stauffer: No, I'm not.

Fish: We look forward to your testimony.

Terry Parker: Terry Parker, lifetime Portlander. With your zeal to ban plastic bags, not only are you growing the cloud of shady socialism that now hangs over city hall, but you are once again only listening to and catering to the special interests of your inner circles with yet another piece of your single purpose and obsessive social engineering a *jeu d'enfer* that aims to control and dictate lifestyles. Be it what kind of housing people live in how they sort their garbage, what type of transport method people use, how they cross the Columbia, what they eat, and now how they bring their groceries home. Portland is already well-known for its antibusiness climate. A ban on plastic bags and requiring a minimum fee for carry-out bags are price-fixing by the government, only adds to the negative business climate. This will make it easier for shoplifters, increase the cost of living for many people, and will eliminate private sector jobs, thereby adding to an already high unemployment rate as many of your policies have already accomplished. Set up a recycle program for people to turn in plastic bags and get paid for it. Having to bring your own bag or pay for a courtesy bag every time a person goes into a retail store is a bunch of crap. Reusable bags are not always sanitary. The protesters have demonstrated plastic bags are a multiuse product by wearing them as clothing. A cigarette is a single-use product. If plastic bags are banned, there'll likely be more dog do on the streets, too. Additionally, having Fred Meyer do an about-face so quickly gives the appearance of a concealed back room arrangement. Portland city government is fast becoming physically irresponsible to the people it's supposed to serve while dismissing the negative aspects of those actions. Specifically targeting chain stores for the ban visibly making it evident Portland city government is also outwardly practicing its own form of discrimination. All the social engineering openly demonstrates we can no longer trust the city council to represent us or the inherent freedom of choice principles this country was founded on. If you are so confident the population will support this legislation, then back that confidence up by an amendment to your resolution that requires a kind of plastic bag ban or minimum carry-out fee be referred to the people for their up or down vote. Not doing so basically indicates a dictatorial deception is in process.

Fish: Thank you very much.

Fish: we need your full name, and you each have three minutes.

Brock Howell: My name is Brock Howell for environmental Oregon. We have over 30,000 members statewide, and we work to protect clean air, clean water, and open space. We care about this issue because we care about our oceans. The single most item of plastic that Oregon has on its beaches is plastic bags, so I think, as the previous speaker said, the simple solution here is to stop using plastic bags at check-out stands. We have talked to tens of thousands of Portlanders and Oregonians over the last few weeks. There is nearly 30 organizations that environmental and other organizations that support this effort to ban the bag. There's over 300 businesses around the state,

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over 150 here in the city to ban the bag. So this is not an oppositional issue. Our goal is to ultimately ban the bags statewide at all retail check-out stands. We would hope, regardless of what happens, that the actions today will lead to a ban by January 1st, 2012, of all plastic bags, single-use plastic bags, at check-out stands by that date, by January 1st, 2012, in the city. Hopefully we don't have to take further action after today, which is why I'm glad that we're pursuing a resolution in order that we can proceed with the state wide effort to ban the bag. Thank you very much. I want to specifically thank the leadership of Mayor Sam Adams over the last three years, the city council entertainment of this for the past few months as we've been pursuing it much more aggressively than those past three years and I hopefully really appreciate the action that's about to be taken today.

Tristan Fields: My name's Tristan Fields. I'm a resident of Portland. I moved here from Seattle about three years ago, and part of the reason why I moved here was the city works so well together, so I wanted to congratulate you guys first for doing such a good job at working so well. Compared to Seattle, I feel like you guys collaborate and talk and are able to push things through. I am here on behalf of Ban the Bag, and I wanted to make that you make the resolution a binding resolution. I think it's pretty important that you hold true to what your constituents have asked and support the state legislation for it but also support what the city has asked for. Also I appreciate the counter talk, the other viewpoint that was brought up, but I think it's really important for Portland to make a stand and really have an economic goal to be sustainable, because that's what's going to set us apart as a city across the country. I'd really like to see Portland stand out as a city. As a person that's moved here, I support that.

Fish: You alluded to whether it's a binding resolution which is an interesting point. I would not clarify that when we have a resolution before us, an individual commissioner is in effect committing to the outcome that's set forth in the resolution, and in that sense it's binding because the individual commissioner has said, I support this and will see it through. We don't really have a process for amending to make it more or less binding. The reality is, if each of us were replaced tomorrow, a future council can technically take an action, but it is binding in the sense that anyone who supports it is making that public commitment. I'm not aware of any amendment that makes a resolution more or less binding, but our actions in voting to support it is what I think you're looking at. Thank you very much. We're glad you moved here.

Paige Watkins: I'm Paige Watkins a local student. I'm sorry to hear that Sam Adams can't be here, because I know that he has been a very wonderful leader in this movement, and I'd like to thank him for that. For years, the thought of plastic bags polluting our environment for 15 minutes or less of convenience has kept me up at night. Not kidding. I have nightmares about environmental things, and I think that every American should care about their oceans and their environment. Just yesterday Plastic Coalition released a study that plastics are affecting animals in the deserts as well as the oceans. In Saudi Arabia, there have been accounts of camels and gazelle dying, suffering like the sea turtles do in the ocean from choking on plastic bags. Mexico City has banned plastic bags. So has San Francisco and numerous other areas around the world, all of which were effective in consumer education and plastic pollution reduction. I'm here today to urge you to push this forward. If not for the planet's delicate ecosystem, last week I picked up 27 plastic bags from a two-block stretch of sidewalk, just a normal day. If not for excessive pollution for the local economy, plastic bags are a petroleum product, which we all know, which of course is not local. Nor are they manufactured around here. But think about paper bags, the second best choice behind reusable bags, and think of how many paper mills there are within a 100-mile radius. Trees can be replanted, while oil used to make plastic bags takes year and years to develop. This can really help

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the local economy. Portland needs to ban plastic bags because the city is a huge environmental influence to the region. Please don't wait for the state. Thank you.

Fish: Thank you for your excellent testimony. This is a resolution. Do I have a motion to adopt the resolution?

Leonard: I don't think we need to do that. This is one in a series of steps that all by itself probably doesn't significantly alter what occurs on the planet but taken in conjunction with the number of things that need to be done to reduce global warming is an important step. We can't continue to use fossil fuels to cause the planet to warm to the state it is and expect the species to survive. It doesn't mean that banning plastic bags is the answer, but it is a component of excessive petroleum use, a component of excessive carbon dioxide. That, along with a number of other measures, don't need to just be adopted by Portland and the state, because that doesn't get it done. It needs to be adopted throughout the u.s. and the world. My hope is that sooner, rather than later, the entire world understands that we are borrowing on our children's and grandchildren's future by the excessive use of fossil fuels. I appreciate the diligent leadership of mayor Adams and look forward to this passing. Aye.

Fritz: Thank you, mayor Adams and senator haas, for reaching this agreement. To me this is similar to 2008 adopting a resolution that healthcare would be provided to children if the state did not pass legislation. I was assigned to the task of implementing that should the state not pass that legislation, which would have cost billions of dollars and frankly been very, very difficult to do. That gave me a lot of motivation to go down to salem and speak with folks to make sure -- to encourage the state to pass the legislation. This is similar. Please don't think, just because the council is passing this resolution, that your work is done. We unanimously passed a resolution last year asking the federal government to look again at whether there are any health impacts from cellular facilities in the right-of-way, and I thought, well, this is going to move forward and that's it. When I checked in with one of our congressional delegations, he said, I haven't heard from our citizens and don't think this is a big issue. It's citizens who make the difference in advocating, and your work is just starting to get this passed in salem. The current gift of reusable single use bags by the retailers is costing the retailers money, but we can't let market forces take care of this unless everybody does it. To me, it has to be statewide and it has to be charging for the paper bags as well as banning all plastic bags, so i'm very excited about the prospects of doing this statewide, and it's something that Oregon has a history of doing, as was alluded to with the bottle bill, that a ban of this state of plastic bags would set a precedent for the entire country. As somebody who grew up in england where nobody was given reusable bags, everybody carried their own, I had a wicker basket which was more heavy than the stuff I would put in it as I was growing up. We're now getting back to a more sustainable way of life here in the united states, and i'm glad to see that thank you for your advocacy in this. I will work very hard with the state legislature to encourage passage of this and encourage you, as you're going around Oregon on trip there's summer, to talk with people in bend, pendleton, harney county, everywhere else that Portlanders go around the state. We need to be explaining why this makes economic sense for retailers as well as it makes environmental sense. Thank you for your leadership on this. Aye.

Fish: I'm pleased to support this resolution, because I strongly support a statewide ban on single-use plastic bags. I want to commend mayor Adams for the leadership he has demonstrated over the last few years to bring us to this point and thank our key leaders in the state legislature who join with us today and who have been involved in a collaborative approach to get to this point. I want to thank the hundreds of people who have come to the council, including the bag monsters, the people who wrote to my office or e-mailed us and all those who shared their concerns about the impact of plastic bags on our natural environment this action today keeps us on the forefront of

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progressive policies on sustainability. Several years ago, this council resolved to promote maximum efficiency and minimum health and environmental impacts in our solid waste and recycling system. This resolution is a significant step in that direction. More recently in our city, county climate action plan, we committed to moving toward the goal of reducing solid waste we generate by 25% and recovering 90% through recycling and reuse. Around the country, communities are looking for ways to reduce the environmental impacts, particularly their use of single-use plastic bags, and i'm extremely proud that Portland is at the forefront of this effort. Thanks again to mayor Adams for his leadership and the great work of his team and Martha pellegrino and her colleagues in bringing us to this point. I'm pleased to vote aye.

Adams: Well, in addition to the thanks, I want to reiterate at the beginning of the council item, I want to thank my colleagues for their support of this effort. [inaudible] I want to add to the list of things that [inaudible]. I want to thank Martha Pellegrino. This is a signal that we are committed to the statewide ban on plastic bags. And we intend to do that in the legislative session. So one way or another by 2012 portland will [inaudible] aye.

Fish: The resolution passes. Congratulations to all. We have one more item on our agenda, which is the 4/fifths agenda, 1098-1.

Moore-Love: 1098, the regular?

Fish: Excuse me. You're right. Could you read 1098? Welcome to city council.

Item 1098.

James Rice, Deputy City Attorney: I'm james rice. I'm a deputy city attorney. I have been the lead attorney in the litigation aspect of this matter. There has been an ordinance that's been submitted by risk to resolve this pending litigation. I've had the opportunity to meet with you at various times during these past few years. The matter ultimately came for a settlement conference.

Chief judge of the united states district court ann aiken was involved. She reached a resolution of this matter on behalf of the city. The county had previously settled their aspect of the case. AMR, the ambulance company, had also resolved their claims against them. This would be the final defendant, the city and the officers that we represent. We now are proposing that the city settle the remaining claim by issuing a check in the amount of \$766,000 -- I should say \$766,667 to resolve the claim finally. There are some probate matters that the plaintiff's lawyer would be working on to resolve it as well. It's been a long matter involving the tragic death of mr. Chasse. Immediately after the death, mayor potter and also chief sizer implemented some changes. There have been additional changes in the bureau as well. And hopefully, with the payment of this claim, this would bring this tragic matter to conclusion. If there are any questions, I would be happy to address those.

Fish: Ok. Thank you very much. Karla do we have folks who've signed up to testify.

Moore-Love: We have three people signed up to testify.

Fish: Welcome to you all. Reverend haines, it's an honor to have you with us today as always. Please lead us off. You have three minutes, sir.

Reverend Dr. Leroy Haines Jr.: I am the reverend dr. Leroy haines jr., the chairperson of the albina ministerial alliance coalition for justice and police reform. To our illustrious -- mayor who is ill at this time, sam Adams, distinguished members of the city council, the albina ministerial alliance coalition for justice and police reform affirms the negotiated settlement of the james chasse jr. Civil lawsuit for the wrongful and unjust death of james chasse jr. Our hearts and prayers go out to the chasse family for their long and vigilant struggle to render justice for their son and all citizens of Portland who have been victims of police violence by some members of the Portland police bureau. This case is a pivotal case like the james and campbell cases, and unmasking the pattern of excessive force and deadly force by some officers within the Portland police bureau as

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unmasking breakdown in procedures of training, communication, investigation, reporting and accountability, we pray that this case, along with the other pivotal cases, will be used to reform all aspects of the Portland police bureau and to bring justice and accountability for the citizens of Portland. Let it be heard throughout the city that the spirit of James Chasse Jr. will live on, that James Chasse Jr., did not die in vain and the struggle will continue. Thank you very much.

Dan Handelman: Good morning. My name is Dan Handelman. I'm with Portland Cop Watch, and this is our testimony in the James Chasse Junior incident settlement. While we are disappointed that the settlement means we will never hear the involved parties explain themselves in a public courtroom, we are pleased to see there's an agreement to modify the gag order that prevented the lawyers from sharing certain documents with the public. It's unfortunate that the release of public documents has to be negotiated in a state that prides itself on sunshine laws. While Portland's insurance carrier will be paying more than half of the sum, over \$1.6 million sum, over \$700,000 comes from the self-insurance fund. We could have sent a message that beating a man to death is not acceptable police practice. I'm sure everyone here is hoping there will be no more shootings or deaths this coming year. We don't want to lose another life, traumatize police acting out through road rage. The city doesn't want to pay anymore money out than they already have. The council document is clear the money that is being paid out is coming from this current fiscal year's budget, which implies one reason to vote with the May settlement announcement to pass it into the 2010-2011 budget cycle. As to the description of the incident which we'll discuss in-depth this evening, the risk management summary of what happened carefully leaves out some facts but states the officers believed Chasse was urinating on the street, knocked him to the ground, and that he died while being transported to the hospital. It is important to say now and we will repeat again there's no way in which Mr. Chasse's battered body was carried like a sack of potatoes which the medical examiner says may have pushed the splintered bones into his ribs, and neither document relates the kicks to the head which indeed could have been fatal. It points out the administrative fallacy of having police command officers from 14 different agencies. Perhaps it's time to look at other police forces not just for Trimet which has a strong working accountability system. We really wish the public had had more time to review the report and that council had scheduled the settlement report at the same time on the agenda so those interested in the subject could have testified on both items. While the settlement does bring some closure to the city, it is not going to be assumed, I hope, today that this will be the last time we will hear the name of James Chasse Jr. spoken in these chambers, at the bureau in its roll calls or out on the streets. We do hope Mayor Adams will be able to participate this evening in the presentation of the OIR report as well since he is the police commissioner, and thank you for your time.

Marcia Meyers: Thank you for being here and for focusing us on this incredible learning opportunity. My name is Marcia Meyers, and I do represent the real wealth of Portland Unitarian Church, and I work nationally for peace and justice. That model of peace and justice through power, control and fear is being challenged at many, many levels. As some of the people earlier in testimony for other things mentioned, Portland has an incredible reputation and history of being progressive and being a model for the changes that we want to see in the world. And this opportunity to model how with we treat each other and to perpetuate a model of police work that is what we teach in school, which is that they are peacekeepers. I went to a protest rally when James Chasse was killed, and I am here with his spirit. I was there, and they did get me on television saying the same thing I'm saying today. I'm a mother. I'm a grandmother. I'm a teacher. I know that we can have a community where our police are truly there to provide peace not through power and control but through respect and dignity. So we have this opportunity. We've had a long time to look at it. I want to say, even though I'm delighted that it's finally coming to a close and I am

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very honored that I can speak again, I want to say that it's for society that has a very short attention span, almost four years is way too long. It's cost us a lot not only financially but in respect for our peacekeepers. So I just want to say "thank you," sam Adams, for using that term, and i'm sure the rest of you do, too, but i've picked up on that, and I want you to continue modeling what we want for our children, and we do that through the way we treat each other. So thank you again, and I am glad this painful situation is finally coming to some kind of closure.

Fish: Anyone else signed up?

Moore-Love: That's all who signed up.

Fish: Any council decision? Please call the roll.

Leonard: I've been on the council now almost eight years, and in the time i've been on the council, there are a few votes that i've taken that stand out to me as votes that I will always remember. The vote for the settlement of the raymond gorder case which, up until now, was the most that we'd ever settled for stood out to me not so much because anybody at the police bureau or anybody that supervised those at that incident intended for anything to be wrong but rather there were internal procedures that weren't followed that led directly to the death of mr. Gorder. There have been a number of other incidents similar to that, and I have tried to use opportunities as a member of the council to try to articulate to the police bureau specifically, because of those cases and the settlement involved, the things I think have to be done to prevent them from happening in the future. I have never used this platform to unfairly accuse any of our police officers or other public safety personnel about an incident but rather have viewed them, as I believe all managers should, as opportunities to improve for the future. After the death of aaron campbell, I have to tell you that I felt like I wasn't getting there, that the aaron campbell death so remarkably similar in circumstance to what happened at the raymond gorder death, the incident and the lack of basic fundamental communications on the emergency scene, caused me deep concern. I don't think that at this point anymore. I will remark specifically to this case in a moment. I'm not specifically talking about this case as I am more using this as hopefully an opportunity to learn for the future, but in general I think that, with the appointment of chief mike reese, there is a new day in the bureau, and i'm not talking about in the short-term. I'm talking about over my lifetime here and the various chiefs i've interacted with going back to the mid 80s until now, what I have seen happen in the last couple months gives me a lot of optimism that the bureau will use these opportunities not as opportunities to feel overly defensive or to feel like they're being picked on but rather truly to learn from. To be specific, in these instances, such as the james chasse case, we hire public safety personnel not just because of their ability physically to do the job, whether they be firefighters or police officers, but we hire them and try very, very hard to pick him whose judgment is good, and that sounds easier than it is, but that is probably one of the keys to hiring successful police officers that, in the first instance, avoid something such as the james chasse case from occurring or other incident also that i've alluded to. But when we hire people, we train them. We train them in not just the statutes in the case of the police bureau, not just in the statutes that they'll be enforcing but tactics in how to protect themselves and how to protect the public, and we have gotten to the point in that training and then being specific about this case and discussion with police officers where I think some police officers actually feel hamstrung by their training to do what it is their protocol says or possibly face criticism. In this case, one criticism I have is that officers should use their judgment to modify specific training protocols and even possibly their experience for a given situation. I'm not clear why the amount of force was used for a 42-year-old schizophrenic man that weighed 145 pounds that was needed to restrain mr. Chasse, and the answer i've been given is that is our protocol. That's how we're trained. We're trained to take down people in a certain way. And I believe that's probably true. If you then the police bureau also ought to use as a standard of

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conduct is use your experience and, in the last analysis, use your judgment on making any decision that involves physical force. If I can impart anything to my friends at the police bureau, it is that. It is rehire really good people to be police officers. I've met a lot of them, ridden around with them. I've seen them exercise judgment as to the application of specific training protocols. I've seen them exercise judgment as to the application of statutes. We have to have police officers that do that. And if we mechanically and robotically respond to each incident by what the training protocol says and doesn't allow an incident to be modified based on our judgment and our experience, then more james chasse cases will occur, more aaron campbell cases will occur, more raymond gorder cases will occur. We have to get to the point -- and I don't know where this balance is, and I frankly and, as the rest of the council is, looking to the good training, experience, and judgment of chief mike reese, to find where that balance is where we tell officers, yes, you have a protocol but, in the final analysis, I and the police chief and we, the council, expect you to use your judgment about the amount of force you need, to use your judgment about whether or not you need to use deadly force that leads to the death of somebody or not. Somehow that fine point she'ds to be arrived at. And as I said, this is probably a whole different explanation today than what I would have given three months ago, but I do believe we have now a police bureau that wants to learn from these experiences and wants to make sure that we don't repeat them, and I certainly do not like sitting up here voting on these settlements. To say it's unpleasant isn't fair to unpleasant things I do. It is beyond unpleasant. And I can't imagine the ramifications of this incident has had for the family of mr. Chassis. I appreciate the hard work and the diligent work of the city attorney's office. They have briefed me over the ensuing months on the talks and the settlement that has reached us, and it is with sadness that I vote to approve this. Aye.

Fritz: I'm grateful to our legal team and to the family of mr. Chasse and to the community that we've been able to resolve the legal and financial issues in this tragedy. I appreciate the hard work that the city and the chasse family have devoted to resolving the claim. We have all learned lessons from this tragedy. Some improvements have already been instituted by the police under the innovative leadership of chief rosie sizer, now being continued by chief mike reese. Dr. Haines mentioned training and communication. We can and will make even more improvements on both of these. I know, from my 26 years in psychiatric nursing, that it's very difficult, often in the moment, to tell whether somebody's experiencing a psychiatric and mental illness or a drug and alcohol-induced delirium or some other behavior out of their control. The more we can improve our training for our offices that help them recognize that, I will be working with both the babylon project and cascadia and Multnomah county to look at how we provide services to people before they come into contact with police. Also recognizing that mr. Chasse was in treatment and was in housing and this tragedy still happened, we still have a ways to go. I know that we're going to have more conversations about this tonight. I think it's appropriate to separate the settlement from looking at why the investigation took so long. I also believe it provides two different opportunities for citizens to testify on this case, whether it's more convenient for them to come in the day or in the evening, so I supported the placement of these issues on the agenda. And I thank marcia meyers and the work of the real wealth of Portland, the first unitarian church, looking at peace officers and creating a culture of peace which I know mike reese embraces and that we have honor -- we will honor the memory of james chasse in working towards those goals and being truly committed to providing a safer place for all Portlanders. Aye.

Fish: My colleagues on a typical day are eloquent. Today I think they've raised the bar. This ordinance settle as lawsuit, but it does not settle the matter. The best way to honor the life and tragic death of mr. Chasse going forward is to forthrightly acknowledge the fact that we have a crisis of mental health in our community and to engage every level of government in seeking

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solutions. For those who think that's an easy task, we remind them with the proposed cuts at the state and federal level, our challenge will be even more daunting going forward. This council has taken some actions recently which I think will make a difference, and that includes partnering with Multnomah county to fund a mental health facility on the other side of the river of 16 beds which we will help with the capital dollars and the ongoing costs, but that's just a piece of the puzzle. It's a much bigger challenge. As the commissioner in charge of parks and housing, I accept responsibility for the piece of this challenge that I can affect, and we will take action going forward, but I share the sentiments of my colleague that today is a sad day for many reasons and, when we have the discussion tonight on the report, I think it will be an even more somber tone. But it is our responsibility to act on these matters, and I think this is a responsible settlement, and therefore I vote aye.

Adams: Well, the resolution brings to close a very tragic and prevalent chapter in our city government peacekeeping efforts. The Chasse family has had to endure a very public examination, the death of a loved one. It's had to endure a very lengthy time line in their ability to get the facts while having tried to read between -- try to grieve and try to move on. I want to reiterate that part of this settlement is years, the years in the making that it took for the investigation, for this settlement is way too long. But as the police commissioner now and the mayor, on behalf of city government, I want to apologize to the family and to the community for our failures. The job of the Portland police bureau is to keep the peace, and it is a tough job given the continuous [inaudible]. City workers from all bureaus confront more people with mental illness, more people who have fallen through the so-called safety net than ever before. But in reality, while making the job of our officers tougher, it is no excuse for the kinds of interactions that our city had with Mr. Chasse. We've made improvements, but we have a lot more to make both within the police bureau and within the county and among all local government city bureaus. So I will be participating at the very least this evening via telephone. It may be in person. And I want to close by adding my thanks to the city attorney. I want to thank the Chasse family for their strength and fortitude on coming to this settlement. Aye.

Fish: The ordinance adopted. Thank you. We have one more item on our agenda this morning. Please read 1098-1 from the 4/5 agenda.

Item 1098-1.

Mike Reese, Chief, Portland Police Bureau: Mike Reese, chief of police, Portland police bureau. Not having read the ordinance, I suspect it's for our transit police division authorizing an intergovernmental agreement to continue as we have in the past. It allows our operations with our partner, Trimet, and also the other police departments that participate.

Fritz: Would you address the issue that was raised in the previous hearing as far as you believe you have adequate authority to command or how supervision of the transit police is done?

Reese: We have a commander from the Portland police bureau and a lieutenant as well as sergeants who supervise the officers. We also have a lieutenant from Gresham and sergeants from other local law enforcement agencies that supervise the detail. It is challenging. I think, as we've learned through the Chasse incident, that there are some policy issues that we need to resolve with the other law enforcement agencies and our partners in this, particularly around internal investigations, that we all have protocols in place to protect accountability and officers' bill of rights and try and arrive at some fair and just conclusion on internal complaints but particularly when there's a terrible tragedy sometimes those protocols don't work as we would want them to. There needs to be agreements in place that cover when there are high-risk events like this.

Fritz: And does this -- you've recognized this is an issue and have the capacity to address it?

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Reese: Absolutely. Yes. And i've already talked to the division commander about that, and i've asked for a meeting with the sheriffs and chiefs of police of the partner agencies so that we can work on it at my level.

Fritz: Thank you.

Fish: I want to be clear the ordinance provides for a renewal of an existing agreement for successive one-year terms.

Reese: Yes.

Fish: Anyone wish to testify? Mr. Handelman, welcome back. You have three minutes, sir.

Handelman: Thank you again. I'm still dan handelman with Portland cop watch. This issue is the first issue in my continued vigilance over our police review boards where the review board came on their own, without their staff, to come testify before city council because they had heard a case that came before them where transit officers threw somebody to the ground, and that person was almost not able to be held accountable because one of the witnesses was from another agency who refused to be interviewed for the internal affairs investigation. The review committee then heard that as an appeal. This is not the first time it's come up. It came up to the citizen review committee and, as I testified earlier, it does seem to be a bureaucratic nightmare to try to count on these officers from other agencies to follow the policies, procedures of the Portland police especially when, according to the oir report, there are actually more officers from the other agencies than there are in the transit division. While there have been improvements, I guess the transit division, according to the report, told its officers to do whatever it takes, more or less, to go tackle people so they won't run them into train tracks or buses, which was outside the policies and the training of the Portland police bureau. The reasons the officers in the chase case weren't punished for that is because everybody in that division was doing it so therefore it was ok. It would be much better to have a cohesive police force, and we can't do it in Portland because the trains go all the way out to other counties and other cities. Trimet used to have its own police force. I'd like to see it be accountable to an elected body, which trimet is not. It's appointed. I'd like it to have a system for full accountability and oversight. But i'm also frustrated by the contemporaneous testimony of the chief and putting it on the four-fifths agenda, and it's not clear to me what changes were made to the documents put up on the city's website, so I can't testify to anything that was added to this agreement from whatever you were looking at last week or from previous agreements. You've heard this before, and i'm hoping we don't have to hear it again. We appreciate that there's work being done to do joint investigations in some cases, but it would be much better if there was one standard all the way across the board.

Fritz: I'm wondering why we don't have staff to tell us what the changes are from when it was on our agenda.

Fish: We have a staff person to address that.

Fritz: And why do we need to do it today?

Fish: This is an emergency ordinance on the four-fifths agenda. Does anyone know whether there is a requirement we act today?

Reese: Mike reese, chief of police. I believe the agreement expired on the first of july, and it was just an attempt to get a new agreement in place. If we want to set it over and have staff respond, we can.

Fish: Does the agreement automatically continue pending our action?

Reese: We would act as if it were to continue and continue the funding streams that are in place.

Fish: Mayor Adams, do you have any objection to us setting this over to next week?

Adams: Have you checked with the city attorney? Is there any legal authorization issues for this group of peacekeepers not being authorized by council and the chief?

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Reese: I haven't. These agreements often are not renewed as quickly as we would like, and so I think there's been lapses in the past on a number of different agreements where it takes time to get them through the various public bodies.

Fish: I think we have three options. Option number 1 is to vote on it today. Option number 2 would be to set it over to next week. Council, in the event that there is some reason that this has to be acted on this week, could we agree to set this over to thursday evening just to have a place holder and then wait to hear whether we can have this thing set over again till next week?

Adams: Yes. Let's set it over till thursday.

Fish: Why don't we set it over until thursday at 6:00 and make this the first order of business. If it turns out we're not under anytime constraint, the council will move it to some slot next week. Is that acceptable?

Reese: And i'll have someone here from the transit police station division to answer those questions.

Fritz: I would greatly appreciate it. I'm willing to follow your direction on that. We know it's going to be a long evening tomorrow evening.

Fish: I just want to have a place holder. Is there any particular action we need to take to accomplish that end?

Walters: I think you've made the necessary arrangements by identifying the setover, there and could be an announcement on thursday.

Fish: So this matter will be set over until thursday at 6:00 p.m. At which point chief will either advise the public that it will be on the agenda for next week or, if it's time certain, we'll take it up again.

Reese: Thank you.

Fish: Mayor Adams, as we close the hearing for the morning, we're going to assume that you're going to be participating by phone tonight unless we hear otherwise. That is fair?

