



CITY OF
PORTLAND, OREGON

**OFFICIAL
 MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF JUNE, 2012 AT 9:30 A.M.

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

Commissioner Fish left at 11:03 a.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ben Walters, Chief Deputy City Attorney; Steve Peterson and at 12:00 p.m., Harry Jackson, Sergeants at Arms.

Item Nos. 758 and 764 were pulled for discussion and on a roll call of Y-5 the balance of the Consent Agenda was adopted.

The meeting recessed at 12:03 p.m. and reconvened at 12:12 p.m.

COMMUNICATIONS		Disposition:
748	Request of John Otani to address Council regarding the lack of enforcement of jaywalking law (Communication)	PLACED ON FILE
749	Request of Peter Garcia to address Council regarding Parks & Recreation no fishing law (Communication)	PLACED ON FILE
750	Request of Crystal Elinski to address Council regarding Port of Portland (Communication)	PLACED ON FILE
TIMES CERTAIN		
751	TIME CERTAIN: 9:30 AM – Amend Code to prohibit the use of skateboards or other similar devices in the neighborhoods surrounding Washington Park (Ordinance introduced by Commissioner Leonard; amend Code Section 16.70.410) 45 minutes requested	CONTINUED TO SEPTEMBER 5, 2012 AT 9:30 AM TIME CERTAIN
CONSENT AGENDA – NO DISCUSSION		
752	Appoint LaToya Fick to the Mt. Hood Cable Regulatory Commission for term to expire May 31, 2015 (Report introduced by Mayor Adams and Commissioner Saltzman) (Y-5)	CONFIRMED

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<p>753 Appoint Lisa Faust to the Portland Community Media Board of Directors for a term to expire November 30, 2012 (Report introduced by Mayor Adams and Commissioner Saltzman)</p> <p>(Y-5)</p>	<p>CONFIRMED</p>
<p>Mayor Sam Adams</p>	
<p>*754 Authorize application to The Gates Foundation for a grant in an amount not to exceed \$50,000 for the Future Connect Program (Ordinance)</p> <p>(Y-5)</p>	<p>185454</p>
<p>Bureau of Emergency Management</p>	
<p>*755 Amend an Intergovernmental Agreement with Columbia County for the distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant awards (Ordinance; amend Contract No. 30002131)</p> <p>(Y-5)</p>	<p>185455</p>
<p>*756 Amend an Intergovernmental Agreement with Clackamas County for the distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant awards (Ordinance; amend Contract No. 30002299)</p> <p>(Y-5)</p>	<p>185456</p>
<p>*757 Amend an Intergovernmental Agreement with Clark County for the distribution of equipment, supplies and services procured as a result of Urban Areas Security Initiative Grant awards (Ordinance; amend Contract No. 30002187)</p> <p>(Y-5)</p>	<p>185457</p>
<p>*758 Authorize Memorandum of Understanding with 211 info and Multnomah County to define working relationship in preparing for and responding to emergencies (Ordinance)</p>	<p>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>Bureau of Planning & Sustainability</p>	
<p>*759 Postpone effective date of amendments to Title 33, Chapter 33.430 and repeal date of the Smith and Bybee Lakes Natural Resource Management Plan (Ordinance)</p> <p>(Y-5)</p>	<p>185458</p>
<p>Bureau of Transportation</p>	
<p>*760 Amend Code for Transportation System Development Charges regarding construction cost index (Ordinance; amend Code Chapter 17.15)</p> <p>(Y-5)</p>	<p>185459</p>
<p>761 Designate a portion of City property owned in fee titled located on N Railroad St between N Lewis and N Clark Ave as public right-of-way for N Railroad St (Ordinance)</p>	<p>PASSED TO SECOND READING JULY 11, 2012 AT 9:30 AM</p>

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<p>762 Authorize a Local Agency Certification Program Agreement with the Oregon Department of Transportation for the administration of federal-aid capital improvement projects (Ordinance)</p>	<p>PASSED TO SECOND READING JULY 11, 2012 AT 9:30 AM</p>
<p>*763 Accept a grant in the amount of \$26,500 from Oregon Health Sciences University and authorize an Intergovernmental Agreement for the Marquam Hill Traffic Calming Project - Phase II (Ordinance) (Y-5)</p>	<p>185460</p>
<p>*764 Revise transportation fees, rates and charges for FY 2012-2013 (Ordinance)</p>	<p>CONTINUED TO JULY 25, 2012 AT 10:30 AM TIME CERTAIN</p>
<p>Office of Management and Finance</p>	
<p>*765 Extend the term to issue short-term subordinate urban renewal and redevelopment bonds (Ordinance) (Y-5)</p>	<p>185461</p>
<p>*766 Amend the FY 2011-12 Intergovernmental Agreement with the Portland Development Commission to redirect \$300,000 to new programs for Traded Sector job creation and retention (Ordinance; amend Contract No. 30003478) (Y-5)</p>	<p>185462</p>
<p>Commissioner Nick Fish Position No. 2</p>	
<p>Portland Housing Bureau</p>	
<p>*767 Authorize subrecipient contract with Portland Development Commission totaling \$2,114,907 for funding of the Economic Opportunity Initiative Programs and provide for payment (Ordinance) (Y-5)</p>	<p>185463</p>
<p>*768 Authorize Intergovernmental Agreements with the Portland Development Commission in support of the ongoing implementation of housing functions at the City of Portland Housing Bureau (Ordinance) (Y-5)</p>	<p>185464</p>
<p>*769 Authorize Consortium Agreement with the City of Gresham and Multnomah County for participating in the U.S. Department of Housing and Urban Development's HOME Investment Partnership Program under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 as amended (42 USC 12701 et seq.) (Ordinance) (Y-5)</p>	<p>185465</p>
<p>*770 Authorize twenty subrecipient contracts totaling \$14,394,307 for the provision of services in support of ending homelessness and providing affordable housing and provide for payment (Ordinance) (Y-5)</p>	<p>185466</p>

<p>*771 Adopt and authorize the submission of the Action Plans FY 2012-2013 for the Community Development Block Grant, HOME Investment Partnership, Emergency Solutions Grant and Housing Opportunities for Persons with AIDS Program to the U.S. Department of Housing and Urban Development (Ordinance)</p> <p>(Y-5)</p>	<p>185467</p>
<p>Portland Parks & Recreation</p>	
<p>*772 Authorize Intergovernmental Agreement with the East Multnomah Soil & Water Conservation District through their Partners in Conservation Program for naturalist and job training program for teens (Ordinance)</p> <p>(Y-5)</p>	<p>185468</p>
<p>Commissioner Dan Saltzman Position No. 3</p> <p>Bureau of Environmental Services</p>	
<p>773 Authorize a contract and provide for payment for the construction of the Vernon-Sabin-Alameda Phase 1 Sewer Rehabilitation Project No. E10184 (Second Reading Agenda 719)</p> <p>(Y-5)</p>	<p>185469</p>
<p>REGULAR AGENDA</p> <p>Mayor Sam Adams</p> <p>Bureau of Transportation</p>	
<p>*774 Extend special rates and charges and create residential in-fill permit for public works permitting services through FY 2012-2013 (Ordinance) 10 minutes requested</p> <p>(Y-4; Fish absent)</p>	<p>185470</p>
<p>775 Create Central Eastside Parking Meter District and expand associated Area Parking Permit Program (Second Reading Agenda 747)</p> <p>(Y-4; Fish absent)</p>	<p>185471</p>
<p>Office of Management and Finance</p>	
<p>776 Authorize Administrative Rule process for special permitting of for-hire transportation operators conducting return medical transportation trips from non-contiguous medical brokerage areas (Ordinance; amend Code Sections 16.40.090, 16.40.130 and 16.40.190)</p>	<p>PASSED TO SECOND READING JULY 11, 2012 AT 9:30 AM</p>
<p>777 Amend vehicle age requirements for vehicles regulated under Private for-Hire Transportation Regulations (Ordinance; amend Code Section 16.40.190)</p>	<p>PASSED TO SECOND READING JULY 11, 2012 AT 9:30 AM</p>