Adams: That sounds good.

Fish: And we'll make arrangements. Thank you all. We're adjourned.

At 12:15 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JULY 28, 2010 6:00 PM

Fish: Our mayor is under the weather and is home. And we are glad he's home because I understand he has strep throat. Which is very contagious. But he is under our rules, he may participate by telephone so first of all, mayor Adams, are you with us?

Adams: I am. Thank you, commissioner.

Fish: Hope you are feeling better. And council, do you have some, do you have the script on our ability to have him appear telephonically?

Shane Abma, Sr. Deputy City Attorney: As long as you state it on the record he is appearing telephonically and he can hear the proceedings, that is sufficient.

Fish: That was read into the record this morning so we will continue. Commissioner Fritz, how are you?

Fritz: I am fine.

Fish: It's a little lonely up here.

Fritz: I know.

Fish: Karla, we have a time certain for 6:00 p.m. Will you read the item first?

Moore-Love: Will we do a roll call first?

Fish: Sure. [roll]

Fish: Here. **Fritz:** Here. **Adams:** Here.

Fish: We have a 6:00 time certain. Karla, would you please read the title of 1099.

Item 1099.

Fish: It is my honor to introduce or to recognize our distinguished auditor who is going to kick off the evening's presentation. Please come forward.

Lavonne Griffin-Valade, City Auditor: Good evening. Your distinguished auditor, present.

Lavonne griffin-valade, city auditor, very happy to be here tonight to introduce this very important report, and this fantastic team that conducted this independent review. So the in-custody death of james chasse on september 17th, 2006, was a significant event in this community. Concerns regarding the action of the Portland police bureau and the other public and private entities involved with mr. Chasse during the two hours between his initial encounter with law enforcement and his death in the back seat of a patrol vehicle have lingered for almost four years. Local officials, community members, and police bureau officers have asked, how this deadly force incident might have been prevented? And they have questioned why the internal investigation took three years to complete. Tonight we will hear a presentation from the oir group and oir stands for office of independent review. Regarding the review of the investigation of mr. Chasse's in-custody death. We also have several invited speakers in attendance. Chief mike reese and his guest darrell walker, director of cascade I can't, and any other guests that the chief has invited. We also have michael bigham, chair of the citizen review committee, dan handelmann from cop watch, debbie iona, and jason, representing the mental health association of Portland. I want to give abrief background on the oir group and introduce the three members of the team. The oir group provides consultant

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services to law enforcement agencies, the officer-involved shootings, use of force incidents, investigative protocols, force policies, procedures, and training, as well as all forms of alleged police misconduct. Oir group has provided training on investigations and direct feedback to field supervisors and internal affairs investigators, and since 2001, attorneys with oir group have contracted with the los angeles, with los angeles county to provide independent civilian oversight for all internal affairs and internal criminal affairs functions within the los angeles county sheriff's department. The largest sheriff's department in the world. Excuse me. In the nation. Maybe in the world. I don't know but certainly within the nation. Within the last eight years. Oir has reviewed high-profile officer-involved shootings, inmate murders in county jails, and scores of less than re that will force incidents on patrol in jails and in courts. I am pleased to introduce the team that worked on this report. Michael in the middle is the founding member of, and chief attorney of oir group. He has also been appointed by a federal judge as an expert consultant to assist in designing an independent review agency for the california department of corrections and rehabilitation. He has assisted other law enforcement entities regarding review of officer-involved shootings, force, internal affairs and oversight matters. He served for over six years as an assistant united states attorney for the central district of california as chief of the civil rights section, he was responsible for overseeing all investigations and allegations of federal civil rights violations. Prior to that, he was a federal procedure for eight years for the can go section of the united states department of justice civil rights division. He is a graduate of dart mouth college and received his j.d. From stanford law. Robert miller on my right is deputy chief attorney and founding member of oir group. He graduated from stanford university and ucla school of law. He came to the oir from a 15-year career in the los angeles county district attorney's office where he prosecuted murders, other violent felons and other white collar cases and crime. His independent oversight duties at los angeles county include review of officer involved shootings as well as misconduct cases at sheriff's patrol stations and the central jail. He has participated in a number of recent oir group projects for a wide variety ever cities and law enforcement agencies focused on officer-involved shootings, investigations, use of force investigations, and other critical incidents. And last but not least is juliely. She joined oir after working as a consultant with the police assessment resource center in los angeles where she worked on police policy and training issues. Her primary responsibilities at oir involve monitoring issues, surrounding the county jails, including use of force, allegations of deputy misconduct, and inmate deaths. She also has reviewed numerous officer-involved shootings and other critical incidents in her work with the los angeles county sheriff's department. She has served as court o--appointed expert to assist in the design of an internal civilian oversight entity for misconduct investigations in the california prison system. She graduated from american university and the university of southern california school of law.

Fish: Before we welcome the guests, lavonne, would you please let the public know where they can get a copy of this report? Either on a website or in some other form for the oir report?

Griffin-Valade: We have brought several bound copies with us this evening. You can find this report online at the auditor's website or the auditor's independent review, independent police review website on the city's website.

Fish: And after this panel and the other invited panels will be welcoming members of the public who want to testify tonight. Just a reminder, anyone who would like to testify, Karla, the clerk, council clerk has a sign-up sheet. Make sure you sign up and you will be invited to come up a little later. Who is kicking things off?

Griffin-Valade: I am very pleased to introduce once again michael gennaco.

Fish: Welcome.

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Michael Gennaco: Thank you. Mr. Commissioner, it's great to be here this evening. My name is Michael Gennaco. I appreciate the opportunity to be before you. Commissioner Fritz, Commissioner Fish, and Mayor Adams. And it's my privilege to provide some introductory remarks about our report. I think what we are probably going to do is focus on our recommendations and to the degree our recommendations need context by presenting the facts of the chase case we will do so. But I think it would be remiss upon me before we go there without making some introductory remarks and I can think of two immediately. One that is to the degree that our report and recommendations have been informed they have been informed entirely as a result of the cooperation and the cooperation of the police bureau and outside stakeholders that were important to our review. When we came to Portland, we were provided with all of the essential documents. But this kind of review needs more than a document review. It needs talking to people who were involved in the investigation, talking to people who were involved in the review, talking to people who were making command decisions in the bureau and outside the bureau. Talking to folks like the auditor and the IPR head, and talking to outside stakeholders as well, like the civilian review commission and other important folks that are interested in these issues that touch at the very heart of public service. And intended to look at the accountability issues with regard to the police bureau. And I can say that our experience over these past several months, we got started in March - - our experience over these past several months have been remarkable with regard to the vigor, the time, the interest, and the cooperation that was provided to us by each of those individuals, particularly those in the bureau. Taking time off their busy schedule not only to meet with us but to provide candid information about what went on in this case, the things that went right, the things that could have been better in retrospect and to the degree that our review of this investigation is informed, it is reliant in large part on the insight that was provided to us by our review of both with people inside the bureau, people in the city, and people outside that are interested in these very important issues. The second thing I wanted to say is that I think the public and I introduce myself to the public -- who are interested here, again, is to the degree of interest is demonstrative of a city that cares, cares about its police bureau, cares how the bureau has reacted to this unfortunate tragedy, how the bureau has bettered itself, if they have, as a result of this unfortunate experience, this in-custody death, and it's a testament to the city that the citizens of this city do care enough to take time of wonderful summer evening, time out from that wonderful summer evening to come here and discuss and dialogue about what we learned from our report. The other thing that I wanted to say publicly is that I was impressed by the interest that has occurred all day by the fact that Commissioner Fritz, Commissioner Fish, and others on this esteemed elected body took time out of their schedule to meet with us individually and privately. And share ideas about ways to continue to improve the process and ways to continue to improve the bureau, and the way in which it functions, and the way in which it investigates these type of critical incidents. The other thing I did want to provide is a little bit of context. And that is that as we say in our report, while certainly we have a number of recommendations and we are going to focus on that during the rest of my time, those recommendations have to be taken into context. By that I mean every review mechanism, every investigation can be subject to recommendations for reform and we have done our best to try and provide a path to reform with regard to our individual recommendations. That being said, as we said in our report, the city of Portland and the police bureau in particular is well positioned to respond to our recommendations because there already is a robust review mechanism in place as a result of the hard work of bureau members, bureau command staff, and those that have come before, as well as the commissioners' interest in accountability, the commissioners' interest in sharing a robust review of these type of incidents and the historical legacy city of Portland has over the past three years, had with regard to these issues,

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has to be noted. That being said, I will turn to our recommendations and briefly go over each of them. We have grouped the recommendations by subject matter. And we will sort of group them in that way and talk about them in that way. We will start with the homicide investigation. And the homicide investigation is the investigation that's conducted immediately after the incident. And while we found the homicide investigation to be overall a good product, we certainly found room for reform, room for recommendations, that we hope the bureau considers in attempting to improve its already well-defined protocols. Especially, we found that with regard to, again, our focus was on the chase incident but with regard to the chase case, what we learned was that the civilian witnesses who were -- there were a number of civilian witnesses in this incident -- were not interviewed contemporaneous with the incident but interviewed a few days later, and those interviews were not conducted face to face. Best practices suggest that whenever practicable it's better to interview witnesses sooner in time rather than later in time and certainly face to face interviews are desirable as opposed to a telephonic interview. So that is a first recommendation. Second recommendation is a more fundamental recommendation and one that we think is deserving of further study. Traditionally, police officers from the bureau who have been involved in critical incidents, officer-involved shootings, have not been interviewed the night of the incident. Traditionally it's been a day or two later in which those individuals are interviewed. We believe that, again, best practices would suggest that bureau consider working with its union, working with elected officials to reconsider that protocol and have a situation in which the officers are interviewed the night of and statements are taken from those officers before too much time has passed. The other recommendations are, some of them are document recommendations. The department does a good job of ensuring that officers are sequestered and transported from the scene readily but we found lacking documentation to that effect in the homicide report. There was an issue with regard to the media cooperation -- immediate cooperation of the private ambulance company that it responded to what ended up being an in-custody death after the force was used on mr. Chasse and that private ambulance company refused to talk voluntarily to homicide folks. Again, as a going forward recommendation, we would hope that the bureau and other interested bodies would engage in a discussion with that ambulance company in order to ensure cooperation in the future with future in-custody death investigations. We think that with regard to the rollout protocol, that's the individuals who automatically roll out to the location of critical incidents, that it would be helpful and important for internal affairs division and the independent police review representative to come out to those locations. For different reasons. Iad is obviously changed over the past few years. It's become a more aggressive, active investigative body. As we indicate in our report, traditionally iad would simply repackage the homicide investigation. Those days are behind the city of Portland, and it's good that they are. But it would -- we think it would be helpful for iad to get a first-hand knowledge of issues that appear from traveling to the scene rather than waiting several weeks before they engage in the actual investigation. Ipr, I understand, is involved in discussions so that they would have an automatic role to these critical incidents and we believe that that would be also helpful. One, to provide ipr with initial information about the issues as they unfold at the location, and, two, I think having ipr there in a cradle to grave kind of review from its inception of any incident can provide additional comfort and confidence to the public that the police bureau is going to do an effective investigation in its degree that ipr can help and assist and ensure that there is an effective and objective investigation. There being there from jump start I think would be helpful. And finally, there was some delay in the chase case regarding the completion of the detective's notebook and handoff to iad. That took several weeks. And ideally, the time line would have been more abbreviated, had those notebooks been completed in a more rapid frame of time line. So those are the recommendations for homicide. Now we go to the

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internal affairs investigation. And with regard to the internal affairs investigation, again, part of the explanation for the time lag was that iad resources, when the chase case finally came over to iad, were not equipped to immediately begin an investigation of the chase incident. And as a result of the back log, it took several weeks before that investigative team could get started our recommendation looking forward is to ensure that iad resources are sufficiently available so that there wouldn't be a time lag of this significance in future cases of this magnitude. There was an investigative obstacle created by the reluctance of outside agencies, other government agencies in allowing individuals involved in the chase use of force to be interviewed by internal affairs division. We thought it would be helpful looking back at the case that if in the future the bureau experiences similar roadblocks in their investigation, that they at least notify and perhaps potentially enlist their commissioner and maybe the city council as a whole to attempt to remove these investigative obstacles created by outside agencies. We also think that related to that, any discussions at this point before another in-custody death happens would be helpful and beneficial to try and gain cooperation now before the next crisis. With regard to cases in which there are roadblocks that are insurmountable we believe it's incumbent on iad to assess the cost benefit of waiting for what may end up being an interview delayed several months versus the interest in having an investigation completed in a timely fashion. And that calculus should be made in cases in which it looks like a witness is not going to be available for several months. And finally, to a sort of preemptive strike to prevent witnesses who may later become unavailable from not being able to get their story or get their version of the incident, the homicide group perhaps should be, our recommendation is the homicide group should be thinking about that and questioning these individuals who are from other law enforcement agencies in a criminal context so at least there's a statement that can then be relayed over to the administrative folks when the iad investigation goes forward. Finally, we have a few recommendations for the use of force review board. Again, I just want to emphasize the use of force review board is a vibrant review board that has provided systemic reform and accountability to the city of Portland over the years in which it's been in practice. It's an evolving board. We understand that there are even new ordinances this year that will change the makeup and the way in which the board functions to some degree. We support those, by the way. But with regard to this particular case, as i'm sure many know, there was new evidence that came out of this case, at least came out publicly in this case later in the investigation and that is a videotape that ended up being enhanced that showed a conversation between involved personnel. Unfortunately, when this new information went back to the use of force review board, there was no updated training analysis with regard to the impact that this new information might have had on the training analysis. There were two other recommendations coming out of our review that I think are related to that. One is, in our talk with use of force review board members, they were often in the dark with regard to the final outcome of any recommendations they made, be they systemic recommendations or individual recommendation on accountability. And what we recommend is that there be a feedback loop, an effective feedback loop with regard to informing use of force review board members on the final outcome of the cases. By that I mean what the chief decides and even what an arbitrator decides and getting feedback on the training implementations on whether they have been implemented. The involved officer appearing at the use of force review board is something we think the bureau should consider as a redesign or continue to improve their use of force review board. Regarding policy recommendations, while there were a number of policy recommendations coming out of the chase incident and all of them were to the good, and again, the bureau is to be commended not only for the adoption of the policy recommendations. I think there were I have a them that came off the use of force review board. But their implementation. They were able to do things like provide mental health training to each

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its officers in a very, very quick turnaround time. And I think it puts the bureau in better standing and prepares the bureau in a better way to respond to future incidents like this. More can be done and I think more will be done. But with regard to some of the policy recommendations that we think may have been not given as much shrift happens as should have been we have three. One is that we, while we appreciate the medical transport policy and all of the information and all of the reform that has gone into that transport policy, we had pointed out some issues that suggest a revisiting of some of the language in that policy. So that there is even better guidance and better definition about what the bureau's responsibilities are for deciding how and where to transport injured arrestees. The foot pursuit policy has been revised at least in training regimen behind the foot pursuit policy has been revised but there hasn't been a commitment revision of the actual policy. And we recommend again the bureau consider revising its foot pursuit policy so it's married up to what is actually being taught to its officers. And finally, we believe that the bureau has, can only gain from continuing foot pursuit data collection and tracking and we support the continuation of that data collection. We have some supervisory issues. And the first one in our recommendations is one that deserves a little explanation but we think is very important. And could have impacted the way chin this, the way in which this incident eventually worked itself out.

And that is that as everyone knows, and I am not going to belabor the facts unless people need clarification, but as everyone knows, there were three officers involved in the use of force on mr. chasse after he was detained. It involved an officer, it involved a deputy sheriff from another agency who was working in the transit bureau at the time, transit division at the time and it involved a supervisor, first level supervisor who again felt the need to use force on mr. Chasse when mr. Chasse was resisting arrest, at least in his impression resisting arrest. Best practices suggest that when a supervisor is actually involved in a uses of force incident, that when another uninvolved supervisor arrives at the location, that there should be a handoff of incident responsibility to the uninvolved supervisor. That did not occur in this case. We believe it should have occurred in this case and we believe that if it had occurred in this case there might have been better dialogue between the uninvolved supervisor and the ambulance folks so that the ambulance folks would have had better information available to it, to them, in deciding whether or not they needed to transport mr. Chasse to the hospital. And because this didn't occur, we believe that it should occur the next time something like that happens. And that is an important recommendation.

We also learned that internal affairs investigators were interested in learning about a potential defense that was actually raised in the chasse case. In the chasse case part of the defense for the officer's action was that the transit division had certain expectations of its officers and the community had certain expectations of its officers who worked in that transit division. That is, to deal with issues involving community concerns about activity in the train stations, near the train stations, near the bus lines, and that that changed the way in which the transit division did its operations. And perhaps caused officers to be more assertive in their acts of enforcement. And, in fact, we have learned from our review of the documents and talking to bureau people that, in fact, that position was advanced in defense for the officer who was involved in defense for his actions. Internal affairs division attempted or is considering following up on this issue to see whether there were supervisor reese issues that should have been addressed as part of its review and ultimately as part of use of force review. But we were informed the advice from people higher up in the chain of command was not to go there. So iad did not go there and I think it left a significant gap in the overall review that was then presented to the use of force board. We have some training recommendations. The transport of mr. Chasse after he was placed in maximum restraints concerned us. The fact that he was transported in maximum restraints for quite a distance, that is, the distance in which he was chased was the distance in which he was carried back in maximum

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restraints while struggling. Back to the patrol car. There was no explanation given. And it wasn't really pursued why the patrol car simply wasn't ended up to where Mr. Chasse was detained but we think that would certainly have been a better way of handling this. And this fact becomes important when you look at the coroner's report and her conclusions that Mr. Chasse's injuries may have been exacerbated by him struggling while they were carrying him this length of distance. So we believe that the bureau should consider this as a training and policy issue so that in the future, any transported of individuals in restraints is kept to a minimum if at all. By law enforcement personnel. There has been some interest in learning about the crisis intervention team training that was provided as part of the reform coming out of this incident. And we believe that to the degree possible that to the degree the public is interested in learning about this training, it could only help with the transparency to provide that training to the public to the degree possible. Finally, we have seen the bureau do in the past very good training videos on in-custody deaths and we hope at some point that the bureau consider using this case as a basis for a similar training video. Finally, we have some personnel recommendations. In this case, as people know, that are familiar with the case, the deputy who was involved in the use of force incident and prior to the investigation being over, ended up being hired by the bureau. And the fact that he was hired while there was pending investigation is something that does not comport necessarily with best practices in our experience in other jurisdictions. Usually, there will not be a hiring decision on a major use of force case when the individual is still subject of a pending investigation. And we are not suggesting that the deputy shouldn't eventually have been hired but while the investigation was pending, we are not sure it makes sense to make that hiring decision at that time. And finally, we understand now that there is a robust, I'm sorry, a regular policy with regard to how to deal with a situation in a pending investigation with officers involved in in-custody deaths. In the past, what to do with that officer during the pen deny see of the investigation has been primarily ad hoc decisions subject to criticism both from within and without the bureau. There is now a more systemic policy that we understand is going to be extended to officer-involved in-custody deaths and we support that recommendation. Regarding transit, we have talked a little bit about transit already. But we do see a problem with transit and the challenges presented with transit with regard to it being a multijurisdictional agency. As a result of it being multijurisdictional, and the fact that there is no accord on what the policy should be with regard to critical incident response, we fear a potential disconnect between the way in which agencies that are not bureau members -- members who are not members -- members of the transit bureau who -- transit division nor the members of the bureau might be working off a different set of rules, different set of policies, different set of training as opposed to bureau members. And we believe that since they are partnered up this could provide a disconnect and potential issue with regard to how -- with regard to the coordination that one would expect in responding to critical incidents. And we recommend that the bureau take a hard look at this and work with participating agencies to try and come up with a common core of policies, tactics and training and provide that training to all officers come go into the transit division. Finally with regard to IPR, IPR is evolved over the four years it's taken to investigate and review this case, in the Chasse case but we applaud the evolution and the more prominent role that IPR has played over the years in 2010, and we think that that should only continue, our recommendation is to have IPR as we said roll out to critical incidents. And establish a more visible and public presence during the pen deny see of any investigation so that not necessarily provide premature information but to provide assurances that the IPR is a robust participant in overseeing investigations and ensuring that at the end of the day, that those investigations are complete and thorough. I have spent a little bit of time going through these recommendations. And I know I have covered a lot of ground. But I wanted to make sure we covered as much ground as we could in the time we have. Obviously, we

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are obviously here to respond to any comments, questions, from in esteemed elected body as well as anyone else who has interest in our report. Thank you.

Fish: Thank you, mr. gennaco and I am going to see whether my colleague have any questions at this point. And then when we conclude hearing from other panels and members of the public, we may actually invite you back if there's some questions on the table. Let me first inquire whether my colleagues have any questions. Mayor Adams? Commissioner Fritz?

Fritz: I would like to -- go ahead, mayor Adams.

Adams: Sorry. In terms of what has been -- well, first I want to thank you for your work and for taking the time to meet with me as part of the report, as part of your report writing and information gathering. Do you have any concerns about the reform that has been made by the bureau thus far? Either that they are inadequate or in the wrong direction? And if you don't mention that, then, anything in particular, then I assume that they are headed, a particular reform is headed in the right direction.

Gennaco: What I would say to that, mayor, is that when we issued our report, we had some discussions with the bureau almost immediately after. And we found them very receptive to our recommendations and we believed that they were giving our recommendations to thoughtful review. I want to contrast it with another experience I had involving another agency who I will not name. But we issued a similar report involving another agency, and within an hour, the head of that agency indicated that he intended to implement all 20 of our recommendations by the end of the day. We worry about those kinds of responses because our recommendations are simply that, recommendations. They are sometimes a lot of thought that needs to go into the implementation of those recommendations of how it's going to be done or there may be some times when our recommendations just don't work. But the reflection that we received from the bureau and continue to receive from the bureau about our recommendations I think is heartening to us, mayor, rather than disappointing. Just as yet one more example, just yesterday, we got a call from the commander of the transit division to talk with us further about some of our recommendations so we think the bureau is well positioned to work towards reform consistent with our recommendations.

Adams: Thank you.

Fish: At this point we are going to excuse this panel. Thank you. And ask you to obviously stick around and I understand chief mike reese and his guests will be invited up next. And then we have another panel in the queue. Welcome, chief reese.

Reese: Thank you.

Fish: And derald walker.

Fish: You could introduce your guests and then I will leave it to you, sir, for the sequence.

Michael Reese, Chief, Portland Police Bureau: Thank you very much. Derald walker with cascadia. And eric hendricks, our assistant chief of investigations are with me tonight. Good evening and thank you for the opportunity to address city council tonight. My name is michael reese and I am chief of police for the Portland police bureau. I want to thank the oir group and city auditor lavonne griffin-valade for this thoughtful and professional review of the investigation into the death of james chasse. As we all know the tragic death of james chasse had a profound impact on the city of Portland, including the chasse family, members of the Portland police bureau, and the community at large. This death touched all of us deeply. It caused a wide gulf between the community's trust and the police. It is my hope that as we move forward, we can now attempt to reconcile some of the pain and loss felt over mr. Chasse's death. As chief of police, one of my top priorities is to rebuild the trust between the people we serve and the men and women of the Portland police bureau. This report and the changes that the bureau has implemented since 2006 are a beginning. Following mr. Chasse's death, the police bureau acted quickly on revising a

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number of policies and procedures. Many of these revisions are listed as recommendations in the oir group's report. Rather than review each recommendation, I would like to highlighted some of the positive changes the bureau has made since 2006 that are in line with some of the recommendations made by the oir group. In 2007, the bureau hired a mental health professional who is -- who is responsibilities including the development and implementation of best practice procedures in connection with officers' contact with mentally fragile individuals. This mental health professional, dr. elizabeth garrettson, acts as a liaison well bureau to mental health groups, attends the bureau cit committee meetings, works with individuals with mental health issues as well as families who need assistance. She also continues to work closely with project respond and other mental health providers. As of december 2008, all officers and sergeants in the operations branch which included 540 bureau members, were trained in crisis intervention techniques. This was a very large undertaking but one that I believe was critically needed. We have also reviewed our tactics in the area of foot pursuits. The bureau provided a refresher course in foot purchase suits with emphasis on outlining factors that should be considered at the on set of a pursuit including the severity of the crime. Another major change was in regards to the bureau's policy involving emergency medical custody transported. In 2007, the bureau conducted a complete overhaul of the policy and procedures surrounding the evaluation and transport of prisoners who are possibly injured or suffering from a medical condition. In addition, the bureau's training division produced a roll call video in 2007 in regards to transporting a person in maximum restraints and we continue to reevaluate this practice. We have met with our partner agencies and are working closely with tri-met to forge a pilot project for a joint investigation is conducted when multiagencies are involved. I agree with the majority of recommendations in this report. And we have already implemented or soon will many of them. These include changes in procedures to our internal affairs and use of force review boards. I believe the bureau is a better organization now because of the changes we have made over time since james chase's death, including how we respond to people with mental health issues. Today's patrol officers have a difficult job as they try to balance public safety, neighborhood liveability issues, and community expectations on how we assist people with, who are struggling with drug addiction, mental health issues and homelessness. We have entered a new era of law enforcement where police officers are often first responders to individuals who would have otherwise been helped by a more adequately funded mental health system. These complex problems are not easily solved by officer was limited resources. The community has high expectations of how officers should respond and treat these individuals with mental illness or addiction because they still want officers to enforce laws that maintain neighborhood livability. Officers must weigh several factors when enforcing these neighborhood livability crimes and they need to be more mindful about looking at the totality of the circumstances. There will be times when we need to take enforcement action as these livability issues greatly affect residents and businesses. However, in today's world we must do so in a more thoughtful and collaborative manner using partners such as transition projects, join, central city concern, cascadia, project respond and the faith community. The police bureau is fortunate to have talent the, hard working professionals who make positive impacts on the people we meet every day. I am confident that we will continue to make great strides in this area with the help and support of the community and our social service and mental health partners. Finally, we must continue to improve our after action processes which include internal affairs and use of force review process. I agree with the report's findings that the time line of the internal investigation was completely unacceptable. I pledge to work closely with ipr and the community to monitor the progress of investigations into the use of deadly force or in-custody deaths to ensure that they are completed in a timely manner. As quickly as possible given the complexity of this type of investigation. The oir

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group noted we are a learning organization and this report will be a useful tool to continue to implement best practices. Law enforcement is an ever changing field as equipment, tactics, laws, and expectations continue to develop. We are committed to continuing to be a progressive and transparent organization. Always search for better ways to serve the community. We cannot change the outcome of what occurred on september 17th, 2006. I am very sorry for this tragic event and the suffering it has caused. I want to reassure the city council, the chase family, and the community that the police bureau will continue to evolve and learn as well as ensure that we have the proper and best policies and practices in place. Thank you again for providing me with the opportunity to address this report.

Fish: Chief, before we move on to another invite the guest, can I ask a clarifying question?

Reese: Absolutely.

Fish: You indicated in your testimony, in your testimony that you agree with the majority of the recommendations in the report.

Reese: Yes.

Fish: What is your intention in terms of communicating with the council and the public as to specifically those recommendations that you agree with and the steps that you are going to take? And to the extent there's a recommendation that you either don't agree with or you have a slightly different view of how to get there, and you go a slightly different direction, what's your intention in terms of communicating that to us and the public?

Reese: We have provided council already with a written recommendation -- written report response to it, to the recommendations by the oir group and I will continue to do that as we implement changes. I think that again we agree with the majority of the recommendations from oir group and have implemented many of them as ongoing processes since 2006. I think chief sizer did an incredible job in looking at this very quickly, this incident, and making immediate changes to the organization including the cit training for practically everyone in the operations branch of the Portland police bureau. With the few items that we -- I wouldn't say we disagree. I think there are some areas that we have to continue to evaluate having on scene iad investigators and ipr, that's a process piece. We tried having iad and the training division respond immediately to these. And they are chaotic scenes. They take a while to work through the detective division and the d.a.'s office control the scene and access to them. I have had conversations already with mary beth baptiste, the director of ipr, about having the ipr director roll out and having that civilian oversight and I think as part of the stakeholders group with the ipr, we will continue to look at that as probably the best model for civilian oversight of the entire process. I think the ideas around the transit police division, including having a meeting with our partner agencies and tri-met, to work out policies that ensure that there's accountability and internal affairs processes, which is the major stumbling issue that we see in these types of investigations. Everybody has their own protocols and policies. And as we saw in this investigation, other agencies limited access to our ability to interview people. That needs to be worked out and we have to have written policies in place. I think those are things that I need to share with council as they occur and have a written response in place that we give you periodical lie updates on how that looks.