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778 Amend civil penalties for companies and drivers that operate or drive in violation of Private for-Hire Transportation Regulations; make operation of an unpermitted private for-hire vehicle a criminal offense (Ordinance; amend Code Section 16.40.540 and 16.40.560)	PASSED TO SECOND READING JULY 11, 2012 AT 9:30 AM
Commissioner Dan Saltzman Position No. 3 Office for Community Technology	
*779 Grant a right-of-way use agreement to Cricket Communications, Inc. for three years for mobile telecommunications services and establish terms and conditions (Ordinance) (Y-4; Fish absent)	185472
*780 Grant a right-of-way use agreement to New Cingular Wireless PCS, LLC for three years for mobile telecommunications services and establish terms and conditions (Ordinance) (Y-4; Fish absent)	185473
*781 Grant a right-of-way use agreement to T-Mobile West Corporation, Inc. for five years for mobile telecommunications services and establish terms and conditions (Ordinance) (Y-4; Fish absent)	185474
*782 Extend a temporary revocable permit to Clear Wireless LLC to use the City Streets to provide wireless broadband internet access services and establish terms and conditions (Ordinance; amend Ordinance 181246) (Y-4; Fish absent)	185475
*783 Extend term of a right-of-way agreement granted to Sprint Spectrum, LP to build and operate wireless facilities within City streets (Ordinance; amend Ordinance 178519) (Y-4; Fish absent)	185476

At 12:43 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 27TH DAY OF JUNE, 2012 AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:07 p.m. and left at 3:57 p.m.
Commissioner Leonard arrived at 2:05 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Roland Iparraguirre, Deputy City Attorney; and Harry Jackson, Sergeant at Arms.

The meeting recessed at 2:52 p.m. and reconvened at 3:00 p.m.

<p>*784 TIME CERTAIN: 2:00 PM – Amend Code to reflect changes to Limited Tax Exemption programs as recommended by the Limited Tax Exemption Policy Review Committee (Ordinance introduced by Commissioner Fish; replace Code Chapters 3.102 and 3.103; repeal Chapter 3.104) 45 minutes requested</p> <p>Motion to amend to update Exhibit D map and add a map to Exhibit E: Moved by Commissioner Fish and seconded by Mayor Adams. (Y-3; Leonard and Saltzman absent)</p> <p>(Y-5)</p>	<p>Disposition:</p> <p>185477 AS AMENDED</p>
<p>785 TIME CERTAIN: 2:45 PM – Refer Portland City Code Changes to Title 3 and Title 5 regarding arts education and access to City voters at the November 6, 2012 General Election ballot (Resolution introduced by Mayor Adams) 1 hour requested</p> <p>Motion to amend Exhibits A.1 and B to make selected benefits for arts education also available to eligible charter schools: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-4; Saltzman absent)</p> <p>Motion to amend Exhibit A.1 to cap first year start-up costs at \$500,000: Moved by Mayor Adams and seconded by Commissioner Fish. (Y-5)</p> <p>(Y-4; Saltzman absent)</p>	<p>36939 AS AMENDED</p>

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

June 28, 2012

A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND,
OREGON WAS HELD THIS 28TH DAY OF JUNE, 2012 AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:04 pm.
Commissioner Leonard arrived at 2:16 p.m.
Mayor Adams left at 2:18 p.m.

OFFICERS IN ATTENDANCE: Karla Moore-Love, Clerk of the Council; Ian
Leitheiser, Deputy City Attorney; and Wayne Dykes, Sergeant at Arms.

<p>786 TIME CERTAIN: 2:00 PM – Accept report on the Office of Equity and Human Rights first 90 days (Report introduced by Commissioner Fritz) 1 hour requested for items 786 and 787</p> <p>Motion to accept the report: Moved by Commissioner Fritz and seconded by Commissioner Leonard.</p> <p>(Y-4; Adams absent)</p>	<p>Disposition:</p> <p>ACCEPTED</p>
<p>787 Develop an implementation plan for open captioning of all media produced by the City of Portland and presented on the City's websites or Public Access channels (Resolution introduced by Commissioner Fritz)</p> <p>(Y-4; Adams absent)</p>	<p>36940</p>

At 2:54 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.

JUNE 27, 2012 9:30 AM

Adams: Welcome to the city council, we are very glad that you are here. Before we gavel in us into the formal session, we have couple of special presentations, and acknowledgments, and for the first one, I would like to recognize commissioner dan Saltzman.

Saltzman: Thank you, mayor. On monday, july 2, the city of Portland flag will be lowered to honor Mahanarye Noa, who died june 14. The Oregon state medical examiner's office ruled that his death was caused by battered child syndrome. Or abuse. And neglect, sustained over a period of time. He was just five years old. He liked to sing and dance. And was a very happy, loving little boy, especially with his younger cousins. Because of child abuse Mahanarye, he will have no tomorrow. I am appalled that this happened in his house, a place we're every child should feel safe. I want to remind everyone that if you witness abuse or neglect, call 9-1-1. Or the toll-free child abuse hotline at 800-509-5439. Our thoughts are with him Mahanarye and his family, friends, and loved ones. During this difficult time. This is the ninth time that the city flag will be lower since april of 2009 to honor our children who die due to homicidal violence. I would ask that we have a moment of silence in honor Mahanarye. Thank you.

Adams: Thank you, commissioner. Is michael here? Michael -- come on up, if you would. How are you?

*******:** Good, thank you.

Adams: Could you please introduce yourself and talk bit about why you are here, and I have the great honor reading a proclamation.

Michael Kaplan: Good morning. My name is michael Kaplan, I work as executive director of cascade aids project, and I want to thank mayor Adams and the commissioners for helping me today. And I was asked to speak for a few minutes on the testing day, which is today, the 18th annual. I must say that I have not seen chambers so full and thought wow, there is excitement for national testing day, but I realize that there is other issues at hand. Today is the 18th annual national testing day, and today in the u.s., 1.2 million americans are living with hiv 20% of them, a quarter million americans don't know that they are hiv infected. And that quarter million account for the vast majority new infections. When I tested hiv positive 20 years ago, the options on treatment were much less. Today, there are a lot of options, and we have state programs to help with treatment. Even more important, last year the nih found that access to early treatment for an hiv positive person can reduce the likelihood of them infecting their sexual partners by 96%. Meaning early treatment is more effective than even vaccines we poked for. The key to all of this is about testing. If we could get every american to know their hiv status, and to get onto early treatment when warranted, we could stop the epidemic tomorrow in the u.s. And so, on the 18th annual national hiv testing day, I would urge people to think about the cdc recommendations that ask that anyone between the ages of 13 and 64 get regularly screened for hiv and I appreciate the city council taking the time to recognize this day.

Adams: Thank you, sir, and thank you, for just your, your amazing, enthusiastic, and very effective leadership on this issue. And your work with cascade aids project.

Kaplan: Thank you.

Adams: I am very pleased to read the following proclamation. Whereas the medical condition known as hiv and aids was first detected in our country over 30 years ago, and hiv aids epidemic is now entering it's fourth decade, and whereas in 1995, the national association of people with aids

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launched the national hiv testing day campaign, and in response to the growing number of hiv infections in communities of color, the lgbt communities and other heavily impacted groups, and organizations and the annual national hiv testing days in partnership with the federal centers for disease control and prevention, and other national and local entities across the country. And whereas over 20% of people living with hiv in the united states are not even aware that they have the disease, which has serious health consequences, and facilitates the spread of new infections, and whereas all americans need to be tested for hiv, to safeguard their own health and to help bring the epidemic under control. Whereas this unique and effective program created by people living with hiv and aids sends a message that prevention and control of hiv is a community, as well as an individual imperative. Therefore, i, sam Adams, mayor of the city of Portland, the city of rose, do hereby proclaim june 27th, 2012 to be hiv testing day in Portland and encourage all residents to take the test and take control. Thank you.

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

Adams: Good morning, Karla how are you?