Fish: Thank you, chief. Who wants to go next?

Derald Walker: Mayor Adams, commissioner Fish and commissioner Fritz, I am derald walker. I am the ceo for cascadia behavioral health, one of the larger nonprofits in Oregon, it serves essentially as a safety net provider for the greater metro area within the Portland, Multnomah county area. One of the programs we provide that is critical on this matter is project respond. It's a 24-hour, seven data week outreach program that's staffed by quality mental health professionals. Since the chase tragedy, those of us at cascadia have witnessed a wake-up of issues on the streets

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with people that are vulnerable due to their mental illness. I think there's been a huge change in being aware of the problem, focusing on the problem and working collaboratively to try to address better services for those individuals. Some of things we have seen change since that time was the CIT training that Chief Reese has mentioned that consists was 40 hours of, all the patrol officers including sergeants, difference in training in the foot pursuit procedures. And also just a general increased consciousness and awareness by police officers within the bureau of the possibility that the people that they are encountering is a first responder may have a mental illness. Also I think there is a heightened awareness on everybody's behalf of that initial blink, for lack of a better term, reaction to a situation on the street where things are unfolding, literally in fractions of a second. I think there's a greater sense of awareness that multiple factors may be in play, including possibly dealing with somebody with a mental illness. I also think there's a greater awareness in the fact that jail is not the answer to these individuals, that there are other systems that better serve them. What we see is a much greater openness by the police department. Portland has the benefit of being chosen as one of five cities in the United States to be studied by the Center for Mental Health Law which is a national mental health law project based in Washington, D.C. The other cities are Detroit, Pittsburgh, White Plains, New York, and Austin, Texas. One of the reasons they chose us to study is the relationship, close collaborative relationship between the police bureau and Cascadia Behavioral Health as a safety net provider. They came to Portland earlier this year, did an initial review of data systems, met with Multnomah County data specialists as well as data specialists within the police bureau and reported back to me quickly they were extremely impressed by the police bureau's openness and willingness to share data and information, something that they have not necessarily found in some of the other participating cities. I think there's a much greater communication between Project Respond and other elements of Cascadia in the police bureau, although, quite frankly, I think in the last few years of my tenure has been good, but I think it's just increased with time. Also earlier this year, the spring, we started a pilot project pairing one of our qualified mental health professionals, our Project Respond specialist was a police officer during the day to identify, prior to an actual crisis on the streets, individuals 245 may be at risk of developing greater problems and precipitating the kind of crisis that the tragic death of Mr. Chasse illustrates. The police have been extremely cooperative in that respect and genuinely interested in improving the system and also reaching out to us as mental health professionals for advice on how to handle cases, identify cases earlier in the process. The earlier, also this year I was invited along with nine other Portland citizens to participate in an essentially a 24-hour citizens academy for the police department which gave me the opportunity to understand what police officers are faced with on the streets. I also spent, on the 4:00 to 11:00 or 1:00 a.m. shift with an officer on the streets, mostly downtown and the old town area. And I was a lot of the time the officers didn't know who I was. They just figured I was a regular citizen doing a ride along. I was repeatedly impressed by the patience and compassion that officers demonstrated 24/7 as they were faced again and again with people that were homeless and/or mentally ill or drug-affected. Also we have seen a significant increase in walk-in. In addition to providing Project Respond, the 24-hour crisis we also at Cascadia provide a 15-hour a day, seven days a week walk-in clinic where anybody can come in. And there are many other things that I think represent an improvement. The relationship between social service providers like Cascadia and the police bureau, but in addition to that, earlier this year, we also added to the Cascadia Behavioral Health Board of Directors Police Captain from the bureau, Donna Henderson. Which I think illustrates the close collaborative relationship this agency feels with the police department. Thank you.

Fish: Thank you, sir.

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Eric Hendricks, Assistant Chief, Portland Police Bureau: Good evening. Commissioner Fritz, commissioner Fish, mayor Adams.

Fish: Move that over, if you would.

Hendricks: Thank you. Chief said, assistant chief Eric Hendricks. I wanted to talk about darrell's comments. I have been cheese reese's representative on the steering committee of the project for the last three or four months, since may of this year. And in my almost 25 years in law enforcement, here in Portland, I can't think of but a few things that show the greatest promise for improvement of service delivery of the police bureau and the mental health community to the mentally ill on the streets. It's an exciting project. There's great research being done. Moving forward, commissioner Fritz sits on the steering committee with knee and a number of other folks. It's valuable work and I think shows great promise for improvements here in the city of Portland. It's, I am looking forward to continuing to sit on this that committee. As part of my duties at the investigations branch, I oversee the detective division and once again like to thank the oir group for their extremely thoughtful and thorough and thought provoking recommendations and report. I have been involved on a number of lengthy conversations with julie and mike, and like the several hours, ago together over a period of a couple of months and they have caused a lot of thought on my part and a lot of conversation in the chief's office about how to implement these recommendations. And as a result, the recommendation that is involve the defect division, the division responsible for the investigation of officer-involved shootings and officer-involved or in-custody deaths and I have sent the oir group's recommendations directly down to the commander of the detective division to review and to return his comments to me and not only review but see how we can implement those recommendations in the detective division standard operating procedure as well as in our bureau directives. Thank you.

Fish: Thank you, sir. Questions from my colleagues? Mayor Adams? So thank you. We will bring on our next panel. Thank you very much, gentlemen.

Hendricks: Thank you.

Fish: I understand from lavonne, I am going to invite up the next panel which I believe is the four people you identified. So that would be michael bingham, dan handelman, debbie iona and jays. Four invited guests would come forward. Is this the last panel? So we will move to public testimony after this panel. Welcome. Good evening. A long day. I know some of you have been with us since early this morning. You know the drill. We are going to ask you to state your name for the record and we have a three-minute time limit but we will be willing to go over that. I see the auditor is signaling me that we will give you five minutes. We will operate with the five-minute rule. And who would like to start? Mr. Renaud?

Jason Renaud, Mental Health Association of Portland: I am with the mental health association of Portland. In general the mental health association of Portland supports and appreciate the report on what happened to james chasse. It's what we expect from a diligent police commissioner in response to a critical incident. The oir report contains a tiny, potent argument which we would like to look at. It's designed to defuse criticism surrounding the brutal death of james chasse and it goes like this. It's on page one. It must be recognized the Portland police bureau in 2010 is not the Portland police bureau of 2006. That's nice rhetoric but it's entirely superficial to the interest of justice. The interest of justice remains fixed on september 16th, 2006. In almost four years no police officers have been held accountable. Two weeks paid leave is not accountability. No indictment, no crime, no personal auction. The mayor, the police commissioner, the police chief were irrelevant in this process. They were without powers, without the ability to manage. Almost four years, no one has been held accountable for the brutal death of james chasse. No human being, no person, no person directly responsible for his death, no person who tackled him, kicked

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him, punched him, tasered him, no person named kyle nice, no person named brett burton, no person named christopher humphreys. No persons. Until you have the powers to act publicly and decisively in response to a critical incident about persons you can not give us assurance that what happened to james chasse will not happen again. Understand this, james chasse had a mental illness. Stipulate that the mental health system is in a bad shape. That's why our organization has been concerned about what happened to him for the past three and a half years. But jim did not die of his illness. I played no part in his death. To blame him, to blame his illness, to blame the mental health system for his death is intentionally misleading. What happened to james chasse is not a failure of the institution or of the institution or the city. It was an unforgivable failure of three individual officers. You have tried to shoulder some of that burden because of police contract, because of concern over a civil lawsuit, because of your uneasiness with authority, because ever your antagonistic relationship with oversight but it's not a burden to be shouldered. It's a stain. What humphreys and burton and nice did is unforgivable they will never be trusted by the public as police officers. Their colleagues who work with them will be stained. When you speak with their right to privacy, right to a career, you also become stained. The task of a politician is to give the human voice to the law, to the policy and procedure, to speak to the community about the actions of the city. You and your predecessors were ill advised to be silent. That duration of silence eroded trust and confidence. These things seem to be changing. The acceptance of the recommendations of this report is not the last step in this process but really the first step. Thank you.

Fish: Thank you. Mr. Bingham, welcome.

Michael Bingham: Thank you. Mr. Mayor, commissioner Fish, commissioner Fritz, my name is michael bingham. I am the chair of the citizen review committee. Thank you for the opportunity to address you on the in-custody death of james chasse report commissioned by the auditor and oir.

In october 2007 I had an off the record conversation with a highly placed member of the Portland police bureau. This person confided to me that the james chasse internal affairs investigation had been completely stalled for the prior six months because the attorneys for Multnomah county had refused to allow Portland internal affairs division to interview the Multnomah county deputy involved in the incident. It was evident to me that this official was generally angry and frustrated that the investigation had been halted and he was concerned that the determining the real truth behind the death of mr. Chasse lessened with each passing day. I approached the then director of ipr and asked if she was aware of that problem. She said she was, and that her office was monitoring the situation. I was appalled that the chasse investigation was going nowhere, I did feel that because this was an ongoing investigation, and that the information had been given to me off the record, I had to treat my knowledge as being confidential. Maybe, too, I was hoping vainly as its turned out the ipr would apply some pressure to get the investigation moving again. As some of you may recall a few months later hank miggins, loren ericson and myself asked several tri-met intergovernmental agreements be pulled from the consent agenda because of our concerns of accountability of officers of other jurisdictions when working with the transit detail within the city of Portland. Our intervention was in large part a result of the problems in the chasse investigation.

I would like to thank the mayor for forming a work group of involved police officers to hammer out solutions to those accountability issues. We did some good work but in the end, weren't able to resolve for me the a least the central issue, that of making officers from outside agencies available to internal affairs for interviews on complaints or major, on major, complaints or major incidents. The oir report is an implement report, thoughtful and thorough and I would like to commend their organization for their hard work and commend city auditor griffin-valade for having the courage and integrity to commission it. The sad fact is taking four years to gain some kind of resolution to

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mr. Chasse's death is outrageous. This exercise in bureaucracy has not served mr. Chasse, his family, Portland police bureau, the involved officers, or the community. There's a lot of blame to go around, but the fact that Multnomah county and amr decided to place liability concerns over the search for the truth is beyond the pale. I would like to support the enactment of all recommendations in the oir report. I would like to take a couple, a moment more to, of your time to discuss a couple of them in depth. The transit division needs greater command and control. Officers from different jurisdictions need to heed common policies and procedures, and patrol tactics reporting and the use of force. They should be trained as a unit. The different jurisdictions need to come together and agree on procedures for investigating complaints and holding individual officers accountable. Most importantly, those officers must be made available to internal affairs for their interviews. One of the recommendations of the crc park work group was that ipr personnel roll out to the scene of critical incidents and monitor the investigations from day one. Please see that the oir report -- that the oir report echo that is recommendation. It's not that I feel that homicide detectives and iad officers don't do a good job. They are consummate professionals and all too often ends up being the scapegoats. Rather I think that dispassionate oversight can find gaps in the investigation and later on when the process moves into the review phase, cut through the bureaucracy and delays. Sometimes a little political muscle is needed to ensure the process proceeds efficiently and at a reasonable pace. In conclusion, I felt that, or I feel that james chasse's death was a tragedy. But I also feel it shouldn't have happened. A tragedy that shouldn't have happened and hopefully through this review it won't happen again. Thank you for taking the time to hear my comments.

Fish: Let me address one matter that you alluded to in passing, which is your concerns with the agreements between the city and tri-met. Our intergovernmental agreements. And mr. Handelman knows, we actually had that on our agenda this morning for a renewal of an agreement and did check in the, since then I have checked with the city attorney and this matter will be reset for next wednesday and will be putting that on the record agenda. Thank you for your testimony.

Fritz: Commissioner Fish, may I just ask a question. We have made some improvements, a lot of improvements in the independent police review process and you have been very helpful on the citizens review committee. Do you think that the, what we have done so far would address the concern that you experienced in 2007? Would we now know when a process was stalled and would you as a citizen have the ability to bring that to somebody's attention?

Bigham: Well, I think, to be honest in 2007 the director of ipr knew it was stalled then. But I think the ipr today is much more assertive and municipal much more aggressive in terms of dealing with that. So I think to 245 point, yes, it would be.

Fritz: The ipr director were to change or are the processes in place now so that the citizen review committee would know and be able to take some action? Or is that something we still need to work on?

Bigham: I think that's something we need to work o I didn't find it out from ipr. I found you the out from somebody within the bureau.

Fritz: But perhaps there needs to be some time lines and check-ins that put in place in your ongoing process that the independent, that the internal affairs division would be required to report and document to ipr, to the citizen review, perhaps to the council at report intervals where they are?

Bigham: I think that would be a good idea.

Fritz: Thank you.

Fish: Thank you, sir. Mr. Handelman.

Dan Handelman: Good evening, commissioner Fritz, commissioner Fish and mayor Adams. I am dan handelman with Portland cop watch and this is regarding the james chasse report. We have

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generally pleased about report particularly as it addresses police behavior during the incident as well as the investigation. Overall we agree with most of the recommendations but wish some of them had gone farther. In addition there are some good things, a few questionable things and a few missing things. Among the good things are the following. Oir recommends officers not be able to carry suspects who are in maximum restraints or in other words they should not have tossed James Chasse about like a sack of potatoes. They suggest that medical personnel can be called to put an injured person on a gurney so their weight is supported. Oir believes in getting agreement with other agencies like Tri-Met and I said it may be time to look again at having Tri-Met have its own agency somehow that could be responding to, like a body of some sort with a strong accountability system instead of having all these piecemeal forces with different training and different policies and different oversight systems. I don't think that that can ever work the way the union contract are. Oir also wisely points out some experts, so-called, claim that the police need to be interviewed 24 hours or more after a shooting or death incidents because their memories will be affected by adrenalin yet as Oir says, such delays not afforded to civilian criminal suspects. They imply the PA, Portland Police Association contract should be changed to allow immediate interviews of officers and we would support that. Oir recommends that officer not be allowed to make emotional pleas to use of force review board which shooting deaths are being considered. Chief Reese can agree with that although he committed the language about the emotional pleas. Oir recommends the independent police review division and internal affairs go to the scene of shootings which we talked about by Mr. Bingham. CRC also brought that up and we support that as well. Oir recommends internal affairs conduct investigations into supervisory issues which were apparently discouraged by people in the bureau. It should be noted that we discussed this idea as having a finding called supervisory issues. In cases where the supervisor's action may not constitute misconduct because they may have broadly given officers under their command faulty instruction. That's what happened in this case. These officer didn't get blamed because everybody in the transit unit was taught to knock people down. We appreciate and agree with Oir and Commissioner Leonard if a supervisor breaks a specific direct receive he or she should be separated differently from a life officer but a debriefing or retraining would help as well. I am going to throw in here I am sort of surprised the commander who was in charge of transit is now sitting on the board of Cascadia at -- that is there is some irony there. Oir recommends the public to see the training. We have been asking for that a long time. Chief agreed except he feared compromising public and officer safety which is different from the previous objections we have heard which about bettering open communication by officers. It was also good in the report to get information that wasn't necessarily clearly stated previously such as the officer sat in their patrol car when Mr. Chasse was in the back seat and they filled out paperwork. They carried him to the car instead of driving closer to him. Medical examiner's opinion said the way he was carried may have caused his punctured lung and the decision to hire Deputy Burton was made by the highest levels in the bureau. In addition they note the officers were, officers in general are coached to speak with lawyers at depositions in a way that's not unvarnished and candid. This is what the county attorney wanted the internal affairs to use the depositions as their administrative investigation. Oir makes a good investigation to prohibit officers from signing off on behalf of a suspect for medical purposes. We think the directive calls for a piece of paper who identifies who made that decision to be destroyed. I am not sure if Oir found that or maybe it got changed before they looked it. Robert King agreed with Portland Cop Watch that a piece of paper is crucial for accountability so we know who told the ambulance either to take the person away or to have them go to jail. We are very glad to see Oir's repeated focus on the officer who allegedly told witnesses Mr. Chasse had 14 drug convictions and they found cocaine on him and officers and paramedics were laughing. Pointing it

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out will not change the outcome because these things were not investigated. I will get to the missing section because I am getting close to my time. Unless itself missing something I don't see any recommendations against kicking, killing them, laughing about the way they went down hard or other issues of concern to the community. It's interesting oir suggests that most police departments can't subpoena civilian witness the. City council has just given ipr that ability and at the time of the investigation the bureau could have asked council to subpoena the civilian witness they couldn't get to come in. We realize the bureau has agreed to and/or has begun to work on the recommendations but they have not changed their practice without seeking community involvement. The use ever force policy which is perhaps a step poured still has a phrase about the totality of the circumstance which is seems allows a lot of legal wiggle room. The public should be invited to comment on these recommendations at the very least and the oir makes a recommendation about the performance review board, not having officers appear before them but doesn't say anything about this issue that we cause so much controversy about whether the officer shiver are supervisor's should be allowed to vote and we hope the stakeholder groups recommendation will be taken more seriously in the future and we appreciate commissioner Fritz supporting the vote in that case. We most disappointed by the fact oir outlines acts of misconduct that the officers involved will never be held accountable. Officer humphreys changed his story and bragged otherwise on a jail video. The bureau's foot pursuit policy was clearly violated in apprehending mr. Chasse and it is surprising that sergeant nice is assuming responsibility as the on scene sergeant after being involved was not against any existing policy. I will glad they recommended changing that. It's in a appropriate will be letting the public know where the officers served there two weeks off or whether they went to mitigation to get that minimum punishment reversed. Thank you very much.

Fish: Thank you very much. Ms. Iona. Welcome.

Debbie Aiona: Good evening. Oh. Jeez. Is that working ? Or am I too far away? No. This I think maybe this is ok. Thanks. Good evening, mayor and commissioners. I am debbie iona, representing the league of women voters of Portland. The league would like to thank auditor griffin-valade for facilitating oir group the report on the in-custody death of james chasse junior. The report provides a wealth of information, valuable recommendations and is responsive to public concerns. The league has been involved in issues related to the police bureau and our oversight system for a number of years, and appreciates the opportunity to comment on the report. Although the oir report does not provide clarity about ipr's role in the chasse investigation, we are encouraged by its recommendation that ipr consider informing the community of the status and progress of ongoing investigations. On the third anniversary's mr. Chasse's death, "the Oregonian" published a guest column expressing outrage over both the incident and the length of time it was taking to complete the investigation. Ipr was not mentioned in that column or in other relate the news stories. The league suggested the ipr direct they are she could provide a service to the community by submitting a response explaining the ipr's role in ensuring a thorough and partial and timely investigation. She did not act on our suggestion. We encourage ipr to follow oir's recommendation and keep the public informed about ongoing investigations. Knowing that an independent entity is overseeing critical investigations and working to ensure that they are thorough and fair should result in increased public trust. Furthermore as oir suggests, ipr presence at critical incident scenes will send a powerful message to the public that our oversight system is taking its responsibility seriously. The report highlights serious issues with the transit police division. The division consists of officers from various jurisdictions governed by the policies of their home agencies and held accountable to those policies. The chasse case illustrates the problems associated with such a disjointed system. If it is not possible to design a

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multijurisdictional system in which officers operate under one set of policies, and are held accountable to those policies, then the city should consider recommending that tri-met take responsibility for its own policing. Oir points to the importance of supervisory instruction during critical incidents and urges iad to explore these issues and the course of their investigations. The police oversight stakeholder committee is considering adding supervisory management issues to the potential findings in misconduct cases. We urge you to keep the oir recommendation and commentary in mind when the committee's recommendations are presented to you at a later date. The report reveals a lack of clarity around medical decision-making. In the interest of safe guarding the welfare of our community members, decisions about an individual's medical status and transported should be left to trained medical professionals. Bureau policy should make this clear and require documentation when those decisions are made at the scene of an incident. In his acceptance speech chief reese expressed his believe in the importance of public policy. With that in mind the league urges the chief to share draft policy proposals inspired by the oir report with the citizen review committee and the public. This will give the public the opportunity to provide feedback and assure the community that the bureau takes seriously the importance of learning from the tragic death of james chasse. As oir pointed out, the bureau already has made a number of significant policy improvements in response to his death. The league hopes additional changes will be discussed with the crc and the public before adoption. In the interest of facilitating and improving the quality of public participation we encourage the auditor and council in the future to schedule hearings on critical reports such as this one at least a week after their release. Debbie iona, we would like to thank the auditor and oir for the valuable report and the willingness of the bureau to provide oir with the access it needed to do its job. Thank you for considering the league's views.

Fish: I want to thank each of you for your testimony tonight. Karla, I understand we have five people.

Moore-Love: Two people.

Fish: Two people who signed up. Ok. If you could call their names.

Fish: Welcome to city council. We just need to you state your name for the record and you have three minutes.

Chani Geigle-Teller: Hey. My name is Chani. Just before I start, I have to say that I know some of you from other places and I am not here in any official professional capacity tonight. But I am here because I am a concerned citizen who has been working downtown for the last six years with people surviving mental illness and drug addiction. I am also a member of Portland cop watch. I just felt like it was really important to point out that there are reports like this before for like the last at least decade, I have read them as a member of cop watch. And I think it's important to point out that if our elected officials had taken those reports seriously, james chasse might not be dead. I appreciate the steps forward being taken by the council, and the community lately, but -- and I appreciate the report and recommendations but I also feel like it's really important to point out that there is wisdom in the community that often falls on deaf ears and I feel like all of the recommendations made in the report probably could have come out of people who are sitting in 24 room today and have been working on these issues for decades. And we would have saved probably a whole bunch of money and possibly we could have put a little bit of that money into treating and supporting people who are experiencing mental health issues. I have to say that I feel that the community needs you to fire humphreys, burton, and nice to start with. They need to be fired. Their actions before and since they murdered james chasse only show we are not safe with them on the street. They need to be fired and then they need to not be hired back. We need to make sure that the -- you need to make sure, I guess, that the police union contract negotiations are

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kept open to the public. I think that it's our business and it's our community and our safety. At the scene, the officers, at the scene of chase's beating, officers said to the public that he was homeless and a drug user, a if those things would have made it ok for how they treated him and how they killed him. Afterwards when I was working in some low-income housing downtown, we had our community meeting, our weekly community meeting after the story broke. People who I was working with asked me if they were safe and if the police would do to them what they did to chase. And I didn't know what to say. Since then the cit training has been implemented and all the officers have been trained in certain competencies and de-escalation tactics and if those same people were to ask me again if they were safe now, I would have to say no, and I would have to say, well, let's ask jackie collins or aaron campbell or keyton otis. We can't. They died a few months ago at the hands of the Portland police bureau while they were experiencing a mental health crisis. All officers who were cit trained, by the way. So i'm done, actually. I just wanted to say that we have been working on this as a community for a really long time and I want to just publicly say that as the community our hearts and our work is still with the chase family and will continue to do the work that we need to do until we can be safe from police brutality in our communities.

Fish: Thank you very much. Mr. Steenson.

Tom Steenson: My name is tom steenson. I represent the chase family. I am also here as a citizen of the city. Unfortunately, I have been representing families who have been experiencing the death of a loved one shot and killed by the Portland police or who have died in custody for 25 years. And I wish I could say that this is different. But it's not. And I think jason probably addressed some of the major issues I would like to touch on that I think the oir did not touch on and that the city continues to ignore and fail the citizens in addressing. First of all, not only did the iad get the facts wrong, the oir has the facts wrong. Some of crucial facts that have been ignored is that humphreys recognized that james probably suffered from mental illness when he first saw him. Humphreys was trained in how to address and deal with someone who suffered from mental illness. He ignored his training. Instead of de-escalating the situation, he escalated the situation. He was ignored by iad and by oir. He described james as looking like forrest gump. The crime was that he thought, if you actually look at what humphreys says, he was pissing in his pants. Which is not a crime. He ignored according to oir's disclosure for the first time after three years, the training division's finding that officer humphreys did not follow his training. In either pursuing chase because of the nonexistent crime or in crashing or taking him to the pavement. Whether by knocking him down, which is bureau approved or by tackling him. Every eyewitness who had a good view, there's three of them, if someone actually looked at the record -- who saw james taken down describes it as a tackle. Nice describes it as a tackle in his initial homicide interview. Humphreys says it's a tackle in the jail tape. Burton portrays it as a tackle in the jail tape. Three days later, after inexcusable delay by the homicide detectives in interviewing humphreys, I suspect because humphrey is consulted with his union representative and his lawyer, he all of a sudden describes it as a knock down. Later nice also has a fading memory and it no longer is as he hold the -- told the homicide people a bear hug tackle but something else. As part of the coverup in this case, humphreys claims that bread crumbs he found probably from a sandwich that james is eating was cocaine. Burton describes it on the scene as bread crumbs. Nice claims that burton chose him -- shows him a drug bin dull. Burton says there was no bruggere bindle. The deception and misleading attempt to stick drugs in james's system or on his person was designed to denigrate him and reduce him in the eyes of the medical people. There was no disclosure of the fact that james was unconscious or not breathing for 30 seconds to a minute to the medical personnel. Nice twice refused to allow amr to transport james to the hospital. Which certainly would have saved his life.

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If the dozen or so civilian eyewitnesses had been interviewed effectively by either the homicide detectives or iad who didn't interview but one of them, it would have been learned that the eyewitnesses saw james struck repeatedly with fists, kicked in the head, stomped on, dropped on, smashed back to the pavement,. The point is that I think it's true -- correct me if I am wrong -- but in 25 years, not a single officer that I am aware of has ever been disciplined for any use of force or the line in the coverup in the associate with a coverup in a shooting death or in-custody death. As jason describes it the two-week suspension afforded officer humphreys and sergeant nice -- not for the use of force and not for their lying -- but for nondisclosures of or the failure to recognize medical symptoms, is not what's really going on here. In every death that I have seen, idle the same.

Fish: I have extended your time to five minutes. If you could wind up.

Steenson: I will. There has been a consistent and repeated effort, conscious or otherwise, resulting in a failure to discipline officers and as a result, I believe, I think the citizens believe, that they can act with impunity when they use excessive force and they lie about it in an attempt to cover it up. That's an issue that has been ignored by iad. It's been ignored by oir and I suspect it will be ignored by the council. And I respectfully dissent completely from the acceptance of the oir report giving -- given its inadequate see of the facts and failure to address the systemic problem in this city in disciplining or determining officer who is use excessive force in killing people and lying and cover it up.

Fish: Thank you, mr. Steenson. [applause] please, sir. We don't allow -- sir. [applause] you know the rules. You have been here many a times. Karla, there are any more witnesses?

Moore-Love: That's all who signed up.

Fish: We are now going to have council discussion and first I wanted to ask my colleagues, mayor Adams and commissioner Fritz, if they have any additional questions they would like to pose to oir or to the auditor and we can invite them back. If not, we can proceed to a vote. Mayor Adams?

Adams: I will let commissioner Fritz go first.

Fritz: I would like the chief to respond to that last, some of the last comments regarding discipline. Because I know when we have been looking recently at police accountability issues, there have been I think 33 officers who have either left the force, resigned or been terminated. I don't know what the, what the cause for that was but could you just respond to that particular allegation that there's been no discipline for any in-custody deaths or excessive use of force?

Reese: I think -- it's hard to look historically at these cases. They are very different and I don't have the numbers for the different decisions that have been made by.

Fish: Let me just jump in for a second. Respectfully, mr. Steenson, the attorney's family raised that issue. I don't know if you don't have the data or the information with you, it could be something you could furnish to council if you prefer.

Reese: I can. I know of two cases where officers have been disciplined in deadly force encounters up to including termination during my career. These are obviously very tragic incidents, and I think our investigation as oir pointed out by the homicide team and internal affairs was very thorough and they asked very difficult questions by the people involved.

Fish: Commissioner Fritz, do you have any questions directed to the authors of the report? Should we bring them forward?

Fritz: Just one.

Fish: If the oir group could come back and ask you to join us for a moment. Thank you.

Fritz: And that is in regard to the issue that was raised by some of the folks testifying with regard to the transit police having different command and the issue that was raised by dan handelman

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regarding the commanding officer being voting on the use of force reviews. Did you have any recommendations on that?

Gennaco: We did not. We know that there has been a lot of discussion and debate on that issue. And we know that there have been various schools of thought about whether that's appropriate. I know part, I think recommended that the commanding officer not be a voting member. But we only had one incident to really base our recommendations on and didn't feel that should overcome the discussion that has taken place in the past few days, actually, about this issue.

Fritz: Thank you.

Fish: Mayor Adams, do you have any questions?

Adams: I don't know if the question that you can answer to the consultants, but give, can you give us a professional, personal comparison of how the city of Portland bureau of police is on these issues of effective use of force, appropriate training, training to deal effectively and compassionately with people? Are there things not in your report in your review of the specific incident that you feel, that take place, are there areas based on your time on this specific issue that you feel merit additional examination and review? Just asking for your individual professional judgment.