Moore-Love: Good morning. I'm well. How are you?

Adams: Good, they say it's going to get to be 75 degrees today.

Moore-Love: Ok.

Adams: Do you believe them?

Moore-Love: Sure.

Adams: Always the optimist. Can you please call the roll?

Fish: Here. **Saltzman:** Here. **Leonard:** Here. **Fritz:** Here.

Adams: Here. Can you please read the first item. Did you call the roll? Ok.

Leonard: You were here.

Adams: Oh, I was, good. I guess I also have an announcement that, the Portland building has just received the leed gold certification, and that, that is, that is big deal because it's, it's, an existing building, and I want to thank the bureau of, of enterprise services. Am I introducing, bob, where are you? Why don't you come forward here and tell us bit about what this means. And congratulations.

Bob Kieta, Bureau of General Services: Good morning, mayor and commissioners, need for existing buildings, of the operations and maintenance is a comprehensive certification process. It looks at the way a building is maintained and operate. It serves as a guide and a road map to help the facilities integrate the best management practices into the operations. Not only has leed allowed us to focus on resource conservation, within the Portland building. It has also helped the facilities establish a baseline for the service contracts we manage. We have been, incorporated green cleaning language into janitorial contracts, started providing integrated pest management for our buildings, and have looked at how we can best manage graffiti removal in a sustainable way across all of our facilities. The leed existing buildings not only creates a high performance building, but it also supports the tenants in the building by implementing the best management practices for good indoor environment, environmental quality. Provides recycling waste management, opportunities, and educates tenants on sustainable building practices. And mostly, leed has given us the map to challenge or to change the culture of how we maintain and manage buildings. This effort has allowed us to create new office, or new tools for operating standards that we will be able to be modeled in most of our city office buildings, and will be used successfully to implement council's green building policy. Some of our measurable results from 2011 include 51% of the waste being diverted from landfills by recycling, composting, and energy star rating certification of 83. A domestic water use reduction of 132,000 gallons, and reduced our energy use by 6% and over 60% of our Portland building tenants use alternative means of transportation. This effort was led by our interim operations maintenance manager wendy gibson, and involved the dedicated participation of the entire facilities services staff as well as the cooperation of work of every bureau within the

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Portland building. We thank everyone for their hard work and dedication, and in making Portland leader in our sustainable future, and we thank the entire council for your support in this effort.

Saltzman: Good job.

Adams: Congratulations. Thank you. [applause]

Adams: All right. Can you please read the first communications item, no. 748. Hi. Welcome. Just need to give us your first and last name.

Item 748.

John Otani: John otani.

Adams: And you will have three minutes, and that clock will help you.

Otani: I'm going to read you a letter that I wrote to you folks, and you will have a copy of it. Basically, it [inaudible] the city of portland has an ordinance for jay walking. The fine calls for \$94 if you get a ticket. I have never seen a ticket issued under this at all. The following are some instances I observed personally. On june 11, I saw a middle aged lady walk across 117th and stark against the light. And an ambulance was coming down the road with sirens blaring, she would not yield and she would not stop. At ceasar chavez boulevard, there was traffic, and this happened at 2:00 in the afternoon. And on june 19, I observed two deputy sheriffs, Multnomah county, at 5th and jefferson, and [inaudible] this happened at 11:00 in the morning. If you take that over an eight-hour period it will generate \$10,258. And a ten-day period, i'm sorry, \$31,584. This ordinance would, increase the city's coffers and add to the safety of people in the city of Portland. I do not understand why this is not enforced. That's, basically, it. I feel - I see it all the time, downtown, in the middle of the day, morning, afternoon, or evening, it doesn't matter. I have seen people across the light in front of bus or a max train. And we know what the consequences are. If somebody gets hit, and they don't have any insurance, is up to the City of Portland to pay for it. Or the tax payers pay for it. Through the emergency. So who gets hurt in the long end, we do. We need to put an end to this. We need the enforcement of this ordinance. Thank you very much.

Adams: Thank you, sir. Very important reminder that you have given us and, and chad stover, is walking around in the back of my office and, and if he can get your contact information, we can get you some more information, as well.

Otani: All right.

Adams: And not only are your words very wise, but in terms of the basic functioning of the community, but they keep people alive. So thank you.

Otani: Thank you very much.

Adams: Can you please read the communication item no. 749.

Item 749.

Moore-Love: Mr. Garcia called and said he's not able to make it.

Adams: Ok. Commissioner Fish.

Fish: Thank you, mayor. Mr. Garcia was going to come here this morning and raise a concern about Fishing in Portland. And I just wanted to give my colleagues an update. Because there's been some interest in this. I have asked my bureau to come forward with clear rules about we're you can and cannot Fish. Right now, anybody in the city of Portland, can Fish on the river bank below ordinary high water marks. However, most of our docks, the docks that we own and operate, were built and maintained under grants from the Oregon marine board. The covenants in those grants prohibit us from allowing Fishing for safety and health reasons, on those dock. The consequence of us being in breach of those, is we would have to reimburse the state marine board for the money that they have given to the city to rehabilitate those docks. There is one dock that is currently legally available for Fishing, and that's the cathedral park dock. And shortly, we'll have a comprehensive set of guidelines to let people know we're they can and cannot Fish, so thank you, mayor.

Adams: That's great. Thank you. Can you please read communications item 750.

Item 750.

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Adams: Crystal elinski. Crystal elinski. Are you crystal elinski? I need you to take your seat and you can pass those out afterwards, if you would. We have a long agenda today.

*******:** I have three minutes, yes?

Adams: Yeah, and that clock will help you to count it down.

Crystal Elinski: Commissioner, I have the distinct privilege of being able to stop by here every wednesday now, and I used to come on regular basis. When I lived downtown, and a few years ago, I was homeless, and quite familiar with all of the services in town. And originally on the, the, what I wrote on the, the communications sheet was that i, I did have issues to talk about the, the -- our environs and the port of Portland area, related to commerce. But, if I saw cameron outside on his hunger strike when I came back into town, I would speak on that. And i'm very sad to say that he's still there. I've been -- this summer i'm taking care of foster children, continuing my education and iep's and starting the casa, court-pointed special advocate, this is not working right. So, I see a lot, and it's, and it's interesting that we -- we have to stop and think about what happens to youth when they are abused. This is my central focus. In most of my 40 years i've been an educator, an advocate. And a care giver for youth. And cameron whitten is one of our most esteemed positive youth that we have that, he represents what a lot of us are thinking, but don't say. And I am appalled, last week I came to speak to each of you in your office is as I was heading out towards the tillamook bus, and I wrote in my speech, actually, on the tillamook bus, appalled, so it's funny, commissioner Saltzman, that you feel the same. I agree. It's, it's appalling what happens with child abuse, but when I found out in each of your office that is not one of you had set up a meeting with cameron, discussed the terms, I know that commissioner Fritz went outside and talked to him. But it was 19 days at that point, and I left a message with each of you that this was urgent. On the 20th day is when the real health sects start to set in. Your staff also didn't know about the conditions that he and other occupiers had said about the situation with homelessness and youth, and I know someone who just bought out a, a business from their friend that left the country. Just down the street. And we were arguing over the economy, and i'm also unemployed now, former school teacher. And I understand that, I can look back and say, this is the economy. But when we don't put the priority with the youth and find places for them to live and opportunities not just volunteers, these are people, occupy had everything going for it, and we would have allowed this to happen.

Adams: I need you to wrap up. Your time is over.

Elinski: I would also like to, to have a moment of silence for child abuse.

Adams: Ma'am, your time is over. So we have to move on. Thank you. Sue, that is --we will now consider the consent agenda, I understand item 764 was pulled at the request of tri-met. Anything else?

Moore-Love: 758.

Adams: Ok. All right. Unless there are other items being pulled, can you please call the vote on the consent agenda.

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

Adams: Aye. [gavel pounded] Consent agenda is approved.

Fritz: Mayor Adams I understand that 758 was pulled back to your office.

Adams: Great, yes. Pulled and I will send it back to our office.

Item 758.

Adams: Unless there are objections, 758 is referred back to the office of the mayor. So done. And all right, please call the vote on the consent agenda.

Moore-Love: We did.

Adams: Sorry. Can you please read the title for time certain item 751.

Item 751.

Adams: Commissioner randy Leonard.

Leonard: Thank you. I would like to bring forward a panel, Stu Oishi from my office. Erik nagle from arlington heights and joe angel from arlington heights. So mayor Adams and council

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members, normally I would introduce the ordinance, kind of give some background and some overview. I am going to do that a little differently today. I'm going to ask the panel to first make its presentation before we make, take public testimony. I will make remarks then.

Stu Oishi, Office of Commissioner Leonard: Thank you, and good morning, commissioners. Mayor. On this day, exactly 11.5 years ago, city council lifted the ban on skateboarding in Portland. The driving mechanism behind this original ordinance was to recognize alternative forms of transportation for commuters. 11.5 years ago in line skates, scooter and skateboards were recognized as alternative forms of transportation. This decision back then benefited a small group of commuters who skated and scooted in portland but, without the city weighing down some regulations, and as a reminder what the regulations are on the current code, they are, basically, no skating on any sidewalks within the area bounded by southwest jefferson, naito parkway, northwest hoyt and 13th avenue, plus the middle and bisection sidewalk in the park blocks. No skating on the skate or -- excuse me, no skating on a street and sidewalks on southwest 5th or 6th avenues between southwest lincoln and burnside, and lastly, no skating on the street and sidewalk on northwest 5th avenue or 6th avenue between burnside and union station. So, you could see when, the city council back then, they had public safety concerns with allowing skaters to mix with traffic. And, and that's why we're here today. We're echoing those concerns. We are here to amend the city code on roller skates and skateboards to address the traffic safety concerns that the arlington heights neighbors will share with us this morning. The city code 16.70.410, exclusively outlines the roller skates and skateboarding regulations for the city. The city of Portland, no doubt, is a gem for a skateboard enthusiast that is we have indoor, outdoor, parks, the ability to skate the streets to get through town.

But over the past 11 years, you could see inline skates has faded out, and this sport of long boarding has risen. We are now looking and seeming to take the commuter and transport, the commuter and the transportation intent of the original ordinance language and stretching it to include the sport of long boarding through neighborhood streets. The residents of arlington neighborhoods, the residents of the arlington heights neighborhood are here today to express their concerns with the long boarders wildly surfing through their winding streets. Many boarders take their rides through the neighborhood beyond the safety limits. Boarders are seen taking unnecessary risks as they drift onto traffic, and driving into turns, and going through stop signs and passing cars. We only have one skateboarding traffic accident to appear on the state and local traffic excellence report. For the arlington heights neighborhood. There are many, skateboarding incidents that don't make this report. So you could see that we are pretty fortunate to have that. The more popular it becomes, boarders will have the urge to challenge themselves to the popular surf spots in the hills. The risks are looking to outweigh the benefits for having the free skate through the arlington heights neighborhood. The residents of arlington heights neighborhood are looking to protect the safety for their residents, as well as the life of a risky boarder that's just one hair turn away. This is our chance to steer the roller skate, skateboarding code back to its commuting efforts council sought 11 years ago. So, basically, this code amendment would, basically, do two things to the existing codes. We will prohibit skateboarding on selected neighborhood streets through the, excuse me, we are prohibiting skateboarding on selected arlington heights neighborhood streets. We are increasing the fines for not following the skateboard code from \$25 to \$115, and as for the commuting efforts, southwest kingston avenue remains an open skateboard passage through Washington park and arlington heights. So that, basically, is the background of where we were and where we are today. And I have joe angel here from arlington heights that will carry on.

Joe Angel: Mayor and council, I'm a board member of the Arlington heights neighborhood association. Our association along with the sylvan association is here to explain to you and answer any questions about a real problem in our neighborhood on neighborhood streets. And it affects neighborhood livability. We have, over the last couple of years, tried to solve this problem, and we find ourselves here today because there has been no solution. We have people who are ignoring

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traffic laws. Stop signs. Interacting head-on with motor vehicles. I would like you to think of the analogy of a skier coming down mount hood in a ski race. In a ski race you have a course that's cordon off so people can't walk across it. You don't have snow cats coming up the down pathway. In arlington heights we have all of that. We have people traveling at very high speeds. On long boards. Going across traffic lanes. Going through stop signs. Hitting vehicles and hitting pedestrians. This has become quite a problem at all times of the day because a lot of skaters use max. They go to the zoo station. They skate down to Multnomah athletic club and get back on and do it again. It's a very serious problem, and we're afraid that somebody is going to be killed. Erik nagel is another board member of the association. And he has a presentation and film for you to see exactly in a graphic way what is going on.

Adams: Thank you.

Eric Nagel: Good morning, mayor Adams and members of the council. Thank you for hearing us today. The reason we're here today is that in arlington heights, we are really, really afraid that someone is going to die on our streets. A skater. A pedestrian. The situation in the last several years has gotten completely out of control. We're looking at the possibility of a real tragedy on our streets, and we're begging you to help us to prevent such a tragedy. Could I get the power point up? Let me make one thing clear, if I can. We're not talking about green transportation versus cars here. Many of us in the neighborhood walk to work. Bike to work. Take the bus to work. And we're quite accustomed to our streets being used as a commuter route by bicycles and fairview is a very popular bicycling route. And that's, that's part of the fabric of our neighborhood. And we're delighted to host bicycle traffic. What's happened in the last several years, is that we have had a new and different kind of use of the streets. A high-speed thrill sport that's not being used for transportation. The skateboarders are often driving to our neighborhood. And using the max as a ski lift, essentially, and running stop signs. Cutting in front of cars, and in some cases actually running into pedestrians. And it's a completely different kind of use than, I think, this council anticipated when it enacted this ordinance. This is the kind of use that we don't think the city council ever expected to see when it enacted that ordinance. This is a quote from a local skateboarding site that describes the run through the neighborhood. One of the best inner city runs in the city. Very fast, straight aways, 40 plus miles per hour on a skateboard. If you can imagine that. On streets where the speed limit is 25 miles an hour. And, this is a video that shows some typical behavior in the neighborhood. Much of the skating occurs at night. The skaters will get off the max at the Washington park station. Come down. Can we get the sound up? This was fairview boulevard near the arboretum. The skaters have frequently staged races in our neighborhood. That's the corner of fairview and kingston. They are running the stop sign there. Ok, well, unfortunately, we don't have the sound here, but this is, this is a skater explaining why arlington heights is such a great place to skate. Because unlike any other neighborhood in the city, we have a max station at the bottom of it, and another one at the top of the hill. So you can do your runs again and again and again. That's why we have more skate traffic than any other neighborhood in the city. We have skaters running the stop signs at fairview and kingston. And this kind of skating that you are seeing here is quite common. Most of us who live in the neighborhood have seen it. And it's not at all unusual to be coming around a corner if you are driving a car. And have a skater in your lane, oncoming. We have had a number of collisions between skaters and cars that, that I will talk about later. And the skating goes down through Washington park by the reservoirs, and of course, a lot of the traffic that comes up the street is tourist traffic. People visiting the rose garden. People who really have, because they are from out of town, they have no idea that they should be looking out for skaters that might suddenly appear in their windshield. This is a one way street here. And we have the skater, actually, pulling up to a driver. And doing what's called skitching. Which is grabbing a car and hitching a ride on it to get a boost. You will see this car has to pull over and stop in order to avoid hitting the skater.

Fritz: Just to clarify this is a video you found online, not one that your neighborhood made.