Fish: Michael, you can choose who responds.

Gennaco: Yes. I will have julie take a crack at it.

Gennaco: -- crack at it. Sorry.

Julie Ruhlin: Sorry. I've been listening to mike talk all evening. Wasn't ready for the microphone. I think that the -- this is hard. Mayor, can you just restate? I thought as you were saying it that I should be writing notes about your question and I apologize, but if you could kind of give it to me again, I would appreciate it.

Adams: Sure. How do you compare to other police agencies that you work with in terms of our moving in the right direction faster than other local governments, police agencies? Are we in the middle of the pack? Are we lagging? If there's any sort of comparative observation that you have, in the area of excessive use of force, dealing with vulnerable citizens?

Ruhlin: Got it. Ok. I think, first off, we looked at this one incident. And we didn't look at use of force numbers. We didn't look at patterns. And so I don't want to make a broad statement about how the bureau does on disciplining officers on use of force. That's something that was beyond the scope of our review. I will say that we were very impressed with the bureau and their openness to our review. And their willingness to look critically at itself following this incident. There were neighbor of recommendation that is came off the training division that that we felt were relevant and useful. We go through some of those and make some suggestions for ways that even those could be improved upon. But in items of comparing the bureau to other agencies, I think we were in short just impressed with this bureau's ability to open itself up to outside review and to take corrective actions when they see it's necessary.

Adams: Another question that seeks to draw upon your personal professional experience. In the operational areas covered by the review of this one case, are there -- how do we define success? How do we -- I mean, the excessive use of force leading to someone's death, preventing that unnecessary tragic death is obviously a method trick. But what if that practice in terms of metrics that prevent these kinds of incidents from happening?

Gennaco: Mayor, this is michael gennaco. It is difficult to sort of measure success in these areas. But I would measure them by, one, the way in which each of these critical incidents are investigated, and then reviewed, and the review is important. As they come and are challenging the bureau, and other interested stakeholders, each case, haven't seen yet a perfect in-custody death situation. I haven't seen yet a perfect officer-involved shooting. By that I mean there can be

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learning and should be learning with regard to each of these incidents. And the way you I think can best detect that a bureau or a police agency is, in fact, learning from these is by the product put out by the bureau and perhaps promulgated throughout an independent oversight group like ipr. The homework that is done by any bureau if in investigating and reviewing these cases through the prisms of systemic reform, policy development and equipment and supervision all need to be carefully assessed, objectively assessed with the help of outside eyes and ears and then, most importantly, that homework needs to be demonstrated to its community. And I can, you know, tell you this about comparison to other similarly situated police agencies. Many times, similarly situated police agencies have a very cursory investigation. There's a presentation to a district attorney, that's also very cursory, which no grand jury investigation of any sort, and most importantly for purposes of our review, any kind of internal investigation is sometimes just a repackaging of that cursory investigation, and then any review at all is simply the chief of police looking at the report, checking it off, initialing it as received, and putting it on the shelf. So those right kinds of comparisons that, you know, anecdotally we make based on our review of other agency. That being said, when we went about in our intent on doing this review was to ensure that the city of Portland and its bureau not rest on its accomplishments, not rest on what it's already done but continue to get better and there were certainly areas for improvement here. There was a let down to the community with regard to, if anything, the pace of this investigation. And I think that we tried our best to help the bureau come up with ways to forestall a delayed investigation from occurring in the future.

Adams: Thank you very much.

Fish: Further questions? Thank you all. We have before us a report submitted by the auditor. We have been asked to accept this report. Is there a motion to accept the report?

Fritz: So move.

Adams: So moved.

Fritz: Second.

Fish: A motion has been moved and seconded. Karla, will you please call the roll.

Moore-Love: Fritz.

Fritz: This report was on why it took so long to review this incident and what could be done to make the police bureau's practices better in regards to review of tragic instances in use of force. And I thank the consultants very much for your diligence and thank the auditor indeed for initiating this record. Former police commissioner dan Saltzman embraced the doing of it and directed the bureau to cooperate. Certainly chief sizer and chief reese have done that and the community will benefit. And the diligence of the report and this airing in public is a tribute to james chase and to his memory and that we are committed to doing things better. And to avoid, to the extent we possibly can, having these things happen again. I appreciate the point that this has happened again. I appreciated in many of the points that were made in testimony, particularly jason's one that this was not a failure of the mental health system. This was a not a failure of the housing system. Mr. Chasse was housed. He was in treatment. And had indeed been seen by project respond and a police officers together two days prior to this incident. So there are certainly things that we need to do, we can do, and we are doing to actually have a system of caring for people with mental illnesses in our society, which after working at ohsu and in patient psychiatry for 22 years, I came to believe we don't have a system. And we have a great opportunity with the baslon project and I believe with assistant chief hendricks just having everybody involved in the room looking at the data, figuring out how to do things better is a tremendous opportunity and indeed something that is very meaningful to participate in. We have already identified some of the things that need to be improved, including who is dispatched, whether it's the police or project respond and how the

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bureau of emergency communications, which I am in charge of, can help provide better care for folks. But we have a discussion at the meeting last week about the baslon law institute school that would eliminate police interactions with people with mental illness. Well, that's not a realistic goal any more than eliminating police interactions with women is a realistic goal. There are people in our community who are experiencing mental illness who have the report to be on the street and have the report to be treated with courtesy and care. It was very troubling to read this report. It was very troubling to read about the lack of care for an individual who was hurt and then died. And I appreciate that the response of the police that indeed they will make changes in the policies and procedures and I would like to be involved in some of those. We, in psychiatry, with, there has been a huge change in how violent people are treated within hospitals. Now, recognizing that hospitals are very different from the open street, the folks are in the hospital, have been searched already. We know that they may have some kind of a weapon but they probably don't have a gun. So that's different. But under the leadership of maggie bennington-davis who works at cascadia and is a leader in the country on this, in psychiatry move to more of a sanctuary model where instead of taking the control of the person having difficulty, we respect that person's right to have some space and try to keep the outside environment safe for them. And that was difficult for me, having worked in psychiatry for 20 years when this was instituted, that was different from the way I had been taught was a compassionate way to take care of people. It took my supervisors saying, we are going to do it differently. And we are going to make sure that you the staff are not in any greater danger and, in fact, as it turned out, moving to 2 the sanctuary model we tracked and found that our staff actually had fewer injuries by using a more compassionate model that intervening and taking folks down by force, that in itself was causing injuries to the staff. And so it is going to take a top-down approach from the police to change the practices and to give our officers the responsibility to act compassionately as well as within policy. And I know that in chief reese as in chief sizer we have leaders who are committed to being peace officers. And that is something that we need to embrace as a community. There's been a lot of work done over the past 18 months that I have been in office and more needs to be done. And our citizens are engaged. And our as we heard we have made significant improvements in the independent police review process in the citizen review committee. We I think are moving in the right direction. And at this point, we need to cautiously respect each other's willingness to do that and to have the whole community suspend disbelief and to try to encourage everybody to be in this for the common good. We do need to keep the public involved of ongoing investigations and to improve the communication between independent, the internal auditing division, the independent police review and the crc and so that that then information can get out to the public. And I appreciated michael bingham saying he will work on that. I think we do need to work on transit police training and policies and expect some combined training, including with our downtown private security forces who patrol the transit mall, that we should expect that there should be common policies and common training for those officers who are assigned to do this work. And we do need to continue to put money into the mental health system and to continue our work to improve it. We are, this council is, we dedicated \$2 million for structural improvements in the hooper detox center and close to \$1 million ongoing to provide services to that facility and we have other, many other strategies. Commissioner Saltzman and I worked on a report published in april that outlined the other things that we can do outside of the police bureau and including some in the bureau and we will continue to do that. We all need to work together and I think this report helps move us in that direction. It gives us a factual basis to do that and I greatly appreciated everybody is here tonight to participate in the discussion of how can we do better to honor james chase. Aye.

Moore-Love: Fish?

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Fish: It's been a long day. I want to thank the mayor who is home sick, who has participated fully all morning and this evening for being fully engaged on this issue. I want to thank my colleagues and I associate myself with commissioner Fritz's remarks so I will be brief. This morning, we settled the lawsuit brought by Mr. Chasse's estate against the city. In my view it was long overdue.

As I said then, however, while the ordinance we adopted settled the looted it did not settle the matter. I concur with commissioner Fritz that we have made progress and that we are making progress. After reading this sobering report and listening to the testimony tonight, I also believe we have a lot of work to do in the future and it's work we must do together. I want to especially thank a few people this evening. Auditor Lavonne Griffin-Valade, thank you for initiating this report and for brick it forward and for ensuring that the council received a full and complete briefings on this matter prior to the hearing. And thank you for your leadership on the reform agenda, which you and your officer have tackled so ambitiously. I would like to thank the OIR group for their report. Everyone is entitled to their view of this report but I think we can all agree that it was clearly written and contained recommendations which are within our reach so I thank you for your work and for your testimony tonight. I wanted to thank Chief Reese. Chief Reese did not get a honeymoon when he took this job. In fact, from the very first day, he's had his hands full but he's a good man and I think he's the right man for the job at this time. And it is a pleasure to work with him. And when he says that his bureau agrees with the majority of these recommendations and will take actions to implement them, I have a high degree of confidence that he will follow through on that charge. I want to thank those who came to testify tonight to our invited panel, and also to those members of the public who joined us and shared our views. This is a somber day. This is a day I hope we do not repeat in the near future. But I do believe we have shined a light on this matter. I believe we have more information and more thoughtful approach for how to move forward. Obviously the shared goal of making sure that something like this does not happen again. Aye.

Moore-Love: Adams.

Adams: Well, failure of the city to effectively and in a timely manner to investigate this use of deadly force is salt in the wounds for the Chasse family who suffered what I think is an unnecessary loss of their family member. He remember they are morning, as mayor and now as police commissioner, I apologized to the family for the fact that this took place, and I vow this evening to do everything I can as police commissioner working with our new police chief and the bureau team to make sure that the notion of officers of the peace is one that is widely shared by all members of the community regardless of one's station in life, whether temporary or permanent. There's a lot more work to be done. It's going to take all of us. I also want to -- an incident tragedies like this, I also, and this represents a failure by city government on a number of important levels. But I also want to just close by thanking those members of the police bureau who effectively, compassionately and with great care keep of peace in Portland. I know talking to members of the police bureau on a daily basis how demoralizing something like this is. But it's important that we air it out, make sure that it doesn't happen again. Aye.

Fish: The report is adopted and council is adjourned. [gavel pounded]

At 7:55 p.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

JULY 29, 2010 6:00 PM

Adams: Good evening, welcome to the Portland city council chambers. Glad you're here. Today is wednesday -- sorry, today is thursday, july 29th, 2010. It is 6:00 p.m. We have three items on the agenda tonight, but before I ask Karla, our council clerk, to call the roll, I just wanted to go through some of the expectations of the chamber. We will not be allowing clapping tonight. If you like something and there's no hanging over the railing because security gets really, really concerned about the safety of people below. Though I see you two completely safe. If you like something, you can put the thumbs up. If you don't like something, put the thumbs down. But no clapping, no cheering, no hooting, because we want everyone to feel comfortable to say whatever it is they have to say while sitting up here. Ok? This is a debate and discussion chamber. And so we want everyone, regardless of whether you agree or not, to feel comfortable. Signs cannot cover your face. So that sign is perfect. Thank you. Signs on your chest, yay. Signs farther up block the view behind you and when you come to testify -- how many people do we have signed up.

Moore-Love: I don't have the sheet yet.

Adams: We'll establish the sign-up -- the amount of time everyone has to testify as soon as we get the sheets in. I've a feeling a lot of people have signed up. So the normal speaking time is three minutes. We have found that what can be said adequately in three minutes can actually be said better in two minutes. [laughter] this is from years of scientific evaluation, but we'll wait and see -- if someone going to get the sign-up sheet? Good. What else? We want your first name and last name and if you're representing, if you are authorized to represent a organization or business, we want to you disclose that as well. As part of our lobbying disclosure rules here in the city. We do not want your address. So just your first and last name. If you're here testifying on your own behalf, your first and last name. The clock in -- on that piece of wood up there will help you count it down. Now, we're going to try to -- we're going to keep the upfront explanation of what we're reviewing to a minimum. About -- we're going to have the committee that's been working hard on this for 18 months, let those members come up and say their piece in one or two minutes and then move right to public testimony. Alternate between pro and con and questions about the resolution before us today and alternate between the two. We're trying to keep the upfront formalities as -- as quick as possible. But we want to make sure that everyone in the room has a basic understanding of what we're considering today. Have I used up enough time, Karla, to -- one minute, please? Ok.

Moore-Love: 93.

Adams: 93. Let's see, three minutes each. That's 3:00 a.m. [laughter] we're going to go with two minutes and as the night wears on, we might even shorten more than that. We know this is an issue of great importance. And we're really glad you've taken the time to be here. We'll try to manage that with the amount of time we have this evening to sort of take it all in. Karla, we need to dispense with one item before we move --

Moore-Love: Roll.

Adams: Oh, please call the roll. [roll call]

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Adams: The quorum is present, and we'll proceed. I understand we have an item we need to carry over unrelated to the issue of hayden island to carry it over to next week. Can you please read the title for 1098-1.

Item 1098-1.

Adams: Unless there's objection, this will be carried over to the regular agenda next week. [gavel pounded] so done. We're going to take testimony on both items. They're related so can you please read the title for time certain items 1100 and 1101. Open space.

Items 1100 and 1101.

Adams: I'd like to recognize mr. Engstrom and ms. Squier.

Eric Engrstrom: Thank you, mayor -- oh: That's loud. I'm going to try and get through my presentation so we can get on to public testimony. Do we have the power point up? So tonight, as the mayor indicated, we're going to -- i'm going to summarize briefly the key findings of the foundation studies that have been done. I'm going to turn it over to anne squier to report on the community working group's work and then we'll consider the mayor's resolution on how to proceed. As many of you know, this project has been broken into two phases. Divided by this resolution. Phase one, we worked with foundations -- built foundation studies focused on whether it's feasible to accommodate a mix of uses on the island. That includes deliberations in june and july and now. If the resolution is passed, we would consider with the concept planning and future consideration of annexation and application of city zoning. This is a picture of the island just to orient you. The north side is the column river, the south side, the Oregon slough. To the -- Oregon slough and Portland terminal six and north, the port of vancouver. You'll see a couple you have utility corridor that's bisect the site, north, south and east and west and the gray area is an existing dredge material management area authorized by the corps of engineers. The railroad is just the stripe to the right side of the site. A couple of key environmental features of the site, provides key habitat for migrating birds and other species of concern. There's a large forest stand on the site. The shallow water around the island is extremely significant for juvenile salmon and metro identified it as a habitat conservation area. A few pictures here to orient you. A couple of key economic features.

Engrstrom: It's located adjacent to the columbia river shipping channel between the port of Portland and port of vancouver and proximity to rail, highways and airport and different types of marine terminals and metro designated it as I regionally significant industrial land and these are photos of the surrounding industry.

Adams: Could I pause you for a second?

Adams: I've been informed by security that we are in violation of the fire code and so lovejoy, which is on this floor i'm sitting, and on -- which side of the building -- I can't remember this side of the building here, if you do not have a seat, or you are sitting in the aisle, I apologize but the fire marshal requires me to ask you to go to lovejoy where we have a tv set up.

Adams: We'll be calling the three that are coming up and then the three after them. So you should have time to come down from the balcony or come over from lovejoy. If we call you and you're on your way over, we'll feather you in to make sure you don't lose your place in line. Sorry for the inconvenience. If you're standing up there, I need -- sorry, I need to you move. You as well. Anyone around the back. Again, sorry for the inconvenience but I need you to move to lovejoy. And i'll make announcements you'll hear on the closed circuit tv as we have chairs that open up as the night goes on so that you can come in. All right.

Adams: One moment please. There you go. We can get more cozy. Love your neighbors, that's right. All right. Mr. Engrstrom, please continue.

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Engstrom: The community working group, the charge for that group was to advise city council on how marine industrial habitat and recreational uses might be reconciled and if they determined that the mix is possible to recommend a preferred concept plan. This list on the screen are the members of the community working group, including the chair, anne squier, sit to go my left. We also have a technical advisory pool whose charge was to provide technical information to the staff, the port and the community working group. They have assisted to refine the consultant's scope of work and review the foundation studies. This is a list of organizations that were invited to participate in the technical advisory pool. I did want to note a number of these agencies did not participate, based on budget and staffing shortfalls through the year and a couple dropped out during the process but these were the organizations invited. So in summary, we've completed a set the foundation studies. The community working group met for over a year to help us work through the foundation studies and the technical advisory pool met and commented on the studies. How the studies were reviewed, I know it's a item of concern for some folks. What happened is the consultants drafted each chapter separately and presented those to both of tap and cwg for their comments. Tap comments were give -- the tap were given to the cwg and we collated and collected the comments from the tap in a report. The -- after that was done, the consultant was given those comments and the city staff worked through them and produced another report. The budget that we had and the scope of work we had allowed for one iteration of review and comment and then report. Key findings, the first economic finding was that the marine manufacturing and port related activities contribute significantly to the region's economy. We looked at cargo forecasts showing what the growth rates have been over the last 50 years and what the projections are for that. We noted that ship size and train size is getting larger which affects the viability of site design for marine terminals and that was one significant factor of discussion. And on that notice, Portland is a major hub of train traffic and that's one of the -- we have a lot of train infrastructure here and that's one of the primary attributes of this site, is its proximity to that existing infrastructure. This is a diagram which -- I apologize if it's hard it see -- but it was an example of one of the strong -- strawman diagrams of a train configuration and how it might work and the cwg looked at a number of these drawing to understand the issues and conflicts between the industrial potential development and habitat. I mentioned the train facilities again and this is just an image of terminal five, I believe of the port, showing a couple of train loops and to accommodate a full large train was an important design consideration in this process. Our findings included a finding there were no other vacant sites on the waterfront large enough to accommodate those rail needs. There are 11 vacant sites over five acres in the Portland harbor and no site larger than 60 acres.

Engstrom: We estimated a terminal of 300 acres would create more than a thousand jobs which would generate more than \$20 million for the state in income taxes and those jobs include both direct jobs as well as indirect and induced jobs. This is a map of the Portland harbor including a number of sites examined for suitability as alternative sites. The -- a key factor, when we look at land supply for industrial land, we look at a couple of different types. We look at public terminal needs. We look at the need for private terminals firms such as gunderson and schnitzer steel and firms that need to be approximate to them and that whole thing bundles together into our investigation of industrial land needs.

Engstrom: Key environmental findings. It provides habitat because of location near the confluence of columbia and willamette river and includes more than five miles of critical shoreline habitat for salmon, as well as significant cottonwood ash stands. Excuse me. Provides nesting and stopover opportunities for migratory birds. We found that habitat patch size is a key limiting factor for wildlife. And that was something we were trying to balance, ensuring a large continuous

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remaining piece of habitat and trying to avoid fragmentation of that habitat. We looked at the economic benefits of maintaining the natural area or enhancing it over time as is and found there were significant economic benefits as well to a natural area in an urban setting such as west hayden island even without development. We also found there was opportunity for enhanced economic services through restoration activities such as channel habitat enhancement, revegetation and wetland enhancement and a site of this size and forest of this age, it's difficult to replace through mitigation. This is a map of some of the habitat patches on west hayden island. The green is forest. The yellow is shrub, the light blue is shallow water habitat. The dark blue with stripes are the wetlands and the crosshatched is the sandy area, fill that corresponds to the dredge material placement site. This was a drawing prepared by parametrics, a study of what are the enhancement opportunities are for the natural environment on the site if marine terminal development did not proceed. I can go into that in more details if there's questions. And i'm aware that a number you have comments came in about the flood plain impacts of this development and this map shows you in blue, the portions that are above the 32-foot floodplain elevation and mainly what you see there are -- the south side of the site, a number of rock piles created early in the last century as part of the dredging and reconfiguration of the Oregon slough and the northeast portion, essentially the area that corresponds to the dredge material placement. I'm going to conclude with this slide, which shows the habitat patches overlaid with one of the rail loops that the cwg looked at in their deliberations and it illustrates some of the conflicts we addressed and discussed in the community working group and with the tap.

Saltzman: What's the acres of that rail loop site?

Engstrom: That industrial footprint would be on the order of magnitude, I think around 400 acres if you include the bridge and the access roads and things like that. So what the mayor's resolution proposes would have to be smaller than this footprint, I think. The other -- the site as a whole is about just over 800 acres and the shallow water surrounding it is another couple hundred acres in addition to that. And that concludes my formal presentation. I know i'll be back up for questions later.

Adams: Chair squier.

Anne Squier: Thank you, my name is anne squier and I had the -- characterize it as you wish, the burden or honor of chairing this group and I want to simply present the group's report this evening. With your indulgence, i'll start by thanking and recognizing the members of the group who hang in through 17 months of frustrating work in an effort to come to a meaningful recommendation. Many of those people are here this evening. And they have my gratitude and deserve yours as well. Your charge, as eric mentioned, to the group, was to determine whether the competing planning designations for west hayden island can be reconciled so that you have an significant asset for both industrial and natural resource values. It's worth repeating the exact charge. To advise city council on how marine industrial habitat and recreational uses might be reconciled on west hayden island. And if the cwg determine that is a mix of uses is possible, on hayden island, to recommend a -- on west hayden island to recommend a preferred concept plan. We're not charged whether q a particular use should be accommodated but whether it could be. An important point. Your community working group could not agree that it is possible to reconcile marine industrial and habitat uses on west hayden island. Aye process wise, at an early meeting, the community working group adopted a modified consensus framework to govern its deliberations. As a citizen advisory group, it did need to set the process it would use for reaching a recommendation. And under that procedure, a recommendation requires a 75% -- would require 75% or more of the group present to concur with a proposal. If that were not problem possible, the procedures said that the -- the issue was to be deferred for later consideration. Or as a last resort, deferred to another forum

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for resolution. Keeping all options on the table. That's where we are tonight. We're before another forum. [laughter] the group agreed to a set of principles that guided our evaluations. And I think they're worth reading through. A good multiple use option would need to provide for a net increase in ecosystem function, a positive contribution to regional economic health. An economically viable port facility. A positive contribution to regional economic health. I'm sorry, I miss -- I repeated. A positive contribution to the local community and in addition to, not in competition with, the regional Portland system. Public access opportunities on west hayden island. A sustainable scale for any use included as part of the option. Flexibility to accommodate the unknown future. Taking advantage of the unique aspects and opportunities of the site. Consideration of impacts on current mid range and future time periods. And on local subregional and regional geographies. 15 of the 16 members were present on June 15th. After hearing from the public, the cwg worked in three small groups to attempt to answer questions about the minimum footprint necessary ecologically and in terms of a viable port facility using those principles as evaluation mechanisms and to answer the question if there's potential for multiple use concept and can the habitat and ecosystem be mitigated. We compared the findings of each subgroup and discussion continued until the group was at a point it needed to decide the core question, which is a predicate, being whether a mix of marine industrial and habitat uses can be reconciled on west hayden island. The outcome? Eight members felt it was possible to reconcile a mixed meaningful port development and habitat values. Six members felt it was not possible and one member abstained. And again, looking back to the procedures, it would have required 11 from among the 15 possible votes to concur with the proposal for it to become a formal recommendation to the city council. This may seem a fine point but I want people to understand that the members purposely selected this modified consensus process so we can't pass the decision as a majority/minority but as an inability to reach a recommendation to you. The group did reach a number of points of commonality. Absent consideration for -- of other uses and value, west hayden island is ideal for marine terminal development because it offers a large unencumbered site with deep water and rail access nearby. All habitat types represented on west hayden island are of high regional importance. West hayden island's location at the confluence the willamette and columbia rivers, as well as its size and complexity of habitat types on the island increase its habitat values. Port studies conclude an economically viable port facility would require a minimum of 350-400 acres not including the acreage associated with a bridge or roads. The core of success will be adequate rail service. The in-water facilities concept in the port studies appears to minimize impacts on shallow water habitat and functions. Any workable rail layout under the above constraints would remove about half of the existing forest habitat on west hayden island and create more edge habitat and less interior habitat on the remaining lands. Edge habitat does not support the needs of many species as well as does interior habitat. Mature cottonwood ash stands are a finite resource in the lower columbia and cannot be readily replaced through mitigation. According to studies and metro documents there's a shortage of large lot undeveloped industrial sites in the Portland area ugb. West hayden island was brought into it for marine industrial uses and since then, much has been learned about decline of species, neotropical bird migrants and turtles and frogs. In 2004, metro designated west hayden island as a regionally significant industrial area. In 2005, as a regionally significant habitat conservation area. In 2009, metro included a portion of west hayden island in the 20-year land supply for future industrial use. And finally, it is desirable to emphasize train and ship transportation as a matter of sustainability. I'd like to summarize the fundamental differences. I think I can do that without running past 10 minutes and these are all in more detail in your reports. Fundamental differences that we found we were focusing on were the fact that the cwg was not able to define a minimum footprint necessary to support ecologically viable habitat and

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services on west hayden island. The foundational studies established that the ecosystem values lie in its size, location and complex mosaic of high value habitat types and also established the interior habitat is higher value than edge habitat. Mitigation would be required for many of the habitat losses due to development. Members differ in their views of what is necessary for an economically viable and going back to the principle of sustainable scale, port facility which is very important to keep that sustainability in mind. On west hayden island. Some agree with the conclusion that is an -- require a minimum of 3350-400 acres plus the acreage necessary for a bridge or local road access. And others sought more information on techniques to -- options for fulfilling port activity growth. Members also differed in their views of the likelihood of a scenario, making a positive contribution to regional economic health. A full two terminal development, local and state benefits and substantial indirect economic benefits and jobs that accrue when new port jobs are created. However, those benefits would need to be balanced against losses in eek system -- ecosystem functions and similar items. Projections for the value of ecosystem functions on the high side, \$4.7 million annually but the figures do not include the value of west hayden island for recreation or mitigation or other uses should development not occur. Cwg does not have data quantifying the monetary value of ecosystem services lost if marine terminal development proceeds on acreage such as I mentioned. Finally, cwg does not have information on the regional economic benefits of additional marine terminal activity elsewhere in the near vicinity of Portland. That's the summary that I wanted to present. I thank you for your time. And i'll be available for questions, but I know you have a number of members of the committee who would like to speak this evening.

Adams: Thank you, chair squier. Before we move to testimony, the committee and then public testimony, i'd like to recognize commissioner amanda Fritz.

Fritz: Thank you. Some of you may have heard that the mayor has been out sick so he requested me to work on the amendments to the resolution that responded to the loss of input we received so far and I thank -- hundreds have written in and sent comments and you're here and it's an testimony to the public process that the mayor has led in this subject and we really want to hear and respond to your concerns. So I had not nearly enough copies of my substitute resolution so i'll go through the amendment and then move the substitute resolution. Essentially, we asked to delete one the whereases regarding the studies that have been done about reconfiguration of existing sites in the Portland harbor. We address that in a different way. We're asking for a public needs and cost benefit analysis to the public associated in the ongoing study. We're asking for a thorough analysis and explanation of existing marine industrial land supply and marine industrial needs in the future and the feasibility of consolidation or expanding of existing sites to meet those needs. We have a substitute in the -- can it further recovered in part c that all development associated port marine terminal including but not limited to the terminal area, dock, railroad tracks and bridges and utility corridors must be included within the 300-acre footprint. This spells it out clearly. We changed some of the language it say should be considered instead of may be considered and a number of elements, again, to be very clear that we are looking for -- if we approve this resolution tonight, we're looking for very specific things in the ongoing study. Including that the proposal will include a report on the endangered species act, clean water, environmental protection agency strategy plan in the columbia river watershed and the estuary management plan and the finally the last two, again, calling out for analysis of the public cost and benefits. If determined to be feasible and making sure we have the less than 300 acres. Those are the amendments and I move the substitute.

Fish: So moved.

Adams: Moved and seconded.

Fish: May I have an amendment to the substitute.

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Adams: Commissioner nick Fish.

Fish: This would be a new freestanding subparagraph k which would appear on page 3 after j. And in -- in summary, it would require that the proposal should also include an analysis of options for restoration and long-term care of the proposed natural areas including models for financing both and I would move that as a friendly amendment to the substitute.

Fritz: Thank you, I accept that as a friendly amendment.

Adams: Ok. This will serve then the substitution with the friendly amendment will serve as the basis for our discussion. Moving forward. Karla, please call the roll on the substitution motion.

Saltzman: Aye.

Fritz: Again, this just puts it on the table for discussion. Aye.

Fish: I want it thank the mayor and commissioner Fritz and staff for working on the amendments and clarify that the friendly amendment we've added is designed to address the problem which comes up regularly in our community, which is we add to our inventory of natural areas without any way of paying to maintain them and at the heart is a question who should own the natural areas and other mechanisms, market based or otherwise to generate funds to maintain natural areas and that's the intent. Aye?

Adams: I want to thank commissioner Fritz and commissioner Fish's friendly amendment and -- my bout with strep throat. [gavel pounded] aye we'll turn to the committee for testimony. Are the members of the committee that wish to testify, please come forward. Thank you, sir. Anyone else? All right. We'll then go to, if you're in the lovejoy room or upstairs and a member of the committee, please make your way to the council chambers dais and from there, we'll go to anyone who have young children or bored to death and I see falling asleep over there, that will then testify and then we'll go to the sign-up sheet. Good evening, welcome, give us your first and last name and disclose if you represent a particular organization, for-profit, non-profit and you have two minutes.

Sebastian Dekins: Good evening, mayor Adams, city commissioners, my name is sebastian dekins. I'm addressing you as I community working group member and the marine planning and development manager for the port of Portland. Thank you for appointing me to the citizens group last year. It's given me an opportunity to work with a chairperson I greatly respect and collaborate with community leaders and slept city staff. It's also provided me an opportunity to strongly advocate for maritime community and seaport future in the city of Portland. When it came down to a vote, I voted that a mix of uses was possible on hayden island laid and that's because we're already -- west hayden island because we're demonstrating that a mix of uses can work. Recreation and nature and auto containers exist today at t6. I don't see a reason why something similar can't be achieved at west hayden island. Kelly point park walk under the bridge and the riparian edge is thick and healthy. The site's stormwater passes through impervious pavement and you can't tell behind the trees Portlanders are moving lots of cars every year. There are people Fishing and water skiing every morning before work. Environmental management and mitigation programs are recognized as examples of how to do it right. Projects such as the toyota facility win awards. Certified salmon safe. Not only can a mix of uses work, it's already occurring. If you stand on the beach, you saw the picture, it's clear it's in the middle of a active harbor. The channel is there, the vesting are stacked up at anchor waiting for slot. All of the infrastructure to support the seaport is on-site or in sight. I know it's going it be a challenge to balance the economic functions of a gateway city but I believe it's achievable with your help together at west hayden island. Thank you.

Adams: Thank you.

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Travis Williams: Good evening, I'm Travis Williams, executive director of Willamette River Keepers and appointed to the committee. I'm going to boil it down to a -- down to a couple of concepts, from my perspective, and I think the perspective of many people, this is the type of natural resource that you do everything you can to protect. What we know for a fact in this case is that we have a little over 800 acres of land that is natural area, or area that could even benefit from habitat restoration over time and meet some of our real need for that in relating to salmon recovery and other species. What's less certain really is how much or how many -- there's different job numbers taxed to the -- attached to a development here. Is it 1500 jobs? 100 jobs? It's a speculative forecast and we're being asked in many ways to accept numbers that I think could greatly change over time. And we've seen examples of that throughout history. Again, we know the type of habitats that are there. You can look at the Columbia River system and the Willamette River system and the size of West Hayden Island is very meaningful and the potential function is very meaningful and I was looking through some of my papers today and found a quote that I think a lot of us have heard. Given in 1967 by Governor Tom McCall in the relation to the Willamette River and the work that had gone on in relation to restoring habitat and improving water quality and he said we must be astute enough to see that preservation is far easier than correction. And I think that definitely applies to this case. I think there's too many times in our history where we've looked out and said, let's develop something. It's the right thing to do. Oh, let's develop this, let's develop that and you can do an aerial flyover of the Portland area and what jumps out at you, resources like West Hayden Island. So let's keep that in mind.

Adams: Thank you for your testimony.

Bob Sallinger: I'm Bob Sallinger, the conservation director for the Audubon Society of Portland and served on this task force and also on the 1999 task force when the port withdrew its application to annex and rezone the island. Due to concerns about the fact that the forecasts weren't accurate and the environmental impacts were so high and we believe that situation still exists. We urge you not to support any development on West Hayden Island. It's a historic opportunity to protect one of the region's most important natural resource areas, ensure access to nature for future generations, enhance the city's reputation for being on the cutting edge of sustainability. We suspect that future generations will look back on this decision with the same reverence that they devote to other milestones in our city's evolution such as the decision to set aside Forest Park and the decision to abandon the Mount Hood Freeway. This is really one of those critical decision junctures where we are going to decide what we want to be in the future. The resolutions been described as a win-win and a compromise. It's not. We need to look at this parcel from a landscape scale and recognize the vast, vast, vast majority of the floodplain around the urban river system is gone and it's failing. We have endangered species act listings and clean water act violations. We have superfund problems and when you look at it from that landscape scale, this is the last big parcel we have to protect. It's critical. Its size and location and complexity make it unique and irreplaceable. It's not something we can mitigate for. This isn't about jobs versus the environment. This is about finding a new path forward that are truly sustainable. When I talk about that, we need to look at whether this parcel makes sense from an economic basis. It's a very expensive project. Cost over \$150 million to put in the bridge on this site. It will produce four jobs per acre. One of the most inefficient land uses in the city. Just the bridge alone would make each job \$100,000 in infrastructure costs. There's been really no cost benefit analysis. The jobs are entirely speculative. The city talks about 1200 jobs but we don't know if that's the case. We don't know what kind of facility is going to go in and finally, the port has not looked at efficiency strategies. Haven't looked at opportunities to use methods common in Europe and Asia. The report you have before you suggest we're not going to look at them because this is America and we do things differently here.

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For a city that prides itself on sustainability that ought to be an embarrassment. Finally the two ports, in our opinion, still aren't working together, still a competitive relationship. We know they're here tonight and come together whenever we challenge them and claim to be working together and then go back and compete. We ought to be looking at strategies that maximize the land base throughout the entire region. We hope you look at these issues, we hope you won't adopt the resolution tonight. And hope you make a historic decision to protect this in perpetuity in its entirety.

Adams: Thank you for your testimony. Appreciate it very much.

Fritz: Thank you for your work on the committee.

Adams: Other members of the committee? So murmuring bad, the thumb up or down, good. The thumb is not connect to the vocal chord. Under normal circumstances, so again, we want to let all points of you feel comfortable. A lot of people in the audience that are going to hear the murmurings and I don't want them to feel intimidated.

Bruce Holte, Commissioner, Port of Portland: Since we're down to two minutes, i'll cut mine down and just read it. I'm bruce holte. A Port of Portland commissioner. And secretary-treasure of ILW local 8 here in Portland. I'm a member of the working family community group and want to thank you for taking on this very important issue for the future of Portland. I want to cover three things briefly. How the work of the cwg should help you with your deliberation regarding a mix of usage. Why a mix of usage is possible on west hayden island, why marine terminal growth ensures the city's future. The cwg worked for more than a year and a half reviewing conclusions of studies, studies that the cwg had input developing and modifying. It was clear from discussions around the table that many of the members had strongly held views not going to be influenced by the information. This is why it didn't surprise me we spent little time discussing how a mix of usage could be reconciled. I do believe a mix of uses on west hayden island is possible. The island is currently zoned muf, 19 multiple use forest by the county which allows for 19-acre lots of residential development. About 42 homes or the zone allows for forestry -- forest practices. Of which are not subject to the limitation of the county's environmental overlay code. So from my perspective, the current zoning allows for a mix of usage today. But only a portion is needed industrial development. The remainder can protected and improved for habitat, creating close-in natural settings for species growth and recreational amenities. Why marine terminal growth is critical to the cities future. Oregon is the ninth most traded dependant state in the nation and the Portland metro area produces \$22 billion in total exports. 2008, a share of it's total economy over fifth what it was produced was exported. Exports can be a key source of u.s. Growth and job creations. Trade growth fuels job growth.

Adams: I need you to wrap it up.

Holte: I'm going to go fast. Our community sits at the edge of major market export china. If we don't develop west hayden island, our citizens will lose work like we did to the port of long view. I got back from an Oregon trade mission to china. The work is come can. Many forget the family-wage jobs that can be created and sustained if we have the land. I urge your support for the mayor's resolution for a mix of use.

Chris Hathaway: My name is chris Hathaway. I'm the director of stewardship and technical programs for the lower Columbia river estuary partnership. I was also a member of the west hayden island cwg. The estuary partnership was created in 1995 by the governors of Oregon and Washington and the epa to protect and restore the lower columbia river. Were governed by a board of directors, which included representatives of the Oregon and Washington's governor's offices, epa, noaa, the city of Portland and ports and others. Our organizational approach is science-based, collaborative and focused on positive actions that can be implemented to protect the lower

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columbia river. We're not an activist organization. We have never campaigned for or against a project or testified in front of this or any other city council in our study area until today. The partnership believes west hayden island highest and best purpose lies in its conservation and restoration and its ability as an intact 800-plus acre main stem lower columbia river island to provide ecological benefits to the regions residents, fish and wildlife. Particularly the 13 species of salmonoids listed as threatened or endangered under the federal endangered species act. No one should question the islands ecological uniqueness within a developed landscape its value to threatened and endangered Fish species and value and importance of its habitat. As the bonneville power administration, u.s. army corps of engineers, the City of Portland, the estuary partnership and host of other entities and nonprofits struggle to find and implement meaningful habitat restoration projects in the lower columbia river to help recover salmon. We feel it is short sited to annex for future development 300 acres of such important habitat as well as contrary to regional river and salmon recovery plans, such as the estuary partnership management plan for the lower columbia river, Oregon and Washington's salmon recovery plans and most significantly the 2008 biological opinion on the federal Columbia river hydropower system. We've been working hard to help bpa and the core meet the juvenile salmon survival requirements outlined in that biop but the region remains well off pace. There's a growing need for additional mitigation sites as well and west hayden island is perfectly sited and situated as a potential mitigation base. Providing economic benefits to the port of Portland. 2005, the estuary partnership and others offered to enter into negotiations with the port to purchase west hayden island for conservation purposes, today we renew that offer. The lower columbia river and its habitats and species had been nearly balanced out of existence for nearly 100 years. Today, we must begin to consider the unbalanced approach we've taken for so many decades, an approach that has left us with 13 listed species, contaminants and water quality, fish and sediment and numerous superfund sites and the lower columbia river estuary partnership urges you to make the truly hard decision to prioritize an undeveloped 800-acre island for the eco system for Fish and wildlife and future generations who will commend you guys to protect this ecological jewel.

Adams: Good evening.

Ray Valone: I'm ray valone, I'm with metro also a member of the community working group. First comment, you know how to draw a crowd. [laughter] hopefully, you received the -- metro president bragdon's letter. I'd like it take a different tact. It was a difficult undertaking for the working group as you heard and it was in a sense, the charge, could we do a mix of uses? But I wasn't sure what got mixed up -- should we. And I think this caused a lot of problems and i'm going to call it toggling back and forth of the participants where we were with this discussion, decision, and I think it also provided a lens of how we looked at data. It's not that both aren't legitimate concerns. It's that they became mixed up in the discussion and the recommendation. My point is that I think the first decision that needed to be made was one of values. So while some data was definitely helpful, the answer is not in the data. And especially in this case. We know west hayden island is very high habitat value and we all knew that. Just as the same, we know it's a excellent location for marine terminals. That's known. The question is what do we want in our community. What do we believe has value for our community and community obviously needs to be thought from local all the way to city and regional. What we thought out was competing values, which is no surprise, but it didn't move the decision making very much and now we're in this venue. The council may reconsider whether a mix of uses reflects a value of our greater community or whether it's against the value of our community. It's not an easy job. I don't envy your job. To this point, existing policy reflects the value of balancing natural resource protection and marine facilities. My position, I didn't see enough evidence to convince me that a mix couldn't

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be reconciled. And I have a couple of caveats, I think it's incumbent on the port of some heavy lifting. They need to look hard on how to confine the footprint and avoid a shallow water habitat and employ state-of-the-art technology if they can.

Adams: Thank you. If you want to submit your written testimony. I appreciate your testimony.

Adams: Anyone else from the committee that wishes to come forward to offer verbal comments? I'm letting the committee members stray approximately 30 seconds over the two minutes because you have sat through months of this, and again, i'm sorry we have to rush you along. I appreciate your service but we have so many people signed up. Sir, would you like to begin? Welcome back.

Timme Helzer: Thank you very much. My name is timme helzer, i'm the founder and chair of friends of west hayden island. I'm a resident there. I'd like to bring up several issues that came to the surface in the west hayden island community working group over the last 18 months. First is minimum foot print. The acid test we came to six weeks to two months ago was to what extent given a minimum sustainable footprint of wildlife habitat, industrial development and recreation uses, how can it work? Can it work? We came to the conclusion after strenuous discussion that it was not possible as a group to come to the decision that we would recommend to council it was possible to have multiple use the island. Two to 300 acres of port development is not sustainable. It is not sustainable and I speak from experience as management and organization development consultant worldwide. It cannot be done on two to 300 acres and be economically sustainable. In addition you have project creep if you try to keep it 200 to 300 acres. First you'll move it to four and then five. Multiple use is not possible and it's not desirable. If you survey a broad array of people on and off the island, you'll find few people who understand the issues find it desirable to develop anything there. Next, economic benefit. The projected 1200 jobs is highly unlikely. And i'm sad for all the people who are coming here tonight to support jobs. I support jobs. I'm a resident of the state. I'd like to see more jobs here. More economic development. But not at the expense of west hayden island. I appreciate the opportunity to speak to you this evening. Please do not support the proposal to develop west hayden island.

Adams: Thank you for your time. Sir?

Richard Carhart: Good evening, my name is richard carhart. I'm a resident of west hayden island and served on the working group as a resident of the hayden island. The views I present are my own views. Based on the material evaluated by the community working group it's my personal opinion that multiple use development of west hayden island can be reconciled. The question should multiple use development occur is a matter for city council consideration. The economic and environmental foundation studied commissioned by community working group are a good first step but additional study needs to be undertaken. The footprint size for a viable marine industrial facility and a appropriately sized recreational area that can coexist with marine and habitat uses must be identified. I'm especially encouraged that the resolution specifically instructs the evaluation of opportunities for increased coordination between the port of Portland and the port of vancouver. It develops a access plan for servicing the marine service facilities and the recreational and habitat management areas. Taking into consideration the potential traffic impacts on east hayden island and a island bridge is an important consideration. And it considers the impact of development on the residents of east hayden island. Thank you.

Adams: Thank you for your testimony. Good evening.

Victor Viets: I'm victor viets. I've submitted written testimony. I'm here to support passage of the resolution. We have a problem in Portland. If Portland wants to continue to grow as an international port, there's no question that there's high value environmental resources on west hayden island. There's also, I think, no question that west hayden island is the only remaining

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space in Portland for modern deep-water marine terminals that have main line rail access and there's no question that the demand for port facilities is going to continue to grow in the future. Finding a solution is a public policy issue, not a technical issue. I'm convinced that the technical skills are there to find efficient ways to solve or problems. There are some clarifications I'd like to suggest for your resolution. First, any terminal don't on west hayden island should be only for deep water marine cargo terminals. No other type of industrial or marine industrial development. No manufacturing facilities, no refineries. Only deep-water marine work terminals. Don't impact west hayden island with facilities that belong elsewhere. Second, let's be clear that the city does not have the authority to implement or to develop west hayden island. The city is a necessary ingredient but not sufficient and I was glad to hear the friendly amendments added today to recognize that there is a long-term permitting process ahead of us, particularly involving process and it may preclude develop. We're many years away from development decisions. Effect is getting excited about anticipated development. I think that's a mistake. And finally, to me, development on west hayden island when the lower impact opportunities are available and vancouver is the toughest issue to resolve. I really recommend a serious look at some bi-state, bi-city, bi-port intergovernmental agreement to explore the development of port facilities in the columbia river area.

Adams: Thank you for your service and your testimony. Anyone else from the committee that wishes to testify on this matter? Oh, great.

Adams: There's always more.

Adams: A big committee.

Adams: It was a big committee. Anyone else? Anyone else? All right. This is the last of the committee members that testify and we'll move to alternating pro isn't con on the sign-up -- pro and con on the sign-up sheet.

Corky Collier, Executive Director, Columbia Corridor Association: I'm corky collier. I want to remind city council I took the request seriously to go to the working group as an individual. Not as a representative of an organization. So my comments are as an individual. And really, my primary comment is that I see really great potential in west hayden island, not the potential of a nature reserve, not the potential. A marine development. But the potential to be an iconic symbol of Portland creating new natural resources, of funding improvements to our natural resources, by creating develops such as a marine terminal there. A marine terminal that might be the envy of the west coast. It also has the potential of being another example of us drawing a line in the sand. Demands on the other side. Us decided to fight instead of sitting down and coming up with ideas. A year and a half ago, the mayor tasked a working group with the chore of coming up with ideas to reconcile diverse uses of west hayden island. Unfortunately, a few members of the working group decided to cast their vote about whether we should develop west hayden island, not about deciding how we could develop west hayden island. So now we're once again tasking the bureau.planning to look at ideas, to develop concepts about what it might look like to develop west hayden island and protect our natural resources. Fortunately, even though we couldn't get to that point as I working group, fortunately, our chair, anne squier, insisted we report to city council and in that report, you see our ideas, concerns and thoughts. I hope you find them useful and potential in west hayden island just as I did. Thank you.

Adams: Thank you for your testimony. Good evening.

Bruce Halperin: My name is bruce halperin. I was a member of the community working group for west hayden island and i'm supporting the mayor recommend recommendation for further action and study on the area. For -- Oregon's economy is hurting. Bad. Not short term, but in a long-term structural manner and if we can't solve or economic problems, we can't solve our other

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problems. We have an tune to address our most pressing issue. A public policy decision was made in 1983 to bring west hayden island into the urban growth boundary with the express purpose of using the plan for marine development. One the underlining principles is the use of urban growth boundaries. That lands outside of the boundary will be preserved and lands inside have a presumption that they will be developed. We have to sometimes make tough decisions to allow development on lands inside the boundary that's we would preserve not to develop and this is what is happening here and this is a tough decision of west hayden island is a special place in a special location but we have to make a decision we aren't thrilled about but a decision needed to support the overall Oregon planning philosophy and needs of our citizenry. The ideas being discussed or for development on less than half of the study area. And very little impact on the important shoreline. This is not development run ago muck. Sensitively developing the minimum area needed for a viable project while preserving and enhancing the majority of the site is a victory for good planning in the city and in the region. Of course, it would be nice to not to develop the land at all, but our social and economic needs don't afford us this luxury and west hayden island is too well situated not to be used for marine development.

Adams: Thank you. All right. Folks that came to testify that have kids with them I once said this in the past, people that want to testify that have kids, I had to clarify that it was kids that they brought to the chamber. [laughter]

Fritz: Thank you for coming.

Adams: I wanted to offer you the courtesy. Can we get a fourth chair. I'd like to move things along.

Fritz: Randy's not here. [laughter]

Adams: We waste a lot of time with people moving back and forth. So be as speedy as possible. So if you can call the first four. There should be two for and two against. And then the next panel will be not sure. How's that?

Moore-Love: Ok.

Adams: Is mr. Barnhart on the first? Can you call one more person?

Moore-Love: He's coming.

Adams: Oh. We'll get -- he's next? Ok. Welcome to city council. We look forward to your testimony. Again, your first and last name. You have two minutes.

Will Levenson: Good evening. My name is will levenson. I'm against the proposal. I imagine it's hard not to already have a decision made. It's a hard issue. I imagine this is the type of issue that keeps you up at night. That said, i'm going to pose questions. First, what is it that makes Portland great? Maybe we have enough natural areas as it is right now. That's possible. Maybe the decision is we're good. Don't need more green inventory. Hearing testimony made me think for a second. What did it sound like when they were debating deep-oil well drilling, it's in this limited area. It's a test. It's not going to spread. This is just something we want to try as a test. This is absolutely something that you guys have an opportunity to find yourselves with. I would say that the idea of compromise on this type of situation well, all due respect it, seems politicians that take a risk one way or the other are the ones remembered with a legacy. And in terms of kelly point park, i've been there. It's beautiful. Every time I go there, I think it would be great if I didn't have to see that ugly industrial stuff. Maybe put windmills at Multnomah falls. It's windy there. Absolutely, we can get wind energy there. Imagine the force of the water coming down at the bottom. I'll end it there. But thanks for full consideration and considering your own individual legacies and taking risks as politicians and let's delay it for another 20 years. The one last thing i'd like verified, what percentage of capacity is the port right now. I imagine with unemployment it's terrible. But

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probably 80% capacity. How about revisit it when we actually need space. There's no harm in delaying it.

Adams: Thanks for your testimony. Sir?

Bill Wyatt, Executive Director, Port of Portland: I'm bill wyatt, executive director for the port of Portland. I'll submit my more than full minutes for the record. I'm willing to hang around and just make a couple of opening comments in anticipation of that. I think it may surprise you that I agree with bob sallinger on this. This is a moment. It's a important movement. We find ourselves in a time when our economy is slipping and not slipping as a result of the global recession but on average, about \$20,000 less than seattle and in family income. Less than austin. Minneapolis. Looking more like st. Louis, for example. The types of jobs associated with maritime are high-wage, blue color jobs and very important as we begins to address strategies to get out of this rut that we're in. Now, I think this is really a big step, but a big step with a lot of work that remains ahead of us and I think it's important for people to understand the incredible volume of activity that we have before us, before any kind of development can occur. I want to thank you, mayor Adams, for the resolution, I know that this is not an easy issue for any of you. And if it were, we wouldn't be here tonight. I guess I apologize for this fact, every time I seem to appear in front of you, we have a full house and I think that reflects the nature of the work we do. We interface with the economy and the environment and in unique ways. If the answer tonight or when the decision is made that we can't find a way to integrate the environmental challenges ahead of us, with the economic challenges, I think it's a very sad moment for the future of our economy. And i'm very confident that working together, we can achieve that balance. It won't be easy. But I believe that we have all demonstrated a record of success on that front -- a record of success on that front and it is a opportunity to move that ball forward. So thank you very much, mayor.

Saltzman: I'd like to ask a question. Are we talking about deep-water marine terminal only for west hayden island?

Wyatt: Yes, I completely concur with that. It's got to be a cargo terminal.

Saltzman: So there's no disagreement that's what we all --

Wyatt: That's what we're talking about.

Saltzman: If we want to clarify in a resolution.

Wyatt: If you want to work on that, I have no problem at all.

Fritz: In the title, that's the legislative intent. I think we're agreed on that. Mayor Adams, as a procedural issue, normally, we hear -- we ask questions as people come up, but because there's so much people, i'm hoping before we close public testimony, invite anyone up that we have additional questions. Because some of the questions might be answered in the rest the testimony.

Fish: The only concern I have is we're forecasted to be here until about 10:00 and i'd hate to lose people who would otherwise be available important questions.

Wyatt: I'll be here.

Adams: We show restraint up here and ask questions only when we feel it's very useful to the rest the dialogue for the evening and try to hold most of our questions towards the end. I reserve the right to have staff come up, because -- if I think there's a point of information and have staff present on specific issues. By way of intention to the rest of the testimony but we'll try to get in as many people as possible. Hi.

Beverly Bookin: Hi, i'm Beverly bookin and here on behalf of the commercial real estate economic coalition creek. We support the port of Portland's request for at least 300 acres of the over 800 acres to be designated for future expansion of the port's deep-water facilities and rail access while leaving the rest of the island in open space and thank you for bringing forward a compromise plan which addresses both economic and environmental interests. I've been a land use

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planner for nearly 30 years and as a young associate at cogan and associates in the early 1980, I worked on the application to bring whi into the ugb. The importance of preserving the north shore of the island for the extension of maritime port facilities and we presented several scenarios in which the deep water port facilities on the north shore and related rail to the south were the common denominator with the remainder in general industrial, open space or some combination of the two. The request for inclusion was not because the region could not meet its state-mandated 20 year land supply, but because the north shore is a unique area that cannot be replaced elsewhere in the region. Not in hillsboro or wilsonville or east of the i-5 bridge. Metro has designated the site as an rsia and included 350 acres in its industrial land supply. It has downgraded the habitat value in its easy analysis and recognition of its high economic value and the port has deepened the main channel of the column are I can't west of the i-5 bridge and an enormous public investment and key to keeping Portland's competitive with other west coast ports even as it lies 100-miles inward. It will be prudent decision for it city council to protect the site's economic capacity for coming generations. Thank you.

Adams: Thanks for your testimony. Thanks for waiting. If you could -- yeah. Hi, welcome.

Anne Faricy: My name is anne faricy. West hayden island is a central corridor of federally designated critical habitat. Even partial development of west hayden island would shrink the acreage of this high-quality habitat and negatively affect wildlife. I want to see the city council preserve the natural habitat of west hayden island because this decision would support the many other projects of the lower columbia estuary partnership. We're trying to improve and restore the whole river and mother development would be a step backward. Third, from my floating home, I see terminal six, it is not busy often. About once a week, there's a vacant container ship that needs unload can. I don't see a demonstrated need for the port's further development. And in reading the economic study, there are alternative sites that can handle the forecasted need. Fourth, with further port development of west hayden island there will be more pollution of all kinds. Noise, vibration, artificial lighting, traffic and water and air pollution. I do not think the two ideas of port development and habitat preservation can both occur on west hayden island. If we press the port's development area, they say it's not economically feasible to build. Or to the study, it's cheaper to develop new areas than design existing possibly polluted sites but developing new areas is a short-sighted approach. We have limited finite high-quality habitat and presently west hayden island helps with climate regulation and preserves air and water quality. We bill ourselves as a clean city. We need to walk our talk and make good environmental decisions in the future. Thank you.

Adams: Thank you very much for your testimony. Karla, of course, you could also announce pro/con, or question so I can keep track of balance.

Moore-Love: These are going to be the not sure people. It's a shorter list.

Adams: Before we get to testimony, i'd like to recognize commissioner dan Saltzman.

Saltzman: I would like to offer the amendment that every place it says marine terminal, we insert the word in front of it that says "deepwater." I think we need to clarify that in the resolution.

Adams: Second. Moved and seconded. The amendment is -- is that clear to our legal counsel? Ok. Karla, please call the vote on the proposed amendment to add "deepwater" before any term marine terminal.

Saltzman: I think it was good testimony from one of the committee members and that's the intent if we're going to vote to develop any portion of it that it must be deep water to avoid dredging and other environmental impacts. I vote aye.

Fritz: I'm just looking at some of the be it resolved. And what I was intending to look at is definitely marine industrial, and i'm wondering how the analysis and explanation of existing marine industrial supply is affected by the deepwater aspects of it.

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Adams: Read the title.

Saltzman: Well, I certainly want to amend the title and I think it makes sense everywhere else. If it doesn't, I'll regard that as something we can clarify.

Fritz: Yeah, I think we're agreed that's what we're talking about. I just need to think through.

Saltzman: While listening, I'll come back and further clarify.

Adams: He's talking about the, therefore, be it resolved and the title.

Fritz: Right.

Saltzman: Not necessarily the whereases.

Fritz: I need to think about it.

Adams: So if the maker of the motion would allow for a pause in the testimony, while commissioner Fritz goes through the details. So we're paused on the motion. Please begin.

Larry Epstein: Thank you. Mr. President, Mr. Mayor and members of council, my name is Larry Epstein, I represent Diversified Marine Incorporated. The only tugboat builder in the region. We have a site on the north Portland harbor on the main land. Just west of the Interstate Slough bridge.

We have been working for five years to preserve our site from displacement by the Columbia River Corridor project. The replacement of the bridge and we've been, we think, although nothing is in gold yet, we think we've saved ourselves and want to be sure we're not later displaced by a bridge that may be built over the north harbor in conjunction with the industrial development of West Hayden Island. I've heard the discussion tonight is principally a fight between the environment and jobs. I'm sure that oversimplifies it. But if that's the fight, here you have an industry, a \$10 million business, that builds \$10 million tugboats and barges and ferries and employs 50 people who make from \$50,000 to \$100,000 a year. Good, blue collar, family-wage jobs. Just leaving us here does no harm to the environment but to protect our access to the waterway, we have to be sure that if a bridge is built over the north harbor to provide access to the new industrial area, that that bridge is at least 70 feet tall, clearance, so we can get our boats back and forth and our cranes back and forth beneath that bridge. That's the only reason I'm testifying. We have no opinion on the Mayor's resolution.

Adams: Thanks for making us aware of your concerns.

Epstein: Thank you.

Adams: Welcome back.