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Nagel: Right, this is a stunning shot here. The skater almost runs into a car. This is a compilation of videos that skaters posted on youtube, and I downloaded them and, and patched them together. Here we have the skater skating right between an oncoming tri-met bus and a car. Quite common to see skaters coming down the hill prone like this where they have less control. Here's what, what one local skater has said about skating in the neighborhood. Billy bones minors, he's known as the drastic increase in the number of skaters using our hill on fairview, and he's alarmed by the recklessness that some of the skaters have exhibited. This was a comment he posted on neighborhood website. Here's another comment by a skater posted on bike portland. He says these routes through our neighborhood are not for the faint of heart. I feel for the neighborhood as I have seen many riders speeding beyond their capability. And I think that that's a critical issue here, there is some very skilled elite athletes among these long boarders. Their skill is impressive. And there is the younger one of these, who are trying to imitate the older guys. And those are the ones who I think are at the greatest risk. Now, arlington heights is a residential neighborhood but we have a lot more traffic than just the residents of the neighborhood because we're next to Washington park, which gets 2 million visitors a year, and we have a huge amount of visitor traffic coming into the neighborhood. Which produces on a regular basis through the summer. This is shot on fairview boulevard. Heavy traffic. And it's not at all uncommon to see skaters weaving their way through traffic like this. They are, there are two bus lines that run through down fairview, and it's not at all unusual to see skaters skating in front of the buses. Now, this is not just a matter of, of, of thrill. This activity can really hurt somebody. And there are 23,000 traumatic brain injuries amongst skaters every year in this country. 40 skaters died last year on u.s. streets last year. Seven since 2009 have died on Oregon streets. And it's not just skaters who are at risk. Last year, in california, a 17-year-old who ran a stop sign killed an 83-year-old woman, pedestrian. Now, just, just a few of the accidents that have occurred recently in arlington heights will illustrate what we're talking about. The first day of this month, june 12, 2012, a skater in the wrong lane coming down tichner, coming around the corner slammed head-on into a moving car. He rolled over the hood. An ambulance responded, a police officer responded. Fortunately the skater was not seriously injured. The car was damaged. The skater was not cited for any violation by police. Last month, a 14-year-old skater from salem ran a stop sign at fairview and kingston and smashed his head right through the rear window of a parked car. He was taken away by an ambulance to ohsu. I don't know what his injuries were. He was walking and talking, apparently, when neighbors helped pick him up off the street. Earlier this year a skater coming down the sidewalk on rutland and arlington heights ran down a three-year-old boy. November of last year, a skater in the wrong lane on fairview slammed head on into a moving car, injuring his foot so badly, he had a compound fracture. He's had multiple surgeries, and he made a claim against the driver for his medical bills even though he was clearly at fault. June last year a skater lost control, injured his foot, was not able to walk, and a neighborhood resident drove him to the emergency room. October of 2010, another skater did the same thing as we saw last month. Ran the stop sign at fairview and kingston. Slammed his head through the rear window of a parked car damaging it to the tune of \$3,200. Now, other cities have dealt with this same problem. This is not unique to Portland. And malibu, california, the city council voted to ban skateboarding on certain steep streets. This was prompted after a teenage skater suffered a head injury, and the city's insurer asked the city what it was going to do about limiting it's liability in situations like this. Laguna beach, california, did the same thing last year, banned skateboarding on eight streets. Newport, Oregon did something similar, last year selected certain high risk streets where there was too much conflict with traffic and banned skateboarding on those streets. Portland, maine, took a structural approach and installed cobblestone on the problem streets. We have tried to work with the city to deal with this problem. Last year we attempted to get a meeting with tom miller, the director of Portland bureau of transportation, and who is the city's, you might say, the chief skateboarder. He's a leader in the community. He was head of Portlander's for public state parks. He led a truly successful effort to get skate parks built in the

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city. He understands the skating community. And if there was anybody who could help us work through this problem, we thought it was Tom Miller. When we first approached him through his staff, his response was, no, this is a law enforcement problem. It's not a PBOT problem, and we pressed further. We said actually, PBOT is responsible for dealing with traffic safety issues, can you please meet with us. He eventually agreed to meet with us. We rescheduled our neighborhood meetings twice to accommodate his schedule, and on the day he was supposed to show up at the meeting, we got a message saying that he had an undescribed emergency and couldn't make it. And we have never been able to meet with him since. Now, the skate park effort, the city's skate park plan, which calls for creation of 19 state parks, is a model for neighborhood involvement. That's the way a city should work. Parks and rec work with neighborhoods around the city, coming up with citing criteria to decide where's a good, safe place to have skate park that doesn't have undo impacts on the neighborhood. In our case, in Arlington Heights, our entire neighborhood has become a skate park with no involvement by the neighborhood. It has become a de facto skate park. We were looking for, a little of the same kind of neighborhood involvement that we saw with the city's skate park plan. So, we did manage to get a meeting with police and other PBOT staff. We had nine meetings that included skaters over a period starting in July of last year. We were grateful that skaters came to the meetings. There were two, in particular, Jake Rowan, who manages a skate shop, and Billy Bones Minors, a local skating champion. They made it clear to us, though when we first sat down with them, that they could not claim to represent the skateboarding community. They were long boarders. They could not speak for who they called street skaters. There are other kinds of skaters besides long boarders that are part of the problem in the neighborhood. So what we really needed was a broader representation of the skating community. We needed somebody like, for example, Tom Miller, who really could speak for the spectrum of skaters. He never came to a meeting. The owner of another skate shop was invited to attend, and he declined to attend. We saw little effort over the past year for the skaters to really work on educating their fears. The ones that we met with, we asked them if they would considerate at least setting up at the top of the run and having one-on-one contact with other skaters, and they said no. They won't listen to us. And despite the fact that starting last July, police told us that there would be stepped up enforcement, traffic enforcement, we never saw any of that. As best as I've been able to determine, not a single citation has been issued to a skater in our neighborhood over the past year. And finally, and this was really what ended it for us, even while we were meeting with J.P. and Billy, and trying to talk about getting skaters to skate more responsibly, we discovered that they were continuing to organize the illegal races. J.P. was organizing them in Washington Park, without getting permits from Parks and Rec, even though Parks and Rec specifically told them that he could not run races without permit. And finally, in February, of this year, there was a skate race announce on the Zoo Bomb website. 10:00 p.m. on a Sunday night. And Billy Bones was, was among the people who was promoting that race. This was a kick in the stomach for us, frankly. We were shocked we were meeting with these guys for months, and they were still doing this. So it was at that point that I would say this collaborative effort broke down. Now, a big part of the problem, I think, that the police face is that the laws are really unclear. The current ordinance says that the skaters are subject to the same private laws as bicycles. But what the police are telling us is that actually, under the state vehicle code, a skateboard is not a vehicle. And they can only charge skaters with pedestrian violations. You can charge a skater with jaywalking, but not, for example, with illegal passing. That doesn't make a lot of sense to us. As for races, the Bureau of Revenue, which issues permits for races on city streets, told us that, that a skate race would require a permit and they would never consider issuing one in Arlington Heights. The police bureau, on the other hand, told us no permit is required for races. Now, I know that a police officer's job is tough enough as it is. But it's a lot tougher when the law that he or she is trying to enforce is unclear. And I think that this city council's job is to give the police clear laws that they can understand. And enforce. This proposed ordinance will have a very limited scope to address a very specific problem. 99% of Portland streets will still be

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open to skateboards. It will have no impact on bikes. The skate routes that are most popular with the skaters in Washington park will remain open to skating. And the \$115 fine that it calls for is, actually, much lower than the fines that a bicyclist would face. If you run a stop sign, on a bicycle, the fine is \$260. So, we, we beg you, mr. Mayor, and members of the council, please don't wait until a tragedy is, occurs before you take action here. We really don't want to be in the position of saying, we told you so. We would like to see decisive action before that happens. Thank you very much.

Leonard: Does anyone have questions of the panel? Go ahead.

Fish: I will hold my questions until I hear more information, but I want to ask joe a couple of questions, if I could. One of the concerns that, that my parks bureau has, has to do with displacement. If you prohibit skateboarding in one place, where does it get displaced to. And in the power point you noted that it doesn't impact directly. Authorized skateboarding that currently occurs in Washington park. Joe, could you give us a sense of how -- what's the, the, what are the challenges you encounter in Washington park around skateboarding, and do you have a, a thought about, about assuming we enforce this ban, what will be the likely impact on Madison court and some of the other places where skateboarding occurs in the park?