T. A. Barnhart: Thank you. Good evening, my name is T. A. Barnhart.

Adams: Can you get the mic closer to you. There you go.

Barnhart: Needed a category for agnostic on this. I'm an activist on -- I've learned one lesson, the only political authority is the voice of the people. That's why elections matter and that's why if as I expect the council passes Mayor Adams' resolution this evening, the primary goal of the Bureau of Planning and Sustainability in the coming months will not be to get the facts and data right, it will be to get the public involvement right. Get that part wrong and the rest is useless. Government's that fails to ensure that citizens are part of the process, have failed in their primary duty, democracy. Laws and policies must be secondary to actions taken to promote transparent process. In the case for West Hayden Island. Need for transparency and inclusivity could not be more important. The role of public involvement is the most important task of the Bureau. Many of -- easy to focus on the technical challenges. Many of the issues have no clear answer. Many of the decisions that the council will need to take will be as difficult and complex as they are today. The same conflict of values, jobs and environmental -- natural resources will continue to exist. Presenting this council with an array of choices that have no easy resolution. This makes the public involvement part of the process paramount. Staff has the expertise to get the technical answers but your vote needs to be informed by what the citizens of Portland to say. To get the right answers, you must ask the

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right questions and ask them of the right people. Involve the public in every way. Meetings won't be enough, websites won't be enough. Not even a snappy facebook page, you need to inform and interact with the public on this issue.

Adams: Thank you, I just -- this gives me an opportunity to comment that given the difficulty of this issue, that in the next phase, it's my intention as council, as work from staff has called for in the resolution comes forward, we will on council have work sessions and hearings along the way. So it isn't going to all sort of disappear behind a curtain then -- which -- come out as a surprise. Given the decades this decision has been put off at difficulty of this decision, this becomes sort of the workgroup. Thank you for your testimony. Hi.

Susan Barnes: West hayden island plays an important role in supporting the critical life functions of the region's various Fish species, specifically esa salmonids moving through the columbia river system. The undeveloped shoreline develops resting and rearing areas for juvenile and migrating fir. At regional level, shallow water habitat are now considered rare so the fact that west hayden island has shallow water components elevates the importance to Fish. While odf&w Fish recovery plans focus on habitat restoration preserving remnants of historical habitat where it exists is considered a priority and recommended action. Though degraded by surrounding development future changes in hydrological regime, west hayden island is remnant of historical habitat conditions. From a wildlife perspective, west hayden island's location, its size, which we refer to habitat patch size, and its habitat type currently present make it valuable to numerous wildlife species as we have heard, particularly migratory birds as they move through the fly ways. The habitats currently present on west hayden island are specifically addressed in the Oregon conservation strategy, hopefully you will give me 30 more seconds since I was on the technical advisory pool.

Adams: I will.

Barnes: Thank you. So the Oregon conservation strategy for those of you who may not know is Oregon state wide blew print that identifies the highest priority habitats in species of concern. The threats that they face and recommended conservation measures for aiding these habitats and species. One of the main goals of the Oregon conservation strategy is to help recover currently listed species but also to prevent additional species listings. So the Oregon conservation strategy identifies wes lands, welt prairies, riparian including bottom land riparian, cottonwood forests and these are all present on west hayden island.

Adams: We will be happy to accept your written comments.

Barnes: Thank you for giving me this opportunity to comment.

Adams: You betcha. Thank you for your testimony. Sir.

David Strader: My name is david strader and I don't represent any organization but I am a part of a few of them that are here tonight. I am a super cargo. That's what I do for a living. I load cargo ships down the entire columbia river. And the coast and I don't want to sound snide like this but I have been speculate next industry for over 30 years and my family has been in it for over eight decades. I am third generation. I have seen the struggles to maintain preserve develop of marine industrial infrastructure on the entire west coast where I have worked in places, small ports in Oregon area, I have seen the communities suffer because the infrastructure hasn't been able to be maintained. It's very expensive. It takes a great deal of time and planning to do that. And I have also seen the effects of economic damage by private marine industrial development. This is my issue on this more than any other. I do not want to see private -- private marine industrial infrastructure development. I want to see it done in the public atmosphere where the public will have ferrioli over the development. That is the main point I want to make is that if you look at, in the river, the two best examples are actually not directly related to marine development but if you

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look at the aluminum sites? Vancouver and up near longview, you can see what kind of toxic problems it creates when you allow this land along the waterfront to be developed in industrial manner outside of the public sphere. Thank you.

Adams: Thank you all for your testimony. I appreciate it. [inaudible]

Fritz: It's delightful hearing somebody say the public takes better care of things sometimes. Thank you very much.

Adams: Before we move on we are going to take a five-minute compassion break. The bathrooms are on either side of the council. It is 7:34. We will promptly again begin at 7:40.

At 7:35 p.m., Council recessed.

Adams: Council will come back from its short recess for compassionate purposes. For those of you listening in, in the lovejoy and pettygrove rooms, we do have seats available on the top gallery. Which would be the third floor. So you are welcome to come in and take a seat up on the balcony gallery. All right.

Saltzman: Can we finish up the amendment? We have reached clarity now. So I move that we insert the word "deep water" before the words "marine terminal" in every place it refers to it in the resolution. Our attorney --

Adams: We confirmed that meets -- yeah. [laughter]

Saltzman: You were great, too.

Adams: Let's confer with our legal help. What is her name? Annabelle. Do you have an opinion? [laughter] the world is spinning, future lawyer. All right. Karla, will you, the vote. Excuse me. The motion has been reiterated by commissioner dan Saltzman. I reiterate my second to the motion. We have conferred that the exact wording of commissioner Saltzman's motion does indeed work for commissioner Fritz so could you please call the vote.

Saltzman: Aye.

Fritz: Thank you, everybody. This is a very important issue. It's worth getting it right. Thank you to our city attorney. Aye.

Fish: Aye.

Adams: Aye. [gavel pounded] motion is approved. Thank you. Let's begin with you, sir.

Larry Paulson, Executive Director, Port of Vancouver: I am larry paulson, executive director of port of vancouver and I am here this evening to just talk about briefly a couple of items, one more specifically is the competition issue that's been raised and secondarily generally, about industrial land. Specifically, as it relates to competition between ports, I think the last time the port of Portland and the port of vancouver directly competed was six years ago and the port of Portland prevailed. But as a practical matter, most of our efforts are aimed at collaboration and cooperation.

It includes everything from studies on trade, forecasts and economic impacts that are ongoing and consistent, major bi-state projects have included channel deepening, columbia river crossing and anchorages. We have an intergovernmental agreement that includes a formula for joint ventures, of which the Portland floating dock that serves the port of vancouver as the dock for our subarus is perhaps exhibit a. Every subaru that crosses our property, the port of Portland is a monetary beneficiary. Most recently --

Adams: Could you say that again.

Paulson: The port of Portland owns the dock that we use for the importation of our subaru vehicles that is come into our port. It's a good working relationship that has actually gone on for a number of years. And is typical, I think, more of the cooperative nature that the ports do as opposed to the competitive referrals that were made earlier. Not too long ago the port of vancouver was involved in a nepa process for what we call our columbia gateway property, significant amount of property down river from the port itself. At that time we included a representative from the port

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of Portland on our review board. As for the need of industrial land, I can speak generally that marine growth has gone up something in the area of 4% for the last several years and is projected to grow at about that same rate. Marine land requires large pieces. You can't do it in little pieces. You have to do it in big pieces. And those industrial lands do mean, indeed, jobs for people on both sides of this river. As to the port of Vancouver property, the primary property that might be considered similar to the one that the port of Portland is looking to develop could not and probably will not be developed at the very earliest until 2018. And then it will still face an EIS study as well as other contractual issues that are unique to that particular property. I say that just for clarification and for laying the facts before you as you consider the resolution before you. Thank you.

Fish: I have one question if I could since you are here. The port of Vancouver recently completed construction of terminal 5, a new auto facility just across the river from West Hayden Island. Terminal 5 sits on 218 acres. Now, we have, we are going to have some competing testimony tonight about whether you can, whether 300 acres is adequate for a similar purpose on West Hayden Island. Do you have an opinion on that?

Paulson: Yes, I do. First of all, it's not an auto terminal at terminal 5. We have 160 acres that has been significantly developed with a loop track. It's likely to be an export facility. We have been in discussions with several exporters of recent note. Nothing has been finalized but that's what the property will likely be and it will be developed in the very near future as opposed to the likely pushout of the property in Portland. So I think the facts are different than what you heard.

Fish: Thank you.

Adams: Thank you for your testimony.

Fritz: How was your volume last year?

Paulson: The actual ship count was off 20%. What was important for us was the wind energy products that came through, the wind turbines that helped hold us up in terms of revenues. The ship count was significantly off.

Fritz: How are you doing the first few months of this year?

Paulson: Still slow. A little increase. A little more improvement as we approach the middle parts of the year and hopeful to continue into the latter part of the year.

Fritz: Thank you.

Adams: Hi. Welcome to city council.

Cheryl K Lund: Thank you. Good evening. My name is Cheryl K. Lund. I am a business owner and a private citizen and I am trying to save West Hayden Island. I have met and spoke with all of you and thank you all for your time. As a Navy veteran I was fortunate to be stationed in some of the most beautiful waterfront and marine environments in the world. In all these places, never have I experienced the amount, variety, and diversity of wildlife anywhere else like on West Hayden Island. West Hayden Island is a crown jewel awaiting discovery and responsible management. It is the gateway to Oregon. It is also fragile and in great danger. Danger of being ruined based on job estimates that may never happen or are decades away. 1200 jobs? How could 300 acres of imported parked cars provide 120 jobs, less alone 1200 permanent jobs? And if they could, based on the city's own projections the project would generally, would generate approximately four jobs per acre at a cost of more than \$100,000 taxpayer dollars per job just to cover the bridge to the facility. How can this even begin to make good economic sense? Is this really worth allowing such extraordinary island habitat to be destroyed forever? Why not redevelop existing marine industrial sites instead? Why not partner with the port of Vancouver? And what about the negative impact on East Hayden Island residents? What about our peaceful neighborhoods, clean air, clean water, beautiful scenery, recreation, and high property values? What about what happens the next time the island floods, as it does, as it did in 1996? The pollution pouring into the Columbia River and our

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homes would be astronomical. Why do we island residents have to pay such a huge price for a few jobs? Where is the balance here? This is not a wildlife issue. This is a waste of taxpayer money. And resources issue. A lot more needs to be known before taking the hatchet to this island paradise. Of course Portlanders need jobs. Who doesn't? What we --

Adams: I need to you wrap up.

Lund: Thank you, mr. Mayor. I urge you not to vote for this resolution that would allow the port to move forward. How many cities have an opportunity to save an island in their midst? That's, this is what Portland is all about.

Adams: Wrap up means just a few words.

Lund: So I thank you very much for your time and --

Adams: You have got to be quiet. Thank you very much, ms. Lund. I appreciate it. Very compelling testimony. Sir.

Sam Ruda, Port of Portland: Sam ruda. As the port's director of marine industrial property development, I want to thank the mayor and city council for establishing the community working group process. The unanimity was not reached I commend the entire group for their participating in the lengthy process that was recently concluded. Given my title I am obviously before you today to endorse commercial marine future for part of west hayden island. At the port, our mandate and indeed our mission are to keep Portland relevant as marine gateway for decades and generations to come. Carrying out this responsibility with a firm commitment to the environment is equally our goal. If geography is destiny then Portland at confluence of the columbia and willamette is blessed with being a natural gateway to the growing pacific rim countries. We are well positioned to benefit from global trade growth and be one of the true marine gateways of significance in this country. Abandoning this future and west hayden island does not bring it with it the immediate demise of the port of Portland. What it would do, however, is relegate the port and the city by implication to spectator status over time. I do not believe that we strive to be spectators here in the city of Portland or Oregon. Let's continue to keep Portland on the world trade map. The wooden plank road that was built over a century ago on what is today canyon road was one of the sparks that placed Portland harbor on this world trade map. Keeping us on this map will require our active engagement, participation and leadership. I advocate that you contemplate what is taking shape in Portland as a result of the building of that plank road long ago. Responsible marine development on west hayden island is simply a continuation of what previous stewards of this city and region have already built. Thank you very much.

Adams: Thank you for your testimony. [inaudible]

John Marshall: Good evening. Portland city council, my name is john marshall. I currently work as a temporary employee for the Oregon department of state lands. But I am here to testify tonight as a private citizen. I have been working for local governments, two state regulatory agencies and the federal government, worked for the Fish and wildlife for the last 16 years. I was on the late 1990, early want toes interagency review team for the environmental impact statement for west hayden island. I was also on the technical advisory pool before I left the service this year. In all that time of working as a public service employee, I have never seen a local government so dead set on being out of synchronization with the state and federal process. Usually, local government is always striving to be in synchronization with the state and federal process. Instead the city of Portland has taken upon themselves to go forward with an agenda and a decision to develop on west hayden island before doing a nepa-like process to look at the purpose and need statement that doesn't prematurely select the least damaging, preclude the selection of the least damaging practical alternative. When you reduce the acreage to 300 acres that even opens up the possibilities for other alternative sites in the region. The nepa net would go far beyond what the developers proposed.

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When you say 300 acres, I guess one of the issues is that that's just a foot in the door. If you are really seriously talking about the needs of the port, it's likely just going to be the first step and I think others have said that. So we are really afraid that 300 acres is just a foot in the door. Plus 300 acres severely diminishes the overall habitat value of the island. It's not real estate we can put a number of dollars per square foot. There's an effect when you destroy that much adjacent ambient habitat.

Adams: If you could wrap up.

Marshall: Ok. Well, what is the true economic gain? I would say with the actual replacement of the ecological attributes to the habitat at the confluence of two major rivers and -- and the attempt to make mitigation would likely drive the cost benefit well into the red ink.

Adams: Thank you very much for your testimony. I got you on the breath. All right. Thank you all for being here. I appreciated it. What time is it? Ok.

Wally Mehrens: Thank you, mayor Adams. My name is Wally. I am not supposed to tell you where I live? But I lived for a long time on Hayden Island. But I live on West Hayden Island. In a mobile home with my mother before she died. I have lived most of my adult life in either North Portland or Hayden Island. I am here tonight testifying in support of the West Hayden Island annexation in order to place a marine terminal in one of the last places on the Columbia that would benefit the Portland metro area. I hope you all received my email. Letting you know I would be here for this purpose. Surprise, here I am. There is a definite attempt to make this administration fail the Obama administration, in an attempt to return to the ways of the past. You know those times when we didn't really have a lot of jobs? These are good jobs and they are needed here. When we get our unemployment down to maybe less than 10%, maybe it's time to contemplate things but there's a lot of people here that need those jobs and they need them now. Thank you very much for your time.

Adams: It's good to see you. Thank you for being here.

Mehrens: It's good to be seen. [laughter]

Adams: Sir, would you like to begin.

Eric Reddekopp: Yes. Give a copy of those. My name is Eric. I am the chair of the Hayden Island Livability Project. Today I have actually come to speak on not on behalf of the Hayden Island Livability Project as well as a citizen born and raised in, born and raised Oregonian and the man who lives in a little island in Portland called Hayden Island. I am not going to spend my time extolling protecting the lush and beautiful area known as West Hayden Island. Our state helps to support to keep it intact as a nature reserve. Various other folks that are involved and knowledgeable in the benefits here than I am. My focus is actually going to be about me, my neighborhood and that little track of folks closest to the impact area for this proposed development, the elderly Community in the manufactured home. I am a relative outsider to these discussions. Beyond the most recent 18-month debate in the recent working group I am aware this battle has waged on and on. And I have read through the mayor's proposal and I've listened to a port representative undermine the proposal by stating 300 acres would not be enough. Observing all this I was suddenly reminded of the vacuum salesman. Like any skilled salesperson going door to door it's about getting your foot wedged in the door. That's what this debate and even the mayor's proposal is starting to feel like. That's all about getting that foot in there because once you get them to buy the vacuum, and how about some attachments? Maybe you might like a hose and of course maybe some extra bags? Because when those 300 acres turn into 400 and 500 and then 600, before we know it we have bought everything that Kirby salesperson is selling and we have that West Hayden Island is once a beautiful, unique area, joining what we have is a big concrete jungle. The picture I have handed out is actually the scene, what I get to enjoy from my deck and the idea

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of seeing that broken up with right over that tree line is actually where the development you are talking about would happen. And the community already doesn't have a great favorable problem with industry in that area. This is a sound that I have to hear every single weekend. Courtesy of commercial work that goes on just across the bay. So the idea then of more development is just not very pleasurable. Thank you.

Adams: Thank you for your testimony and thanks for your work on the freeway interchange as well. It's really appreciated.

Herman Kachold: My name is herman. I live on the hayden island. Also belong to hayden island livability project. I had submitted some testimony. I don't know if you have got it or not. I did some research on, because I was surprised that government island is owned by the port. The same meeting I was at with eric, the representative from the port mentioned that. I was kind of surprising thing to think they own government island. Did a little research on it. They have owned it since 1969. And they sold off 224 acres of it in 1999 to metro. And the rest of it is leased for 99 years to the Oregon park, let's see, Oregon parks and recreation department. And to me that seems that the port has the ability and the experience to manage urban wildlife habitat and protect their air space above the main landing route. So it would seem to me that would be the same thing that you should do with west hayden island, protect your air space over your takeoff and landing route because that's just as important as the other direction. The switches back and forth. I know. We live right under the airplanes and love it. And what's let's do the same thing with west hayden island. Keep it as an urban wildlife habitat, the port has shown they can do that. So let's kind of just keep it the way it is. Thank you.

Adams: Thanks for your testimony.

Edward Garren: Thank you, mayor Adams, commissioners. Thank you. My name is edward. I am on the board of directors of the hayden island manufactured homeowners association. I am also the former co-chair of the hayden island plan for east hayden island. We have this graphic here because for those of you who have never been to our community, we are right here. Mr. Redikoff lives right about here. I want to you see the proximity that we have to, that we have to this proposed facility. Now, most of you probably don't know but leathers fuels owns a petroleum distribution facility right down here behind the expo center. And whenever the air gets still and we get a slight breeze from the south, the acrid possibly cars know generate fumes from that facility come right up into our community. Do we close our windows if we don't have air conditioning we are out of luck. It burns the throat. It's very difficult to deal with. Now, you have a difficult decision with this. I want to be real clear. The balance is literally in all through the process it's been right on a precipice. My concern and our concern because we do consider ourselves an endangered species as well, in our community, is if the city and the state aren't able to regulate the fumes that come from this facility, which is about the same distance, and the predominant winds at least half the year come from the west, who's going to be the watch dog to make sure that whatever is going on here doesn't blow right into a community that's filled with seniors, people with respiratory problems, allergies, asthma, all of that. So whatever your decision is, please consider that this industrial area, whatever you are not guarding and watch dogging, blows right through our community and we already have one example of a business in the city that's doing something that's endangering our health and maybe no one even knows about it. Thank you.

Adams: Thank you. And for all your work, but who are your fantastic assistants?

Garren: Introduce yourselves, ladies.

Linds Johnson: I am linds johnson.

Haley Jagger: And i'm haley jagger.

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Adams: We really appreciate you being here. Thank you. This is the only time you get to clap. So clap now. [applause] glad you took part in democracy.

Adams: Ms. Caseo. Welcome to city council. Thanks for your patience. Appreciate it.

Linda Caseo: My name is Linda Caseo and I want here today to speak on behalf of myself and also hip, the Hayden Island Livability Project. Most of our membership lives in the Hayden Island manufactured home community located right next to the entrance to West Hayden Island. Once again, we are the ones who will be the most affected by development on West Hayden Island and what we are ardently oppose the city's plan to annex this land for industrial use. Our backyards overlook the cove that borders this property. It's an ideal lick place where sail boats look, people enjoy walking the paths and families of ducks, geese, heron, hummingbirds, eagles and grebes live and eat. It's summertime and the fish be jumping and the sunsets are beautiful. It's very depressing to think about what our community will be, seeing, hearing, and smelling, if the port is allowed to develop any part of West Hayden Island. And most especially the land that is closest to our own back yards. Quite frankly, it's really hard for us to understand why the port and the city think that this kind of development is a good idea. We understand the economy is bad, the port is a business, there will be a few jobs, maybe 10 years from now, and the city needs money. But there's so many other environmentally healthy community friendly profitable alternatives that could be considered. We support a wildlife preserve with recreational use, Hayden Island is so many livability issues it's just becoming just ludicrous. On the east side we have got the I-5 bridge mess. We have got the west side the port trying to chew up farmland and spit out concrete and car lots. We have got a mall getting remodeled and we got someone trying to open a strip club in the middle of everything. How much chaos can one little island and the people endure? How county city call itself a champion of green planning and sustainability while promoting development like this? The port's plan is nonexistent as it is makes a hypocritical travesty off the Portland's very well polished green image. We need our city and representatives to help defend our homes against yet another development that is of no benefit to us.

Adams: Thanks for your testimony. Sir.

John Maple: My name is John Maple. I am also a represent of Hayden Island and I am a private citizen. I am not representing any organization.

Adams: Can you get a little closer?

Maple: Yes, sir. Thank you for your time and the opportunity to be here. I, too, believe that when I moved to Hayden Island five years ago that I knew the consequences as far as the noise that already exists, the smell that the gentleman before me that spoke about, and I accepted that. I was willing to do that. It's a beautiful place. And that was fine with us. But now, the development that you are looking at on the west side of the island, excuse me for being nervous.

Adams: You're doing great. Don't be nervous.

Maple: The development is going to make it much more unbearable. Ok. It's bearable now but it's going to bring it into that unbearable zone and that's what I believe. And you have just, I have worked with Union Pacific Railroad crews for a long time with a railroad contractor, and I have driven around a lot of those areas and seen what this industrial zoning is in Portland and there's a lot of it that's unused. And it's been developed in the past and it's just sitting there empty. So I don't see any reason why we can't reexamine the ability to redo those facilities. I know that you will have to dredge but you will have to do that at the island also. And so the expenses there, I don't see any justification for taking another area and then destroying that and leaving another area empty. There's too much of it now. And we should be able to develop what we have now.

Adams: Thank you for your testimony and you did great. Hi.

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Barbara Wilson: Hi. I'm barbara wilson. And I live in beaverton. And I represent myself. I am a wildlife advocate. For those life forms that cannot speak for themselves. I hope to be a wildlife defender. I picked up a report off the web regarding this project, and I noticed that the word "carrying capacity" was not used but the idea that a certain number of acres will support a certain numbers of species was mentioned. It's very definitive on 300 acres can support a certain number of wildlife. And if you destroy that 300 acres, you have destroyed the wildlife that was living there. So don't delude yourselves or rationalize yourselves that you think wildlife is going to go somewhere else because, no, it isn't because some place else is already occupied by members of that species. And they will have to compete for space for food, for shelter. So please understand that you hold life and death for that wildlife in that 300 acres. And please understand that this is not -- this is not negotiable. This is a law of nature. Now, specifically, I want to talk about Fish. The taxpayers pay millions of dollars in trying to figure out how to keep our Fish runs healthy and sustaining. So why would start talking about dredging and destroying a migration corridor for Fish that will decrease the numbers of Fish that can use that migration corridor? One quick question. And then I will be done here. How much taxpayer money goes to the port of Portland to do all these things that they want to do, build bridges, build roads, build terminals, pay salaries? Is this done by the companies that are shippers? Or does the taxpayer pick up those costs? Thank you for your time.

Adams: Thank you for your testimony. Sir?

Emile H. Combe: My name is emile combe and I am the principal for emco and associates, a port strategic planning organization. I have spent about 35 years working in planning and development in northwest, of that, 15 years in the port industry and about 10 years working as an international consultant for the port authorities of the national port authority of chile, the national port authority of ecuador, the national port authority of panama and the other central american ports that operate in the caribbean. I would like to state my major points that are in the written testimony that I am going to submit as to why I oppose the development on west hayden island. There are a number of reasons for this. And I am going to hit them briefly rather than spending a whole lot of time. The environmental and conservation reasons have been adequately covered already and will continue to be covered so I am not going to comment too much on those. Also the need for parks in public access to the columbia river in the north and northeast Portland area, I think is another important factor that we need to look at. I think we need to recognize that current long-term cargo demand projections are based on historical and current economic conditions and they don't take into consideration the global and environmental changes that are coming from global warming, from resource scarcity, and from continued environmental impacts that occur. And finally, I think we need to move away from the port facilities development which is based on competition between public ports and move into a more substantial regional paradigm about how we develop our ports and where the jobs are located. I think competition between cities and between organizations is less productive than looking at the region and the benefit that is are going to occur to the whole region. Thank you very much for the opportunity to be with you tonight and appreciate all the work that you have done to move this process forward.

Adams: Thanks for your t thank all of you. Appreciate it very much.

Adams: Mr. Chamberlin, welcome.

Tom Chamberlin: I am honored to represent the 224,000 families of the Oregon afl-cio. Jobs and the environment can co-exist. We need jobs desperately and we don't have to sacrifice our livability for economic needs. But as much as we talk about green jobs in Oregon, we seem to focus on the green part a whole lot more than we do the jobs part. Now, I am not going to repeat a lot of testimony that I have heard tonight that this land has been set-aside for almost three decades

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for industrial development. What I will talk to you about is what many of us are discouraged about and that's the very fact that we are down to talking about using less than half of the available land for jobs. This isn't recognized by our opponents as an economic sacrifice or as a good-faith effort to balance those interests. Those of us who want to keep this land and job production have already conceded over 500 acres. Why thinks so unreasonable to keep 300 acres for job and trade? Why is any industrial development viewed as at best a necessary evil to be tolerated? When did middle class blue collar jobs become optional? We have high unemployment in this state. And we are a low-wage state. Workers in this state make 90% of the national wage average. We need jobs and we need economic development. To have a healthy community, to maintain Portland as a healthy community, you need a strong middle class to fund our essential services. Please support, mayor Adams's resolution and move this project forward. Thank you.

Gordon Bussey: My name is gordon bussey and I had a dynamite three-minute pitch for you and I am heartbroken you are not going to hear it.

Adams: I'm sorry:

Bussey: That's all right. I'll bring it back 10 years from now.

Adams: Ok. [laughter]

Bussey: I have lived in a floating home for 20 years where I can see both terminal 6 and west hayden island. And frankly, I am here for the critters. Don't hurt me. If you take out 300 acres in the middle of a gem, you ruin it. It's irreplaceable piece of Portland that can't be rebuilt. I was encouraged to hear about the port of Portland and the port of vancouver corresponding, cooperating, being able to share revenues and jobs. I really urge to you look that direction. I think there comes a time when we must quit picking up pieces of land, using them, using them up, leaving them there for somebody else to clean up in the future, and that's what we have done right down the rivers. It is my heart-felt hope that we can get back together when we know what the economy is and what the needs are and in the meantime let's look toward the port of vancouver-Portland cooperation. Thank you.

Adams: Thank you, sir. You wetted our appetite.

Bussey: Thank you very much. I will put it in the family bible. [laughter]

Adams: Ma'am, how are you.

Alexandra Deahl: My name is Alexandra deal and I am a double major of anthropology and urban studies at smith college in massachusetts. I'm not technically a resident of this state. But I am also a summer intern for plan green which is a business that helps to bring communities sustainable ecosystem services. And I would like to stress that I come from a working class background. Many members of my family are or have been iron members of union pacific and/or ironworkers and I believe in jobs. I am a senior in college so I have to. Because who's to know what's going to happen especially in my life? But I believe in sustainable jobs. And therefore, it is my assertion that this land should be protected permanently as it is a biological hot spot for multifaceted display of wildlife habitats as we have heard as well as one of the largest unprotected areas left in the region. My understanding is that the location of west hayden island is no place for industrial development. Numerous reports show the parcel is one that experiences occasional order periodic flooding and in 1996 as I am sure most of the people in this room know, all of west hayden island was more or less under water. In addition to this rezoning the land from farm forest to that of an industrial park is not economically viable. There will be a great expense in constructing not only this industrial development in such an isolated location, but the infrastructure that survey rounds it. The city is required to provide infrastructure to new areas that they have annexed to the city. And this is probably about \$150 million for streets, a new bridge and utilities that will all be going towards the development, in which there is really no economic demand. As

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one concerned citizen on the internet has asked, how would the cost of this new infrastructure affect the cost effectiveness of any potential future industrial projects on west hayden island? There is no economic demand for a development of this size in this particular location. But perhaps, more importantly, there is no economic demand more what the port is claiming its wands to develop.

Adams: Thank you for your testimony you may be the first to say although you are not from Oregon.

Fish: I hope your current summer employer gives you a full-time job so you can become a resident of this state?

Deahl: Thank you very much. I would love to live here. It's a great place.