Angel: Well, I think there might be an increase in use within Washington park. Frankly, parts of the course that they like to use in Washington park is, is flat. So they don't like it as much as coming down fairview because it's quite what they are looking for is an adrenaline rush. And 40 plus miles per hour on skateboard. Now, the thing that I followed through, a policy standpoint, one of the things that you guys on the council and the mayor have to decide is this kind of a lineal park something that, that should be developed within the city, and maybe within a park. Where there is no, no conflict with the pedestrians and motor vehicles. I can see a course that has height to it, and has speed to it. That is completely, you know, outside of crossing roadways and crossing sidewalks, and so that, that may be something that, that you would want to consider in the future with the skateboard plan instead of having the old traditional parks, have a lineal park that has some speed and height to it.

Fish: That's a great idea. And the analogy that I would offer you is, i've been working with off-road cyclist this is areas like forest park, and they have asked us to designate places along fire lanes. So, currently, Pierre, benedict, Gabriel, holly farm and glen haven have built skateboard parks, but you are suggesting a dedicated place where it can be done safely?

Angel: I'm wanting you to think outside the box. And think of a lineal park. Some of these guys are very talented athletes. And, and having that kind of a park within the city, would be quite an attraction regionally.

Fish: And -- thank you, thank you, joe. I have a question for stu. In the handout that we got, there is a copy of the original ordinance, which was passed in --

Oishi: December 27, 2000.

Fish: Yeah. And, and so, sub k says the council directs the bureau of transportation to meet with the police bureau, safety division, to recommend and designate preferred skating routes. In the downtown core area, as well as throughout the rest of the city and report back to council. Do you know whether that was ever done?

Oishi: From working with the city attorney's office on this, I don't think that it ever happened, that's why he wanted to strike it.

Saltzman: Hold on a second. I was here then, and I played a role in helping to come up with the idea of preferred skating routes. And there are signs downtown. They are not obeyed very much but you can find signs within a block of this office that say these are skate routes.

Oishi: I am not aware of those.

Fish: since were not voting on this today, I guess its coming back in two weeks since we dont have council next week. If I could either from, pbot or police or stu if you have information, I would like to know more about what are the, what are the preferred skating routes, if they currently exist. And

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the other question I asked randy before today's hearing, and I want to put this question on the record. This proposal address' a specific problem in arlington heights, and that has been documented. And I suspect if we adopt this, we'll be hearing from our friends in mount tabor and some other place where is there is also a fair amount of skateboarding and, and similar concerns. What, what's the process that you envision we would go through in the future if another neighborhood comes to us using this framework?

Leonard: Let me jump in there and segue to the remarks that I was going to make at the beginning that I wanted to save until after this was over. First of all, there is a distinction between mt tabor and mount scott, where I live, and this neighborhood. There is no max line. There is no easy public transportation to get to the top of those hills to come down. What makes this neighborhood unique and particularly attractive is when you heard eric describe and demonstrate, is a perfect circuitous route by which folks will get on max and ride to the zoo. Go down and have an easy access and go around and around. So that's fairly unique, and I will tell you that I have been working on this for some time now, and have gotten no other feedback from neighborhoods that are, that have analogous problems to this one. But having said that, let me thank stu and joe for their presentation. I would like to ask eric if he would stay a minute, and I would like to ask our commander, bob day, and billy minor to come forward, if you will. And while they are coming forward, I want to make an observation about eric and his involvement. Each of us here is familiar with, and if not, grows accustomed to, becomes immune to personal attacks. It's part of our job. It's, it happens on a daily basis. Some of us more than others, probably. Mr. Nagel is not used to it. I have read some of the things written to him on email and some of the things posted on boards. One of which was posted by a person who said i'm not living in the united states so I can say this, let's find out where he lives and take care of him. And this debate should be better than that. This discussion should be better than that. And mr. Nagel is a neighborhood resident who articulated what I believe to be a legitimate concern. I've been on the city council for ten years and in the Oregon legislature for almost ten years before that. And i've been in public service for 35 years. I know the difference between a serious problem and a not serious problem. I am not easily hooked into other people's problems without first doing my own vetting and determining is this an issue. The fact that i'm here with an ordinance demonstrates for me, not because it is for mr. Nagel or angel or anybody else, but for me, this is a serious issue. So, if there is any criticism that should be leveled at anybody, it's me. Not mr. Nagel. I get, as each of us do, dozens of requests to bring similar kinds of ordinances forward on a variety of subjects every week. And this is one that I brought forward of probably thousands of requests that I have had. So, police lay off mr. Nagel. And say whatever you want to me. I'm fine with that. In the last -- having said that, I have read the emails, as I am sure the council has, and there have been some criticisms which I don't agree with, but, most of us learn in public life that perception sometimes can be a reality. And the perception is, is that not withstanding what the neighborhood described as their justification for walking away from the negotiations, that is, they were in good faith sitting down trying to find a reasonable compromise with the skating community. They believe that because, because the skating community was organizing illegal skates, that violated kind of a good faith. And you can agree with that or you may have a side to that, but that's at what they believe, and others have their own reactions to that. The police bureau has weighed in publicly, and is said that they thought the neighborhood walked away too soon, and I don't agree with that. They have also said that they thought that they did an end run in the process in contacting me. I definitely don't agree with that. Each us here does not run from the city council and say, look, if you vote for me you can talk with me any time you want but get ok from the police bureau first. We are elected to be here to answer any questions from anybody at any time via any medium, whether it's telephone, email or make an appointment. And mr. Nagel did what I would tell any neighborhood resident, and I am sure each of us has communicated that to our constituents here in Portland. But, typically we have the first reading today. We take testimony as we have done, and then next week we would vote. And I have

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discussed, been discussing in the last couple of days with mr. Minor and representatives of the police bureau, and mr. Nagle, the possibility of us postponing the second reading not until next week, or two weeks from now, but until September 5th. And september 5 at 9:30 a.m., which is a wednesday morning. The reason that I am willing to do that is to allow the process to pick up where it left off. When the neighborhood left, and discuss with billy and others from the skating community, the police bureau, and I would urge the council, especially commissioner Fish to have representatives at these meetings to address the legitimate concerns you raised. Any other council member that would like to participate I would urge you to, to participate because what I would like to see happen on september 5 is one of two things. Either we get a report back that includes police bureau participation, parks bureau participation, pbob participation, skating community participation, and neighborhood participation, that is a consensus agreement or we vote on this ordinance.

Fish: Randy, let me applaud that approach. I know you have not vetted it with us, but I think it's, it is the right approach, and with parks, bryan aptekar and some other folks have been in discussions with the skating community, particularly, over an event that we are planning in the park we're trying to get agreement on guidelines, permitting and the like. So, you have the full compliment of parks. They will be at the table trying to, to get to a win here.

Leonard: Thank you. That's particularly meaningful because I think that parks is a key player in helping resolve some of these issues. But, I want to make sure that I -- I would also request. I'm not the commissioner in charge, but i'm good friends with the commissioner in charge of the police bureau. And I would request that the police bureau do something that the commander day and I discussed yesterday. And do couple of missions between now and september 5. If there is a misunderstanding about whether traffic laws apply, what we've been advised by the city attorney, is this ordinance, although the supreme court has said skateboarding in and of itself does not fall under the vehicle code. Our code says that skateboarding should be treated the same as any other vehicle. So, under our code, we can cite people for blowing stop signs, reckless driving and whatnot, and I would request between now and then, you do couple of missions, and the reason I request that is having been the beneficiary one of those mission this is my own neighborhood, it certainly has slowed my speed down to 25 miles per hour, in a residential neighborhood, and I think it would have the same impact if, if a few of the skaters, and I think, you know, the discussions that I had with billy yesterday, I appreciate it very much, he, himself, has said, you know, there is responsible skating and irresponsible skating, and those that are irresponsible, I think, it would help this process if the police bureau, you know, could identify a couple times by which you want to, you said, we are very serious about this. We are going to encourage responsible skating. We're going to drop the hammer on people who are irresponsible because we don't want you to get killed. We want the, we don't want the neighbors to be terrorized every time they are driving to or from their homes. So, billy, I ask you to come up and respond and if you would like to add anything.