Adams: Sir.

Michael Williams: My name is mike williams: Here as a representative of Oregon business development department, formerly the Oregon economic and community development department.

The future development of west hayden island will likely prove to be a lynchpin of the state of Oregon's critical supply chain connections to the world. A rail-serve terminal will provide vital support to businesses in the Portland and greater metro region and across the state. It's important the port and other industrial users have a sufficient supply of land to properly serve current and future industries. The land needs of key traded sector industries are increasing because of globalization. Larger facilities with very specific site needs and a few strategic markets is the current trends we are seeing for the most impactful recruitments. For example, the next wave of clean tech plants will be anchored by large 100 and 200-acre sites that will be served by efficient supply chain connections. That includes ports and rail. And a host of smaller firms that are suppliers and technical service providers. The activity in the segment of the market has been robust nationally, despite the fact we are experiencing one of the worst recessions since the great depression. The types of facilities that the port of Portland is considering will support high value industrial users like this as well as high value agricultural land throughout the region. It would be a mistake to rule out or short change manufacturing and other industrial users as an economic engine for future economic growth. The location on west hayden island is unique because of its waterfront location near an existing port of Portland facility, its access to the newly deepened river channel and its adjacency to a main line railroad. We encourage to you allow the port of Portland enough flexibility to meet the needs of tomorrow. In the near future we see changes in renewable energy that can bring large scale facilities that require high throughput cargo through the port. But what are the long term needs of industries 20 or 50 years from today? We cannot say for certain. That's business in Oregon and they will be driven by changes in business practices, markets and technology so why not provide the port of Portland the kind of land use, land supply flexibility it desires to properly serve these industry needs?

Adams: Thank you for your testimony.

Williams: Thank you.

Adams: The next four?

Adams: Thank you for your patience this evening. Welcome to city council. Welcome back for many of you. Mr. Clark, I believe you were first.

Steve Clark: Mayor, thank you, members of the council, for running a very well run meeting. I am steve clark. I am a grain circa 1953 native son of north Portland but tonight I appear before you as the chair of the Portland business alliance land use task force. As you know the alliance represents about 1300 small, medium and large businesses throughout the Portland region.

According to the city's own analysis Portland has a shortage of industrial land. As you have heard tonight, we are a region who's per capita income is slipping well behind other regions throughout

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the nation. And as we well know, for the next 20 years according to economic studies by econorthwest, we are an income taxed based state we will not be able to provide the essential public services that our state requires that our citizens require. Annexing and zoning west hayden island in conjunction with the associated planning efforts will not only help address the city's industrial land and employment shortage, but at the same time, will establish ongoing environmental protections that are very necessary and very appropriate on the island. The designation of a portion of west hayden island for a viable marine terminal supports many of the city of Portland's economic and land use objectives. It will create approximately 1,400 jobs and up to 5,000 indirect jobs. This represents approximately 1/2 of the city's employment goal. Allowing 300 acres for a marine terminal is a good start but the alliance believes we need to find a way to incorporate rail access into this area. Rail access will serve as an operational and sustainability component as it contributes to a much smaller carbon footprint. The pba is not alone in identifying the importance of international trade to the Portland region. A recent brookings institution report called export nation, how u.s. Metro areas lead national export growth, and boosts competitiveness found the Portland-vancouver area is one of the nation's metropolitan leaders for exports. And this evaluation confirms that a significant share of the region's economy is tied and will continue to be tied to international trade. We believe that having and investing in industrial employment land within close proximity to our most carbon efficient transportation systems such as rail and marine shipping is essential. The annexation of west hayden island, excuse me, along with providing for environmental responsive development restrictions on a portion of the island is essential and a strategic decision. It will increase our limited supply of industrial land. It will help lay the foundation for increasing number of living wage jobs within Portland. And it will help retain Portland's role as an international gateway.

Adams: So, mr. Clark, Karla did not push the button because she's getting tired.

Clark: And I will close by saying thank you. We appreciate the resolution you bring and the efforts you're providing the city of Portland.

Adams: Thank you, mr. Clark. I guesstimate that's about two minutes. Did it feel about two minutes? Do you feel cheated?

Clark: I do not.

Adams: Thank you. Ms. Landsey.

Susan Lindsey: Thank you, mayor Adams. My name is susan lindsey. I am a lifelong supporter of organized labor, the prevailing wage and I have been the elected, of my union the grievance officer and vice president. For the last decade I have testified many times about the need for the creation of family-wage jobs in the urban renewal area I represent. I like the port of Portland and I also like along shore men. I, in fact, went to apply to become a longshoreman in 1977 but I wasn't allowed to apply because of my gender at that time. But in this case I cannot support the proposed amendments and my reasons are simple. Swan island, ross island, the vast bottom lands of the area north of the st. John's bridge, the long term parking lots east of the airport, airport way, tomahawk island, hayden meadows all that new shoreline development in clark county, these and many more are all once heavily forested with cottonwoods and ash and rich with west land wildlife and they are all now cleared, paved, filled with roads, parking lots, big boxes and/or condos. Including the aforementioned terminal 6 facility, which used to be surrounded by hundreds and hundreds of acres of forest, which were all cut and paved for parking lots or future development. West hayden island is not forest park. In fact, I would argue that it's more unique and more important. It is the last large predominantly undeveloped tract of mature forest, wetlands, river and shallows in the city. It is unique and it is irreplaceable. Perhaps if the other places were not already paved over this might

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not have been such a concern but they have been, they are gone, and I believe this place needs to be protected. Thank you.

Adams: Thank you for your testimony. Sir. Welcome back.

Walt Evans: Thank you. I'm Walt Evans, chair of the Pacific Northwest International Trade Association's trade policy committee. My day job, I am a lawyer across the street in Schwabe Williams and Wyatt. On behalf of Pinta thank you for the opportunity to testify. We urge the city to adopt a West Hayden Island plan that embraces multiple uses that include development of new port facilities. Pinta is our region's voice for expanding international trade for our city and our region. We want more people working and family wage jobs in port related export and import activities. I submitted a short written statement. I ask you to read it. I'll just make four very quick points. Number one, international trade creates jobs that pay more than jobs not linked to trade. Portlanders cry out for more family-wage jobs, and this project will help create them. Two, port of Portland needs expanded facilities to serve existing and new customers. If we standstill and say our facilities are good enough, we will watch other west coast ports thrive with more cargo and the family-wage jobs that trade creates. Standing still is falling behind. Three, the deeper Columbia River channel will attract deeper draft vessels. Local ports, the two states and the federal government all invested in our region's future in international trade. Now we should help, not impede, our major port to expand to better utilize the deeper channel. And, four, in closing, partnering between the city and the port can help develop environmental protection measures that are innovative, elsewhere on Hayden Island. The port already has a track record as an early adopter of innovative environmental initiatives. We can be a showcase demonstrating how both port facilities and environmental enhancements cannot just co-exist but how both can thrive. The city and port should work together to make it a reality. Thank you for the opportunity to testify and present Pinta's views.

Adams: Thank you, sir, for your testimony. Hi.

Neil Shulman: I am Neil Shulman, represent, the Oregon League of Conservation Voters. We represent the many thousands of Portlanders who care about the environment and the political process and we urge to fully protect West Hayden Island. A natural area this size at the confluence of our two major rivers is too valuable to convert to industry. West Hayden Island is six times the size of Oaks Bottom Wildlife Refuge, four times the size of Mount Tabor or Cooper Mountain and over eight times the size of the nearest park nearby which is Kelly Point Park. As has not been mentioned much it also lies in the area of the city that's parks poor. This was a bad idea when it was first proposed in 1997. It was a bad idea when it was proposed again in 1999 and 2000 and I believe it is still a bad idea now. It is simply not in the city's or public's best interest. Nor is the proposal to turn 300 acres of, about the size of 200 city blocks, into industrial use viable. It brings to mind the analogy of splitting the baby. Fragmenting this valuable piece of habitat has already been talked about so I will focus on a couple of other things. For 15 years, the city, this region's strategy to preserving natural areas has been focusing on large parcels as has been mentioned this is one of the largest parcels left. It was entirely inundated during the 1996 flood. The city's climate action plan and Metro's Title 13 both established a critical importance of flood plains as well as the likelihood of extremely, increasingly strong floods oscillations over the next several years as climate change occurs. And that is probably a bad recipe for industrial pollution. We know that our economic future lies in green jobs and knowledge-based economy. I am for jobs just like everybody else is and I think the, if we wanted to create jobs, and I think we should, I think we are missing an opportunity to do so through environmental restoration on West Hayden Island and elsewhere that doesn't require the taxpayer funded infrastructure. As Joe Courtwright from the

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governor's council on economic advisors said, the future of our regions is sustainability and that should not be viewed as an obstacle to economic development.

Adams: Thank you for your testimony. Thank you all for your time this evening. I heard some crying. I thought that was either commissioner Fish or -- [laughter] please come forward. Do we have evidence of your child?

Fritz: I saw a child.

Adams: I'm teasing. Does anyone else want to testify associated with the child? Welcome. Glad you're here.

Julie Barnes: My name is julie and I am a mom. And I brought him down, my one-year-old, down just as a reminder that what we do today affects tomorrow. I think undevelopment is a novelty these days.

Adams: Can you get closer to the mic.

Barnes: Nondevelopment. Undevelopment is a novelty these days. I have traveled the world and everywhere I go, it just seems, it's developed. And here's an opportunity to leave it wild. I think children and people, we need space. Wildlife, we all need space and development is everywhere. I think we can -- we can develop other areas and leave alone what's wild now. So thank you.

Adams: Thank you. Appreciate your coming to testify.

Adams: Welcome to the city council. We appreciate your patience. Mr. Perkins.

Brad Perkins: Thank you. And it's a pleasure being here. My name is brad perkins. It is essential that we do all we can to improve our job situation. Hayden island is an important land. But it's at a crossroads and I believe, though it could serve mixed uses. To get a better perspective it is necessary to connect some dots and look outside the box or beyond hayden island. Look at the north-south i-5 and freight rail corridors. And look at east-west columbia river shipping needs and east-west freight rail corridors. Columbia river corridor is the best on the west coast for traveling by rail. There are no mountain passes. It's relatively flat. And it's the best shot from east to west or vice versa. This is very important when we talk about moving freight from the far east, to the mid lands of america. If we can out compete the rest of the ports, we are way ahead by the rest. Major high speed rail improvements for passengers could be the key that helps create sustainable jobs, freight movement and reduce co2 emissions. There are two major needs for high speed rail system with train speeds 100 miles per hour plus. There's a need for a new high bridge above the columbia river next to the outdate Burlington northern bridge by hayden island. For separate double tracks for both freight and passenger service. Secondly the relocation of the dreifuss grain storage mill next to the steel bridge to a deeper port and better rail connections would serve two important purposes. Relocate an old facility to a better deep water port on the columbia river and provide space and access for new hsr station between interstate and willamette river. That would connect with great multimodal transportation hub there at the rose quarter. And lastly, these core drillings that would be created from the new tunnels for the bridge could serve to rebuild the ross island bridge. Excuse me. Ross island. No one has talked about that but it would be nice to fill that replace the need that has been used to dig out for gravel and replace with it these tailings. Lastly, there is a letter here today that I received from gail ackerman that talks about putting together a new committee statewide for getting money for high-speed rail development. We are on the move. Ok? Thank you very much for your time.

Adams: Thanks, mr. Perkins. Hi. Welcome back.

Jonathan Schueter: Good evening, mr. Adams. My name is jonathan. I am the executive director of west side economic alliance representing the businesses and communities on the west side of the Portland metro region. I am here because 105 companies in Washington county are shipping containerized freight over the docks of the port of Portland. The vitality and health of the

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port of Portland is key to the health and vitality of not only our regional economy but our state. And in the statement that I am having passed out to you now, there is an economic profile of our region that quantifies just the importance of that. The 50 cents of every dollar that this state collects as income tax comes from these three counties, so the success of our region and the decisions of this council are key to the economic health not only of our region but of the entire state. Secondly, as Mr. Perkins so articulately outlined this is unique property with 814 acres under single ownership that has at grade crossing of the Columbia River and the Cascade Mountain Range. No other port on the western United States, Canada or Mexico can offer 814 acres in one package with access to five interstate highways, U.S. Highways, two Class 1 rail carriers, international airport access, and deep water marine draft. That is unique to the port of Portland and it would be a mistake to squander that opportunity. Number three, our region has just exhausted itself in a three-year land use planning process that designated the urban and rural reserves around our region where we should grow and not grow for the next 50 years. We agreed that we needed to hold the urban growth boundary firm, that we needed to infill, redevelop, reclaim and redevelop brown field sites before we go expanding over the farmland of Washington County, Clackamas County, or the timber land of Multnomah County. The very same groups who are here tonight in testifying in opposition to this resolution are the very same ones who are lined up in front of LDC to oppose the urban rural reserves that have been designated around this region. We feel that's very unfortunate but it tests the credibility of our decision-making process and the policy we have chosen. Let us ask the question, if not here, and if not on Hayden Island, and if not in the core of our urban centers, where will this urban infrastructure and where will this urban development be allowed? Thank you for your time.

Adams: Thanks for your testimony. Hi. Welcome to city council.

Gary Banker: Thank you. I am Gary Banker. I have lived in Portland for about 13 years. It's terrific here. When I think about what makes Portland a great place to live, one of the things I think about is our tradition of trying to work together and find compromise, and consensus. And I think the proposal that you have before you is trying to find compromise. But I don't think that compromise is possible. I think when you look at the report of the working group, you will see that. I think the members of the working group who are representative of groups who will profit from the port all can, are convinced that this compromise is possible, that we can have a port and preserve the habitat. But I think when you, that the environmentalists and those with expertise in habitat preservation on the working group all of them oppose this proposal that's in front of you. And when I look around the room and when I hear the testimony from proponents for the port, the strength of their -- they favor that so strongly, that I am convinced that they would favor it whether it's 200 acres of West Hayden Island or 400 acres or 600 acres or 800 acres. So much as I admire consensus and compromise, I think the resolution before you is really not realistic. And if I can go to the more difficult decision that you may face of development or preservation, I think about the other things that make Portland such a wonderful place to live. Things like Forest Park, things like the green space along the Willamette, and I know those were very difficult decisions for the members of Council 25 and 50 and 75 years ago. But I think even the proponents of the development of West Hayden Island would say that they made wise decisions in preserving that space for us to enjoy now. Thanks.

Adams: Thanks for your testimony. Appreciate it. Lynn.

Lynn Sweeney: Hi. My name is Lynn Sweeney. I live in Southeast Portland. I am a volunteer at the Audubon Society of Portland. We don't need another bridge. We need to preserve West Hayden Island as a flood plain with all its shallow river habitat for the fish. The port of Portland and the port of Vancouver have not coordinated their facilities adequately. A job in Portland is equal to a

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job in vancouver. It shouldn't be a competition. Building port facilities on west hayden island is a bad idea. I urge the council to save west hayden island from development. Thank you.

Adams: Thank you very much. Thank you all for spending time with us. How many more do we have? We are going to take a five-minute break. It is now 8:43. We will see you back here at 8:48. While we figure out.

At 8:45 a.m., Council recessed.

At 8:50 a.m., Council reconvened.

Adams: Portland city council will come back from recess. We are going to take this next panel of input.

Adams: We are going to have a pause and have some questions, potentially for the port, for staff, maybe for folks in the environmental side but we are going to take a pause before it gets too late and we lose, we have lost about 2/3 of our people. This is normal. [laughter]

Fritz: Half of our council.

Adams: Trying to buy some time so they can come back. If anyone has signed up to testify and you are on the upper gallery, if you could find a seat down stairs so we will save each other some time. And you have to wait until I have a third person up here before we can take your testimony. I thought they were in -- is he in the room?

Moore-Love: He is in the room.

Adams: Ok. Which one?

Moore: Fish.

Adams: Commissioner Fish. Commissioner Fish. [laughter]

Fish: Here:

Adams: Thank you. He is within ear shot so if it's ok with you we will go ahead and begin. I think your name is first on the list.

Scott Lukens: My name is scott lukens. A small business owner in Portland and I have lived in the Portland area for over 25 years. It's been interesting to listen to the testimony tonight. I strongly believe that developing west hayden island is a move in the wrong direction. I think it's an inefficient use of our land, especially from what I have heard tonight given the available land that's not being fully utilized right now. I also believe that it's clear that losing the habitat is irreplaceable habitat is something that we could look back on in 20, 25 years when our children are older, and significant, see it as a significant mistake. I think that my -- I feel strongly that my business is in large part successful because of the values and the work of our city leaders and citizens over the years. My business is a business that sells actually bird seed. And I bring that up because I have colleagues around the nation who have similar businesses, and they are always amazed at the number of rail cars of bird seed that we sell in the Portland area. I know. It is kind of funny. My wife laughed at me when I first proposed this business idea a few years ago. So I know that the people, the citizens, my point is that the citizens, my customers that shop in our stores around the Portland area value, value the green habitat, the sustain ability and the work that we have all done to make this city as livable and wonderful as it is and I hope that you will seriously consider that there are many, many thousands. People that value Portland for what it is today.

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

Josh Faber-Hammond: My name is josh and I am a Washington state university grad student right across the river there.

Adams: Go cougars.

Faber-Hammond: Yeah, I guess. [laughter]

Adams: I was being charitable by saying go cougars. We won't count that against your time.

Faber-Hammond: Fantastic. [laughter]

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Adams: Scratch you from the alumni association.

Faber-Hammond: I have given them enough money. So part of my thesis work I interned with metro for the last year and a half. And for the record I am also speaking on my own half, not metro's and on behalf of the research I have done with them. So for the last year and a half I have been doing a project to identify actual and potential habitat for the northern red legged frog through scientific gis analysis and this species is stay listed as threatened. So I won't bore you too much with the scientific method that I have done so far but metro has a data set showing thousands of egg mass locations from the better part of the last decade, and with this information I was actually able to find optimal aspect of habitat from a variety of maps from usgs, metro, the city of Portland and the list goes on. So with these optimal aspect I was actually able to combine them together and where they overlap, generated a optimal habitat map over the entire tri-county region. And I am trying to finish up basically it's quality control measure to see the limitations of this extrapolation. But initial results do show west hayden island is largely top tier habitat for this state list the species and it's in a high concentration. And in other words, west hayden island is one of the larger blocks of continuous red legged frog habitat in the metro region. Largely I just wanted to let interested parties know that this research exists and even though it's unpublished, I would like to get it published as soon as my graduate time allows.

Adams: Great. Thanks for being here and share that with us and good luck on the rest of your studies.

Faber-Hammond: Thank you.

Adams: Go cougars. [laughter]

Chris Fountain: Hi. My name is chris fountain done and recently, there were more books, e-books sold on amazon.com than there were hard covers. None of us expected that five years ago. Who knows what will happen with economics that are certainly precarious at this point and technology and the years it will take for the years for the port to identify a client and know what cha client needs and how they need to use the lands and how much land they need to use, things may change considerably. We really can't afford to play fast and loose with our finite resources. So please let's not move forward with a plan before we know the entire economic and environmental implications. Thank you.

Adams: Thanks for your testimony. Hi.

Dawn Banker: Hi. I'm dawn banker. And I am actually married to one of the previous speakers in the last group and I never let him have the last word.

Adams: Oh, the key to a successful marriage.

Banker: I am as you can see opposed to the resolution --

Adams: Was he for the resolution?

Banker: No. That would be a problem. To develop west hayden island and that's I think you heard enough testify of the reasons why.

Adams: Thank you very much. Appreciate that. In that spirit, and given the time, while we have some q&a from council, if there is any with staff or chair squire, if an argument has already been made of an issue has already been put forth, a question has already been asked, then I would ask that you defer when your name is called. If you -- but it is your right even to repeat. But that's a request I make given the time of night. I leave it up to decide whether or not you want to heed my request. If you have a new issue, a new question or something -- definitely we want to hear you. We are going to try to speed testimony up after we have some panel discussions. Again, this is on the sort of honor system here. So --

Fish: I want one or comment, mayor. In my two years I don't remember an incident where the rough balance of who was speaking for or against when they have this many people had a big

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impact on how the council evaluated the merits of the arguments. So I know sometimes there's a sense that, well, we wanted to get our troops out and have 100 people say the same thing just to show the strength. There are times when the mayor actually has said, would all those people in the room who actually share a particular point of view stand or so designate. So that there's strength in numbers but not necessarily having a record repeat with the same arguments. I would also join what he said if there are new arguments, or new concerns, that's enormously helpful but if it's a repeat of things that have been said, it's your call, but there may be other ways to signify where you are on that. Thank you.

Adams: So again that would be the honor system. You have heard some advice based on what we find to be effective this time of night. In the meantime, if we could have eric, you come forward, chair squire, if you wouldn't mind coming forward. I think you have a question for the port.

Fritz: I do.

Adams: So representative from the port. Mr. Wyatt, if you wouldn't mind coming forward. Commissioner amanda Fritz.

Fritz: Eric, I have been taking notes on many of the concerns that have been raised. And it seems to me that our resolution does call for further evaluation of the air quality on west hayden island, on east hayden island, if west hayden island were to be developed. Is that correct?

Engstrom: We believe so, yes. And I would also point out that one of the reports prepared by staff already and available is a larger overview of quality of life issues that could impact the neighborhood, including air quality issues associated with ports. So we have done an initial scan of kinds of what those issues may be and we are well prepared to do follow-up work in terms of more details.

Fritz: That the resolution doesn't call for that basing it on the local impact study that you prepared, but also saying that more needs to be done? I was in particular interested in the possibly, the air pollution from i-5, the possible impacts of a larger bridge, and the particular value of the trees and other vegetation on west hayden island compared with the rest of the region. But you all, that's going to be part of the further study if we approve this resolution?

Engstrom: It can be if you are requesting.

Adams: I would take that as a request.

Fritz: Thank you. So, mr. Wyatt, I had a couple of questions for the port. How much fill might be placed on this site?

Wyatt: The fill master is joining me.

Fritz: A two part question. How much fill might be placed on this site to address the flood plain issue and how is the fill that your currently placing there through the dredging currently permitted?

Dekins: To the first question. Sebastian dekins again for the record. On a 300-acre parcel, roughly would require about 4.5 million cubic yards of fill.

Fritz: How would that get there?

Dekins: Well, approximately 30, 25 to 30% would come from the dredging of the marine facilities that would be associated with that. The balance of the fill would need to be brought in, either through the maintenance activities of the columbia river channel. That's roughly, so that's been a source of fill in the past.

Fritz: Is that trucked or barged?

Dekins: Typically it's been just piped right to the site.

Fritz: What's permitting process for doing that?

Dekins: Well, I think there's several different components to that, commissioner. The most, basic the way the majority of the fill has been placed on the site to date has been throughout corps of engineers federal navigation channel maintenance dredging and the permitting for that has been

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through the feasibility study and the associated EIS and the permitting for the 43-foot channel. That included a 20-year maintenance plan that assumed maintenance to be going on to the dredge material placement site. Earlier, prior to that similar process was used for the 40-foot channel.

Fritz: So if the purpose of this fill was to actually remove some of the flood plain, would there be a new permitting process required for this 4.5 million cubic yards of fill?

Dekins: For material placed from channel maintenance, no. That material has been, the site is actually identified in the, was identified in. EIS and the feasibility study as a beneficial use site because of its potential for reuse as fill for that, for such purposes. There's have been other, of course, historically there have been other sources of fill in that have been used both at port of Vancouver and the port of Portland are Portland that would have been borrowed dredging. That would need to be a separate permitted activity and would go through all the same processes, through the NEPA analysis, through federal and state permitting. That's how the majority of fill was placed on Rivergate. I am not saying that would need to be the case here. It would it really need to be a balancing of what's coming from maintenance over time and what would be the deficit.

Fritz: I see. Thank you very much. The other question I have for the port is whether you intend to use or rent the proposed facility and if you would have any, what kind of commodities it might be used for.

Wyatt: So all of our marine terminals are leased in one way or other. And I think reference was made to terminal 6 earlier this evening. Terminal 6 actually has three different pieces to it. And I just do this by way of example. At one end, we have the auto import facility. That actually leased to a company called auto warehousing. They have a separate contract with Houston Die Automobile.

In the center is the container facility which we have just recently leased, long-term lease to ICTSI, the fourth largest independent container terminal operating company in the world. By the way the single largest financial transaction in the history of marine port so this is a big deal for us and at the other end, Honda. Each of them stevedore, in other words, they employ longshoremen in different ways. The port doesn't employ longshoremen directly, nor does any port up and down the west coast. So we need to find someone to do that. And there are very, very few publicly operated marine terminals, meaning by public authority, on the west coast. By the same token we own the land, and we, it's our policy not to sell industrial land. We don't. And because it's so incredibly valuable. Having said that we obviously have a lot to do with how they are developed, what happens there, what occurs there. So we would definitely look for a tenant, a lot of money, a lot of conversation this evening about taxpayer dollars. And obviously to the extent a new bridge is built on to West Hayden Island, there may well be tax resources there, but at the port, 97% of our revenues come from business transactions of one sort or another. And so we do have a property stacks in the three-county jurisdiction here. It's very modest. The smallest. I think you will find on your property tax bills and it's in the getting any larger. So have to find alternate resources for development purposes and that typically comes from private parties. So in question about commodities or products, in large measure, that is, that is being defined as we speak in a sense because through the proposed resolution as the mayor has suggested and as you all have amended, we are kind of defining the types of things that can happen there. It won't be a container terminal because a container terminal requires probably, you know, a 2,000 meter sheet pile wall and that just isn't going to work at, on Hayden Island. So limiting, for example, the on shore, near shore habitat impact means building out into the river over that essentially. So all of those factors, limiting truck traffic through the center of the island means that truck-related cargoes, for example, are going to be discouraged for, again, for obvious reasons. That means that the terminals on West Hayden Island would be rail oriented products and/or commodities. I will give you one example. I think, in fact, I think when I was testifying the fellow right next to me said he wasn't aware we had

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lost any business. Well, we have lost business. We lost an enormous prospect two years ago. We spent, I don't know, probably the better part of a year working with a combination tochu, a u.s. based firm and japanese company who were looking at the old grain terminal at terminal 4 to build a new grain facility. And for a variety of reasons they decided that it was not possible. And one of the reasons was the track situation would not accommodate large loop tracks. It didn't have joint facility access. So it was not jointly served by both bn and up. Big rail users like to have joint access because they can then get the best rail rates for their facilities. So after a year and considerable effort, they went down to longview and they are in the process now of completing what will be about a \$200 million state of the art grain terminal that is driven primarily by the export of soy beans from the united states to china. Soy beans are the largest export by value and volume from the united states to china. It's a commodity that 10 years ago was not taken into consideration when the economic analysis was done for the channel. So for the channel deepening project. My point here is this. We have seen constant and steady growth and new commodities and new products evolve and develop and come into the market. But I think that's an example, grain is a very good example, of the kind of activity that would be ideally suited for terminal on west hayden island because it doesn't involve the kind of dock facilities that would impede the shoreline. It is rail oriented and it requires I think to commissioner Saltzman's friendly amendment, we consider it friendly, deep water navigation access. Autos, much has been made about autos and I would invite anybody to go see the toyota facility at terminal 4. The buildings there are leed certified buildings. It is a green terminal. It was completed back in 2004, but toyota isn't all that excited about importing hondas at their terminal or houston dies or nissans for that matter. And because of the rail connections it's ideally suited for a gateway for automobiles. Nissan which I think you know is going to be introducing the leaf here has made contact with us about the possibility of using Portland as a gateway, something I think they really discovered as a result of their interest in electric vehicle infrastructure and introducing their leaf here. It's just a sample.

Fritz: Thank you.

Adams: The concern and we can post it online, there are neighbor of issues and questions raised that I will email staff and then we can post those online. The idea that if the council, whatever decision eventually the council makes regarding the, how to bring this part of the island into the city, and I do think we need to make a decision, one way or another, how permanent can that decision be? Whether it's all environmental, whether it's co-use? How -- there's been concern raised and on email traffic as well. So how permanent can that decision be?

Engstrom: I assume that question was directed at me.

Adams: Yes.

Engstrom: But when you annex the property, you are are going to be look at annexation agreement and comprehensive plan designations and so, you know, you will set in motion a set of infrastructure decisions, and the designation of the land for zoning. The future council could change those designations but, again, once you have set some of that in motion, and invested in infrastructure, that becomes less likely. You can, we have also put in the resolution the direction to look at how the open space portion of the site would be managed and in terms of ownership and covenants and things like that. You can set up the ownership structures and agreements related to that that would lock down your open space decision, if I assume that's what you are asking about.

Adams: And one question I have not heard this before, and I am sure you all briefed me on it but it didn't stick and that was the current zone of the island can be used for residential?