Billy Meiners: Well, thank you for the opportunity to let me speak. Would love the chance to be able to implement the work that we've been coming up with for the last ten months. And I think that this -- this summer, which is the hottest season for skating activity will be a great chance to put our work in action, begin the education aspect and work with the police enforcement. Myself being a skater, I can help the police bureau come up with safe and effective ways to issue citations to skateboarders who break the traffic law. And I encourage it because skateboarding is very near and dear to me. I would like to continue doing this in the city safely and legally. And I would like to encourage others to do the same.

Leonard: And if we can come up with an agreement, it will make christmas this year a lot better in my house. So, I would appreciate that a lot. I have a skater in my family. So commander day, would you like to add?

Robert Day, Commander Portland Police Bureau: I wanted to voice my appreciation for your willingness to support an extension here, and really an opportunity to launch the work that has been

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done. The police bureau is very much is committed to the concerns of the neighborhood up there, and arlington heights, and the community, and the safety. You know, I see as we're concerned about the safety of the skaters and the community, and I think that that's generally the consensus here. And the impact has not, you know, from a quote/unquote inconvenienced standpoint but from a true personal impact it can have on an individual that may be involved in a collision or the dramatic serious critical injury to a skater, himself. So, yeah, i'm very committed over the next couple of months to using the traffic division, as well as the resource central precinct. Have a uniform presence up there, and we'll strategize with the skating community and with the neighborhood community about the ways that we can try and have a presence up there, as we have talked. It's like trying to catch smoke in terms of making sure that we are there at the same time that the skaters are, but we'll work closely with our community people to make sure that we're effective in our use of resource, up there and deploying them at the proper times and things like that.

Leonard: Thank you commander. Appreciated it. Eric? Did you want to comment at all?

Nagel: I think that the neighborhood is willing to hear what the skaters have to offer. And we're looking forward to stepped up enforcement. We're willing to, to sit down and continue talking about how, how to solve this problem and how to prevent a tragedy from occurring.

Leonard: Thank you each for your cooperation. I appreciate it. And thanks, billy, for the meeting yesterday. It was very productive.

*****: Thank you.

Leonard: So with that, mayor Adams, we have public testimony. I would -- in light of what you just heard, ask that, you know, if you hear somebody testify, and say what you are going to say, maybe not repeating it or if you think that maybe you even want to defer testifying until maybe september to see how this process unfolds, we might encourage that, as well.

Adams: We have 35 people signed up to testify. And you can return to your seats.

Fritz: There will be another first hearing in september where people can testify.

Leonard: I think that's probably, although that's not usually what we do, I think that's appropriate given the process that we're undertaking, to have people testify again, if need be. We may not need that.

Fritz: Thank you.

Adams: Two minutes each. We have found what can be said effectively in three minutes can be said more effectively in two. Karla, we call in the order, in the order that folks signed up. Local law requires you to disclose, if you are here authorized on behalf of the business and the nonprofit and organization, otherwise, we just need your first and last name. We don't want your address, just the first and last name.

Fritz: We have young people here. Would it be possible to move some up to testify? Very young people?

Adams: How young? Oh, yes. Are they testifying? Are you testifying? Those two are?

*****: Yes.

Adams: Why don't you come up. Is there anyone else under the age of -- how old? Anyone under the age of five? Come on up. Welcome, how are you? You are two?

*****: He's three.

*****: Miles.

Adams: Can you get closer to the red microphone?

*****: I don't want to.

*****: Ok.

*****: Ok.

Adams: Commissioner Leonard has that effect on children. [laughter] sometimes he scare me. Can you please --

Fritz: We appreciate you being here.

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Adams: Can you call the first four.

Adams: Hi, and welcome. Would you like to begin?

Lillian Karabaic: I am Lillian karabaic. I am not a skateboarding or a scooter'er or a roller blader, but I missed work to come out and voice my concern about this very worrisome proposal. Why? Because an enforcement solution is not the best solution for safety. It's the lazy one. Criminalizing recreational and transportation activity on a neighborhood public roadway is not a solution. Targeted education s I hope that we can work out an, a targeted education campaign in order to resolve the problem of dangerous skateboarding. I worked for the city of safe school program encouraging kids to walk, bike, skateboard, and roller skate to school. What message would it give these kids if I had to tell them it's illegal to skateboard, scooter or roller blade based on the neighborhood that they live. These neighborhoods in southwest Portland already have enough barriers to lower car use, and if we ban skateboards, can we expect to meet the goals of the lowered automobile use. It does more harm than good. In order to crack down on behavior that is already clearly illegal, this ordinance legislates the activities of all responsible skateboard, scooter and roller skate users. This includes neighborhood kids on sidewalks. Undoing years of work that the city has done to promote them as safe and healthy activities. Many city resources and volunteer time has gone into an education-based solution to safety on the roadways by banning skateboarding, this ordinance negates the good work of the Arlington heights skateboard committee. For a year concerned volunteers, police bureau, staffers, parks bureau staffers and the bureau of transportation have worked on a safety campaign focused on dangerous skateboarding in arlington. This ordinance has put the campaign on hold. And enforcement has worked so far on these issues so why would it now. And an education-based solution is the best hope for improving the safety. Commissioners, please oppose this today, or hopefully postpone it until september. And support commander kreb's work group to craft a more precise and effective solution to this problem.

Adams: Thank you very much, sir.

Mark Mozden: Honorable mayor, commissioners and fellow citizens. I am a commercial airline pilot. I live up in the neighborhood. I just got back from hong kong and I haven't slept in like 30 or 40 hours, so I hope I make any sense here. But, it seems like there is two broad areas, the primary one being public safety, which we're hearing from a number of people about. And I wanted to address the other side of it, which is the use of the public roads. For, I think, the reason they are intended, which is transportation. And my job, as a 24-7 operation I get called out and I have to get to the airport in a certain amount of time, I don't think that my company's customers in Luxembourg or hong kong or paris or anywhere else really care why one of our pilots is unable to get to the airport to move a 767 across the planet, and I can't imagine they would want to know that bunch of skateboarders held me hostage banging on my car, yelling at me telling me i'm not allowed to drive on the road that they are having a zoo bomb event, it's intimidating. I felt physically threatened, and you know, it was an experience. It has happened three or four times now. And to the point that I don't understand why i'm, you know, paying taxes and living up in this neighborhood that, that I thought was going to be great spot for me. We just moved here a couple years ago. I wasn't aware of the skateboarding thing when I moved up there. It's a real concern. For the use of the city streets. For the commercial and business people that have to get to work every day. I'm too tired to go on but hopefully you get my point.

Adams: We do.

Fritz: Would you give us your name please.

Mozden: Mark mozsdn.

Adams: Welcome.

Linda Setchfield: Good morning. I am linda setchfield, and while I don't live in this neighborhood, I spend a great deal of time at 248 southwest kingston, which by the geographical location, is a focal point of the issue. I am here today because i'm old enough to be very worried about the health and the safety of the younger folks who, whom I believe are making unwise

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choices. I believe that there is a death waiting to happen at the intersection of southwest fairview and kingston as skateboards come down fairview, careen down it, fail to stop at the sign, and turn north at the corner on kingston. It's a nightmare, and I only have time to mention two incidents both of which have been already pointed out. On may 6 of this year, a skateboarding slammed through the rear wind of a car parked at the curb of 248, while the owner was visiting the rose garden. The skateboarding had severe enough head and facial lacerations that medical assistance was called and both the fire department and medical transportation arrive. On october 29, 2010, it was my car parked again at 248 southwest kingston, that had its rear windshield smashed. The skateboarding, to my knowledge, only injured his arm, which, for which I was very thankful, but the cost of the repairs was \$3,210, and that did not include the fire department cost. The ambulance cost. Or the emergency room cost. The skateboarding blamed me for having parked my car at that particular spot. Vehicles can be repaired. Central nerve system injuries and, of course, deaths have other endings. I don't believe that you need to wait to make a good decision here. I don't believe that you need to study cost and benefit analysis here to make a wise decision. I believe that you have to be the adult in the room and make the right decision. This decision about helping to ensure as much as possible the well being of our younger community. Thank you.