Engstrom: It's currently zoned with a Multnomah county designation. And the city of Portland actually administers that through an agreement with the county. But it is farm forest residential

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right now. I don't think the port is planning on use it for that purpose. But I think you actually heard from somebody who had lived out there and it has been used for cattle before.

Adams: Poly who said that?

Fritz: One more question.

Adams: And then commissioner Fish.

Fritz: Thank you. So the question for staff is about the lower columbia river estuary partnership representative talked about the biop, the biological opinion and it's my understanding that the u.s. Corps of engineers, the federal bonnevillie power administration, Washington Fish and wildlife, and others are looking for restoration sites to fulfill those federally mandated biological opinions. And that west hayden island is a link to the columbia river biop. What do we know about this and how would it relate to our question here?

Engstrom: The are you asking about the -- what the opportunities are for restoration on west hayden island?

Fritz: How does it figure into the litigation and the federal requirements for salmon restoration?

Engstrom: If I understand your question, I think that what it means is that obviously any kind of proposal that moves forward with a specific development proposal is going to be looked at with a pretty rigorous lens under the esa as federal agencies consult. That would also be brought to bear if there's any public money involved which is also force consultation at that level. In terms of the 500 acres, I think it is assumed that part of our look in these next steps would be to examine the different potential for restoration. There's a lot of different entities interested in restoration on west hayden island including the superfund issues on the women as well. And that site has been looked at in terms of a potential to do remediation related to remedying past damage on the willamette.

Fish: Don't forget the bpa.

Engstrom: Right. So there's a variety of entities that would be interested in restoration opportunities on west hayden island.

Adams: Commissioner Fish.

Fish: I know, mayor, the hour is late but it has been a really incredibly informative hearing so far. And I think I speak for all my colleagues as we received 100 of emails and letters prior to this hearing, and then in the course of this hearing people have raised interesting new issues or illuminated us so I thank everyone for their time and patience. Bill, in deference to the hour I am going to ask a few short answer questions and if you can't give me short answer, I will let the audience -- we will throw you off the island so to speak. [laughter]

Adams: I was waiting for that. [laughter]

Fish: But if it does require a longer answer, I would welcome a subsequent email or something. First question is, sort of an offshoot of what you have already discussed with my colleagues, which is, if we were to proceed to the next level here and if somewhere down the road there were to be some development, I think you have been very clear that there's nothing that says that this would be more likely a grain export use versus automobile or anything else. It would be driven by the market and circumstances. But it may very well be a soybean export area just as much as it could be some other commodities. Is that correct?

Dekins: Uh-huh.

Fish: Could you just clarify for me, under the most optimistic projections about our economy and about your business, again, if you do get the authorization you are seeking down the road, when is the earliest this would be, this could be a functioning industrial development?

Dekins: Approximately 10 years.

Fish: The resolution tightens up the notion of a hard cap of 300 acres on the footprint. And if as I understand it, it would through the infrastructure buildout. Now, it's one of the reasons I asked our

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friend from the vancouver port about terminal 5. But I guess, do you believe that that hard cap makes it difficult f. Not impossible, to come up with a viable use for that site? Or do you feel confident that you could operate within that 300-foot footprint? 300-acre foot print?

Wyatt: I guess I would say this. It makes it more difficult rather than less difficult. And there are two pieces to this. One is the on site or on terminal infrastructure. If it's a loop track, two, three, four loops, whatever, that can fit. It's the ancillary track in order to exit the train from the bridge, which is the main line of the burlington northern railroad. And so they want the train off the main line as quickly as possible. Being able to do that, get it on to the terminal and then actually unloading its cargo, for example, if it's export. Is more of a question of geometry, physics and engineering than it is land use. And so I really can't tell you the answer to that question specifically. It does, it's challenging.

Fish: But do you believe it's potentially doable?

Wyatt: I think it's potentially doable and you have given us incentive to find out. [laughter]

Fish: Finally, the number of people who are opposed for skeptical about the proposed marine industrial use have referred to the opportunity around the natural area on west hayden island as a legacy piece for the city. In fact, we do step back and we look at forest park and smith and bybee and go around the horn, it is a unique property. And with unique characteristics for habitat and other goals. In the event the council decides to go forward with some kind of accommodation between the two competing, the two uses, is the port open to a conversation about a change in own she were at some point, whether it would be regional ownership, city ownership or a consortium of environmental groups or something else with respect to the area that's set-aside as a natural area?

Wyatt: I think, you know, the answer that I would give you is this; we would be open to that discussion. We will have obligations ourselves as will you, for mitigating -- it's a time question, for mitigating the natural resource damages associated with the lower willamette. And by the way mitigating for the development on west hayden island itself. And so we want to be able to fulfill those mitigation obligations. We don't have any genetic constitutional predisposition to owning open space although I would say this. The port of Portland owns and operates more mitigation sites in this area atlantic any other public or private entity quite successfully. So we are prepared to, we are equipped to, we don't have to. And we would gladly entertain discussions around this.

Fish: My final question, and I think the I thank the mayor for his indulgence, has to do with the ongoing challenge we have in our community which is how we maintain our natural areas. And in the period of a little over a year as I have been the parks commissioner, I have been dealing with this in places like forest park which 5,000 acres, which according to the city club we haven't been doing a great job for some time maintaining and on and on. So the maintenance, the operations and maintenance piece has been a challenge. Metro has talked about potentially at some point seeking a regional funding source for that but one of the things we have to be thinking about is, can we on a case by case basis, when we create new natural area or open space, can we create a revenue source that accompanies that designation? And smith and bybee I understand when it went to metro came with an endowment. And I guess the question to you is, are you willing to work with us creatively to find a revenue source that allows us to maintain whatever portion of the island is designated as --

Adams: I like how he lures you in?

Wyatt: Oh I've been waiting for this.

Adams: Just say yes.

Fish: I've been watching steve janik. I've been picking up some pointers. It's a fair question.

Wyatt: It's a fair question. Of course, we are willing to work with you. I would say that we are going to spend a lot of time together as partners in the lower willamette cleanup. Because we are

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both major responsible parties with big obligations. And I think there are opportunities to address that particularly at west hayden island in a way that might not be so for forest park.

Fish: Thank you.

Adams: Chair squire, in listening to the testimony tonight, are there any comments that you would like to make? Any observations? Anything that you felt on both the many sides of this issue was especially off from your point of view based on the work that you have done? I want to make sure that we honor the significant investment of time that your group, which you chaired, put into this.

Squire: I would love to say I have 20 points. I really don't. Most of the comments this evening are things that did come before us, either from members or from the public. And I think that the one thing that I made a check mark beside was a commenter who pointed out that the reduced acreage that your resolution is talking about means that there may be alternative ways to meet the, or alternative sites to meet the need that the port is putting forward. That's not something we looked at because we did not have the luxury of being able to consider 300 acres as a sustainable port development. And one of our principles was we did not want an unsustainable natural area and we does not want an unsustainable economic development. So that's the one point that came out to me. **Adams:** Mr. Engrstrom, are there any issues that were raised that are just so, for the benefit of informed discussion and from staff, leading the staff team that's been working on this for years, anything that jumps out that you would want to comment on?

Engrstrom: There were a number of references to different job numbers that might be worth noting. The few people mentioned only a few hundred and a few people mentioned thousands, and a few people mentioned four jobs per acre and other people mentioned more. We looked at jobs in terms of the three categories: The direct on site jobs, the indirect jobs which would be companies that directly serve that facility but aren't necessarily located there, and then there's the another category which is the jobs that serve all those people that may not have that business if it wasn't for all those other people being employed. So in other words the restaurants, the longshoremen go to or with their salaries. So you can break it down into those kind of three categories. And the four jobs per acre is the direct jobs. The 12 jobs per acre is including all those categories. So, and it does, the number came from a look, a study of the existing port facilities and what that generates. And so it's an average. So, of course, it's not, depends on the specific facility type we locate there it's not going to be exactly that number ever but that's based on research of who works and who is serving the existing port facilities and the acreage that that provides.

Adams: Ok. Thank you all very much. Appreciate it. Is there anyone who has a comment to make that has, a comment or question or issue that has not been raised thus far? Ok. We are going to take you and the two in the back and then we will take the three here. Yes. And then I am going to -- ok. All right. We got a few more. As you wait there, think how to say what you have to say and, in 30 seconds. [laughter]

Jeff Smith: I am Jeff smith.

Adams: Thanks for your testimony. [laughter]

Smith: President of the international longshore warehouse union local 8. I was here prepared to say my three minute speech. Got it down to two and now it's 30 seconds. I wanted to thank the community working group that has spent the last 18 months doing this study. They put in a lot of time to bring forth here tonight. I want to thank the mayor and commissioners for sitting here listening to us tonight. I know you guys heard both sides. Jobs are at stake for my union. Ok. That means a lot. The previous speaker just said something about spending money on restaurants. My members spend a lot of money at jantzen beach. And the more jobs on hayden island are means more money spent at jantzen beach. So there's all kinds of places where the job creation can

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go and make other things down the road better. Please, we're asking for your support. Thank you.

Adams: Hi. Thanks for waiting.

Capra J'Neva: I'm a former port employee who worked on the marketing piece for the promotion of the west hayden island project. I am fascinated by infrastructure. I believe it can be developed sustainably and I don't believe this was development that should occur. In part because of the port tried to on security real environment impact of their proposed project by underreporting and undermitigating the wetlands affected by inwater construction. As an example of the port's tactics their wet land mitigation plan when I worked on the project which was 10 years ago did not even contain the minimum legal requirement for the amount of wetlands they were claiming to affect which amount the time it was 22 acres. Within aspect of this, benson pond the part of the pond they claimed to affect was an exact foot print of the railroad bridge. In actual fact when you do in water construction in a pond it affects the entire pond. If you cement over half a wet land it affects the entire wet land. They were only claiming the parts where there was see meant. Birds and other creatures continue to be affected by the noise and vibration of railroad cars passing and others remaining in the pond which was unaffected. The actual amount of wet lands affected by plan was closer to 36 acres. I have other things to say but I will limit my comments to that.

Adams: I appreciate your concrete example. Do you have something in writing you could give to the council clerk?

J'Neva: I've got a lot of notes.

Adams: That would be great. You can email us to later. Thank you, sir for waiting.

Dave Beckett: I'm dave beckett. I am a president of three rivers land conservancy which is now combining with columbia land trust. But let's remember, and I live in the metro area, let's remember that the public spoke very clearly in 2006. They voted \$227 million to metro for the acquisition, preservation, and restoration of green space and natural areas. Quite a bit of acreage has been very well managed by metro. Let's not undo that. Let's look at supporting the will of the people.

Adams: I think you made your point very well.

Beckett: Ok.

Adams: And you paused right at 30 seconds. I want to congratulate you. Sir.

Martin Larson: Hello. My name is Martin Larson. I work for the international transport workers federation. It's a global union based in london, 721 international unions, 4.6 million union families. I go on board vessels as they come in the columbia river. I inspect the vessels in regards to international law, regarding working conditions, human rights violations on these vessels. I don't believe people here are touching on the point that this is a global concern. The vessels coming into this port come here because of the infrastructure. They come here 43% of the wheat grown in the united states comes down the columbia river. That supply chain is affects by the infrastructure that's at this port. That's why this port is more competitive than the other ports, be it LA. Or here. My other hat that I wear is that this has been my backyard for the last 58 years. For the last 40 years my family has owned the marina where ann squires lives. This is my backyard. If you look at the historic photos, this property for the last 100 years has been into heavy industrial use. It's been into the logging industry. In 1972, the log stored on this island was the largest export of logs notice united states.

Adams: Thank you for your testimony.

Fritz: I just want to comment, thank you for sending your email in advance and some of my amendments I think covers your concerns.

J'Neva: If I could say one more thing --

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Adams: You can't. I'm sorry. People have their hands up behind you and they have their hands up and it's 9:30. Sam and joe and barbara. And a gentleman with the -- yes. [laughter] can't see the print on your t-shirt. A fish about to swallow your head. Ok. Barbara, I am going to ask that you begin.

Barbara Quinn: Thank you. Barbara quinn, I am here as an individual. Friends of the cathedral park association. North Portland neighbors need to be involved in the discussion of the industrial development of west hayden island because it has, could conceivably have an impact on our neighborhood as far as trucks and rail traffic. We are the degree of impact is unknown at this point since we don't know what's going in. And we are already heavily affected by industrial conflicts, both odor, noise, trucks, and rail, which have been largely overlooked at this point.

Adams: Good point. That's a new point. And so noted. Joe.

Joe Esmonde: Joe, member of the ibew, I will be speaking tonight for the columbia pacific building trades, 18,000 men and women and their families here in the metro area. We are in support of the plan. 500 for habitat and 300 for industrial. I think this sends a message to the rest of the country and world that Portland is open for business and it's a good thing.

Adams: Thank you, joe.

Sam Gillispie: I'm sam with the ufc local 555 and I wanted to offer up a little different perspective. I am on the north clackamas school board. I have been on that school board for 16 years. Last year we cut 160 positions. This year we cut 102. In the state of Oregon, we have to have a balanced budget just like you do at the city of Portland. When I am telling you is we have been on the school board and school boards all across the state had to make painful decisions. Why? Because what everyone is talking about, everybody realized the economy is in the dumps. So what we have to do is is you got to give us, you have an opportunity here as a city council to create some jobs through all of the things. We have put a lot of amendments in that are very good about balancing the environmental needs and the jobs. So I am asking you to compromise, look real hard at that, help get some jobs done so that we, and those others of us that do help serve public entities will have the money to do the functions like educating our children.

Adams: I gave you extra time because your name is sam.

Gillispie: Thank you very much, sam [laughter]

Adams: I will give you extra time because --

Bob Bernstein: I was going to take it. My name is bob bernstein, southeast Portland residents for 41 years. I moved here from new york. It saddens me that I think Portland wants to become another new york. And I don't want to have to move again. I would feel safer, ok, half the people that testified here are making money off it. The other half aren't. It seems to me over the course of my lifetime that there's money to be made, people will find a way to turning a buck. It bothers me that the job, the card that's been played tonight is this jobs card. The same one that gets used and I am not -- not hyperbole, about strip mineing or continued drilling in the gulf. If this committee was constituted slightly differently it would be have been 50/50 or to the other side of things. As it was it's just 57-43 when you break it down to percent so a lot of this comes down to the constitution of how that committee was made up. And I am not sure that if the voters really had a say about this, it's easy to marshal people by playing the jobs card but there's other people that could be marshaled also and it's hard to know in 10 years jobs may not be as critically needed but you are going to sell away something that should be safe guarded for our children.

Adams: I gave you an extra 43 seconds.

Bernstein: Yeah. I would have taken it.

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Adams: Anybody else unique? All right. These three and, ma'am in the back. Yes. And then we are done with testimony. Yes. Thank you all for hanging in there and for those of you that are still in the chamber.

Laurie Wall: Thank you. My name is Laurie Wall. I represent inland sea maritime group. They own the property one lot removed from the port. Their address is 3255 N. Hayden Island Drive. It's the location of Schooner Creek Boat Works. They build and repair boats. We support the resolution because we need high wage jobs. We think that high wage jobs can co-exist with conservation areas. The current port owned property on West Hayden Island and this is a point that has not been brought up. Invites homeless people to live there. There's also a problem with garbage. Many homeless people reside on West Hayden Island and degrade my client's property and the business environment on Hayden Island.

Adams: I appreciate your point. There is any -- that's a good point. Appreciate it. It's a unique point we haven't heard before. There is any other point?

Wall: I think that we need to allow development as this property so that the port can protect and improve the natural areas and finally inland sea maritime group would like to stay involved as this planning process proceeds. Thank you.

Adams: Thanks for your testimony. Hi. Thanks for waiting.

Donna Matrazzo: Hi. I'm Donna with the Sauvie Island Conservancy and I would just like to point out in the 1996 flood, Sauvie Island wasn't just slightly underwater. It was so underwater that it made national news. And I had people from around the country calling me to see if I was OK. And we were advised to, and evacuated our homes. And so a place like this is not a place for a 300 acre industrial site.

Adams: Do we have your contact information? I want to make sure, I want to contact you about a different separate issue.

Matrazzo: Ok.

Adams: Need your advice. Sir.

Tom Dechenne: My name is Tom Dechenne. I'm an industrial broker. The point I want to make that I didn't hear until the previous staff member was talking and that is that the, if this is developed 300 acres of marine industrial development, I think the leverage aspect of that can, is giant benefit, long term, to the entire metro region. I did not hear that. That leverage effect. Take 300 acres and the businesses, we are a small business community. And those small businesses if they have the capacity to ship -- I didn't hear that and I wanted to make that point.

Adams: Appreciate the leverage point. Sir, you get the last word.

Ted Labbe: My name is Ted Labbe. I live in North Portland and I commute daily across the bridge to work in Washington state as a biologist. I didn't hear enough about the regional port facilities we have and the one economy that exists. And I want to tell you that there is an abundance of port facilities on the Washington side. And I don't think that, I don't think this parochial view we are taking of just focusing on what we need right here is considering the wider regional economy. More port jobs, more industrial development jobs on the Washington side would remedy the inequity of jobs versus housing that we have that's creating the whole Columbia River crossing maelstrom that we have. So I think this really parochial approach is killing us on a big transportation infrastructure issue that, you know, is barely come into the conversation.

Adams: Appreciate your testimony. Appreciate you all for hanging in there. All right. That gets us to a vote. Karla, would you please call the vote.

Adams: Want to do the report first? Or --

Adams: Let's do the first one on the agenda. So there will be two votes. Let's do 1100 first.

Moore-Love: Do you want a motion to accept the report?

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Fritz: So moved.

Adams: Seconded. Moved and seconded to accept the report. Can you please call the vote on council item 1100.

Saltzman: Thanks to the members of the working group for taking on a tremendously difficult task. Aye.

Fritz: This has been a huge amount of work and thank you to Ann Squire for your leadership of the committee and working through difficult issues and providing us with a lot of information on which to make our decision. Thank you, everybody, who participated in that process especially those of you who have been participating for over 10 years and we greatly appreciate it. Aye.

Fish: I also want to acknowledge Ann Squire, the chair who led this process to 17 months and many meetings and thank you for the time you spent with me helping me understand the issue. Thanks to your committee members. Ann, I want to acknowledge the staff has done yeoman's work on this and has had to keep five different people in this building up to speed on very complicated issues. I want to thank all the mechanics of the public who came out tonight and testified. I don't remember an evening in which there was better and more informed testimony on any issue so I deeply appreciate people taking their time. I am going to support the resolution because what as amended, what we have, what we are agreeing to is a road map for the second phase of analysis. This vote does not call the question on whether we will go forward with annexation. I did not call the question on whether we will develop in any particular way. But it does say that we believe there's a basis for going forward to a second phase. A sustainable community is a community that has both jobs and a healthy environment. And where that line is is a point of contention and it should always be a point of contention because we only get to the right place by look at this from all sides and making our best judgment. Based on everything I have heard, I believe there is a chance that we can get the right mix. I compliment the mayor and the process that he has led to get us to this point and as to those who have argued that the natural area piece is the great legacy piece of this debate, I would say that I agree and if it's 500 acres that is ultimately set-aside as a natural area, my commitment and the marker I have put down in this process is that we look seriously at different ownership models, not to impugn the port in terms of its stewardship but to explore different models and that we find a way, once and for all, to fix the operation side of the equation which we have been consistently falling down on which is how we maintain our natural areas. It does not serve our cause to keep adding to our inventory of natural area if we cannot maintain it properly. Mayor Adams, thank you for your leadership on this. I'm voting aye.

Adams: Aye. [gavel pounded]

Saltzman: This is on the resolution. Right? Well, I want to thank everybody for their testimony tonight. Thank the mayor and everybody who's worked so hard on this issue. I think what, this is a judgments call and I guess that's what we are all up here to do is to offer our best judgments based on the testimony, based on evidence and based on ultimately gut instinct and what we think is best for the citizens of our city and our region and a more larger note. And I do think that the resolution particularly with the amendments that do tighten down the 300 acres to really mean 300 acres, and I think the council is solid on that commitment, that this will drive some of the more efficient land use, the more innovative ways to handle larger trains that I know people like Bob Salinger who served on the committee have raised with me in meetings with a seemingly inefficient use of port land and especially compared to European cities, more innovative ways to handle large trains. I think by secretary the limit at 300 acres meaning 300 acres we are going to drive the port to be more efficient. If this is, in fact, going to pendleton out and that is the big question, too, that remains in the future. We may take an action here today but it doesn't mean anything in terms of the ultimate development of West Hayden Island at in point. I particularly pay reference to some of

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the concerns raised by federal agencies, state agencies, around biological impacts on the lower columbia. The nepa process that remains ahead of us. And fundamentally, a market. This has to be driven by a market. And while it's, we can argue about whether it's 300 jobs or 1200 jobs 10 years from now, I mean ultimately those figures are meaningless, you know, none of us are going to be held accountable to those numbers. I think what we are going to be held accountable to is whether we exercise the right instinct and balance here. And I think my instinct tells me that, you know, we need to be planning just as we planned for open space needs in our future, we need to be doing the same to plan for good paying jobs in the future. Good paying middle class jobs. As Portland increasingly in some respects becomes a city of retirees, and of younger people, I think what's often neglected is a city where a lot of people still earn good paying jobs on our waterfront and in our industrial areas. And that's as important to plan for as it is to plan for our natural area needs. I think this does strike the balance. I think 500 acres is 500 acres of open space that no matter how we use it whether it's used for mitigation purposes, whether it becomes parts of a metro or city open space network, i'm determined to see that it remains intact and protects biological diversity of our region. But part of that biological diversity is the humans in the region, too, and we need to make sure that those needs are accommodated and I think this does strike a good balance and hold to the port of pediatric feat to the fire to make this work as a efficiently as possible preserving as much for open space as possible. So again thanks to the mayor, and all the staff who have worked on this and I am pleased to vote aye.

Fritz: This is from the resolution. Nothing in this resolution constitutes a final decision concerning any land use planning action with respect to west hayden island. But this outlines the steps forward. The mayor and I proposed amendments that were supported by the whole council that helped define the path forward and make more explicit what we want to accomplish if we move forward and what the process will be to move forward. The resolution now requires that there be more analysis of cost and benefits and cost and benefits to the public as well as cost and benefits to endangered species and other, to the residents of east hayden island. It requires that there would be more analysis of land supply and state and federal requirements and that all, that all development if it does occur will occur within the 300 acres. It requires more evaluation of air quality and impact for east hayden island residents and requires the evaluation of efforts to look after our endangered species. This is a valuable economic asset. I am not yet convinced that the cost of developing this site as marine terminal outweigh its environmental, recreation and open space values. Doing what's right is what our city's mantra for sustainable development. And it often costs us more than doing what is wrong. This council has demonstrated over and over that we are willing to pay to do the right thing for the climate action plan and for other goals that our citizens value. And we will consider in this ongoing process that it might cost us more to preserve the property for the long term sustainable pay back to the city, much like how we invest large amounts of money in our other city infrastructure such as light rail, solar, city fleet, sustainability center, a whole bunch of other things that the council either has done or is considering, would be worth that public investment. We know from our experience with parks and schools development that citizens that lead the intrinsic values far outweigh the economic value those assets would represent to the citizens of Portland. Which is why the resolution now requires the cost benefit analysis for the public as well as the previous economic studies. I do support the arguments for jobs. I want to see more jobs in our city, no question. In that vein I am interested in having more information about the redevelopment potential associated with other river-related industrial lands in the city to see if there is equal or better potential there. We need to make good use of existing infrastructure and provide more support to existing industrial businesses and we must examine whether the amounts public subsidy that would be required to make this development work might be better spent in

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other industrial areas including in the north reach and in the harbor. I understand that the preliminary reports and information from the port of Portland seem to indicate that finding parcels big enough to accommodate the types of future freight needs make this site more ideal in this regard but I don't -- the testimony from the western economic alliance was interesting to me because indeed, we have in metro urban growth boundary discussions made it very clear that we in Portland are willing to invest in brown fields rather than expand on to green fields. I think that question comes into play on this site as well and that's why I asked for more evaluation. Efficiency and sustainability should and must be examined and that's what this resolution does. It doesn't lock us into annexation. And because of that fact, I am very happy to support the resolution. I look forward to a robust discussion with the community and the council regarding the cost and benefits to the public and property. I am very, very grateful to all of you for your input provided. Some of this speech was written out before hand and there's a lot of different scribbles on it that have been informed throughout the discussion tonight. And indeed the amendments were informed by the hundreds of emails that we have received and I think that they greatly improve that. So I thank Tom Bizeau my chief of staff who worked with Amy Ruiz in the mayor's office to provide the amendments. Also Ann Byer, the director of office of healthy working rivers and Patti Howard my rivers liaison who have worked tirelessly as has staff from the bureau of environmental services and the bureau of planning and sustainability. Thank you, Mayor Adams, for your leadership. Thank you again for allowing me to partner with you in teasing out these important questions and figuring out a way forward that I think will get us to the right decision in the end. Aye.

Fish: This is the second late evening of hearings we have had so I want to acknowledge Karla, our clerk, who has done a marvelous job.

Adams: You can clap [applause]

Fish: Keeps us on task.

Adams: She has to put up with us.

Fish: And does a wonderful job. I want to also acknowledge Sonia Schmanski on my staff who has worked really hard and helped me. [applause] Thank you, Sonia. Hopefully her parents are watching. The amendments we adopted at the beginning of the proceeding tonight incorporated a lot of the ideas that we have as a council received from you, the public, about this process. So I wanted to thank the mayor and commissioner Fritz for providing an amended resolution which addressed many of the concerns that have been raised prior to this hearing and frankly set the bar higher for our proceedings going forward. And as proof that Amanda are spending too much time together, my final comment was, I look forward to a robust discussion about this which happens to be exactly what she said in her closing so I am going to stop there. Thank you all. Aye.

Adams: I have to read, I would reading my comments because it's late at night and we have had a long week and still recovering from strep throat. I want to thank and acknowledge Amy Ruiz on my planning and sustainability team for her hard work with the great team at the bureau of planning and sustainability and the bureau of environmental services and again, thanks to our committee chaired by Ms. Squire. I believe there is real potential and demonstrated need for both a world class habitat and a port facility on West Hayden Island. But I know much work and much more due diligence remains to be done. In 2009, I asked the working group to consider the future of Hayden Island specifically their charge was to advise the city council on how marine industrial habitat and recreational uses might be reconciled on West Hayden Island and if they determined that a mix of uses was possible, to recommend a preferred concept plan. They met and worked very hard and thoughtfully, and while they remained divided on the question posed to them, I want to reiterate my thanks to every single member. In particular I believe the principals in point to the agreement they have outlined in their report can be a starting point for further productive discussion about the

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future of west hayden island. After considering their report, and the foundation studies, I recommended as you know that the city continue planning for the future of west hayden island, subject to strict parameters as you have mentioned, as has been mentioned, 500 and 300 in terms of designations for environmental and deep water marine terminal. Any docks that are designed to service this potential marine terminal should be designed to avoid the shallow water impacts and minimize negative impacts. There -- it should not include a vertical sea wall or similar structure. They should, evaluated in more detail and particularly in recreational improvements can be used as a means to direct and manage human access in ways that support habitat objectives. I intend to be, I spend to be pretty tough on potential recreational uses of west hayden island in terms of what we will allow. Traffic impact should be examined in the light of the most up to date columbia river crossing design options and I intend to work regardless of what we do in the future, to improve transportation access and minimize truck impacts to east hayden island. Under Oregon land use law, city and regional planners have a responsibility for monitoring the supply of developed ready land ensuring enough supply exists to satisfy the expected needs over the next 20 years. We all work under state mandated comprehensive plan which is currently updating through the Portland plan. And it is important as we move forward in terms of doing our due diligence on a potential co-use of west hayden island that we keep the regional picture in mind. As I said to a reporter, who knows that I have been tough on the regional discussions about urban growth boundaries, I have got to look the mayor of hillsboro in the eye and say we are doing our part. Our part, though, has to be the most innovative and creative co-use possible for west hayden island. I want to thank the members, my colleagues on the city council for, as always, their very thoughtful interaction with my staff and myself in bringing this forward, especially I want to underscore my thanks to commissioner amanda Fritz who is on the planning commission for 57 years. How long? Seven years? It just feels like it's 57 years but most of all tonight I want to thank the testimony that we received in this chamber tonight. This was very thoughtful, very passionate testimony, gave us new questions to think about, gave us important points to consider and underscore and you put a human face on the issue. So thank you. Aye. [gavel pounded] it is approved. We are adjourned.

At 10:00 p.m., Council adjourned.