Adams: Thank you for your testimony. Welcome.

Joshua Dallman: Hi, I am Joshua dallman. I am a Portland resident for 13 years. And i'm an i.t. Professional. And i've been riding the hills for the last five -- I wanted to show this as an exhibit. This is called a dirt surfer. What's in the back here is a disc brake. This is the exact same brake that you see on motorcycles. I have skated with a dozen of the people in this very room. On my dirt surfer, them riding their long boards, and with my motorcycle brake, the long boarders in this room were stopping and slowing at a rate that was exactly as controlled as, on my device here. And in fact, at times, for the excellent ones they can stop faster and with even more control than the disc disk brake on my dirt surfer, which the same one on a motorcycle. What i'm telling you is that these long boarders are braking and slowing and ride national league controlled way, that's the same as the motorcycle. Motorcycles are legal and can go even faster than skateboards, so I don't understand why we're, we're picking on, you know, long boards as the thing to ban here. Furthermore, I wanted to point out that in the youtube videos that, that were shown, when skaters are, you know, making such a video to show to millions of people online, or so forth, of course they are going to try to do over the top risky things as stunts in the video. That's absolutely not representative of the daily skating that I see up on the hill. Lastly, malibu has banned skating on certain hills. Portland is not malibu. All right.

Adams: Thank you. Don't scratch the furniture. Next four. Interesting bike.

Sarah Loveland: I am sarah loveland, and I am representing daddy's board shop, which is a skateboard and long board shop based in Portland for over 17 years, and we are the largest retailer in the world, so I see why Portland is the epicenter to long boarding. Has a strong and vibrant community, and billy has worked really hard on developing a safety program even though at the same time, continuing to skate, which people have found it odd, but i'm not going to convince you of the safety or the enforceability of the ban, but rather as a member of the business community to dedicate a much higher level of our resources to education within our store. Many days we can have upwards of 100 skaters come through that door, and every one of them is a long boarder so, I think that, that all I can do is pledge to represent an official face to merchandising safety, and following the rules and the code of responsible riding within the store. Merchandise it as a product with not only signage, but, but really, an up front approach to the parents and the kids and the kids that come in without their parents. To represent safety within the community. So I think that that's the most powerful thing that we can do as a business in Portland.

Adams: Thank you. Welcome.

Meghan Kinealy: Hi, I am meghan kinealy. I'm a resident in arlington heights. I'm a mom of two, and almost three boys. And i'm a pediatrician at the children's hospital so I do not think that

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skateboarding is a crime. I have two little boys that love to skateboard. We take our seven-year-old to a park. He does skate camp. He loves to skate and scoot. But i'm here to discuss the safety issues. My husband and I both work evenings and nights. About a year ago, every time I would drive home from work, you know, I am pulling over, there is people bombing down on the skateboards in the dark without lights on that video they showed a lot of people with lights. Oftentimes they are in the dark. I have come so close to hitting skateboards many times. In january, my youngest child, we were leaving the house to get in our car, and he took a step off of our step, and got plowed over by a skateboarding. There was a group of skateboards. We could hear them, like 2:00 in the afternoon but one of them had entered onto the sidewalk right at the driveway in front of ours, and knocked my 3.5-year-old over. The guy was apologetic but he could not stop himself. So, the gentleman who just testified that these skaters can stop, some of them probably can, and they are athletic. It's fun to watch. The video, it looks fun. Like it would be a great thing to do, but it's dangerous. This is a safety issue. We see accidents all the time. My husband and have gone out many times to help skaters. I really feel like it's a safety issue. In our neighborhood.

Adams: Thank you very much. Welcome.

Matt Hennessey: Thanks. I am matt hennessey, and also an arlington heights' resident. Thanks for having us. Again, I just want to, to reiterate the safety, and also livability issue. Our neighborhood is, essentially, has become a 24-hour amusement park with no hours, no rules, and no regulations. I have had multiple incidents where I picked up skateboarders. Called for emergency assistance. I have had several confrontations with the foul language two feet in front of my front door with my three children, and you confront them and they will do it all day long, ten hours, dropping foul language as they go by. I called the police and they don't come. And a couple things, pertinent. I did some research on the city website, and the goals are to ensure a safe and peaceful community, another to improve the quality of life from the neighborhood, and operate and maintain an effective and safe transportation system. I think that allowing our neighborhood to be an amusement park goes against three of the six bullet points that are the goals of the city of Portland. I have copies for everybody if anyone wants to see them. I wrote you an email a couple of weeks ago, I had a failed real estate contract, full price offer on my house, email from the agent saying they were backing out because of the skateboarders. So that goes into the other bullet point of promoting economic vitality and opportunity. That was taken away from me in my neighborhood. Because of the skateboarders.

Adams: Welcome.

Katherine Goedel: Hi. My name is kathi, and I am from the arlington heights neighborhood. My neighbor and friend of many years, donna holden, has lived in the arlington heights neighborhood for 33 years ago. She's a retired Portland public school teacher, mother and grandmother. And she is on a long, on a planned vacation right now with her children. And grand children so she couldn't be here today. But I felt I needed to be here to represent her and those of us who live in the neighborhood. At the beginning of the month. Donna's life was almost changed forever as she was driving home. A skateboarder was racing down the hill out of control, and headed directly at her car as she entered a blind turn at tishner. It's one of the corners you have seen in the videos. She pulled over as fast as she could. She stopped as fast as possible, covered her eyes, and waited. And the skateboarding crashed into her car and, and because she's a very cautious driver, she drives extremely slowly. The skateboarding rolled over her hood and was not killed. The damage to the car, however, was over \$2,300, so you know that it was significantly hard. This could have easily been a tragedy. Three days after that crash, donna was still shaking. And she asked me, how could she ever live knowing that she had killed an 18-year-old. We all live in fear that we will be in the accident where a child is killed. On monday, the supreme court majority ruled that evidence about delayed adolescent brain development has become even stronger. And I quote "it is increasingly clear that adolescent brains are not fully matured in regions and systems related to

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higher order executive functions such as impulse control, planning ahead, and risk avoidance” The skateboarders make their runs all day and into the night. They swerve across the lane at high speeds. Some of them don't. They rarely wear helmets or other protective gear or lights. They are not making good decisions while they skate down the steep hills and blind curves of arlington heights. We need to stop this before more children are -- It's just 17 seconds.

Adams: You are over but please finish up.

Goeddel: Thank you. Just two more things to say. We need to be the adults and prohibit the use of arlington heights is a deadly thrill ride for kids, and please support the proposed ordinance to ban skateboarding.

Adams: Thank you. Appreciate it. Next four.

Adams: Welcome, would you like to begin?

Ryan O'Brien: Absolutely. I am ryan o'brien. And I am a, i've been a public high school teacher and I am a program developer. Currently a developer for youth programs. And I create opportunities for youth to succeed. And right now, you have that opportunity. In the past month, billy and j.p., prominent members of the skate community have put on two races. At these events a quarter to third of the participants are under the age of 14. All the riders wearing safety gear and respecting the rules. A large part of the success that j.p. and billy set the tone of safety and respect. Their message creates awareness of how actions of a rider affect the skate community and the community at large. This is the same message being cultivated through the collaboration between Portland police department and parks and rec department of transportation and mr. Meiners and mr. Rowan, we have the right message and the right people to deliver there message, and I thank you for allowing the time for this to go into effect.

Adams: Thank you. Welcome.

Robin McGuirk: I am robin mcguirk, and I am also representing a small business. East side long boards. But more importantly, i've been hired as an instructor by Portland community college to teach a course called long boarding 101, which is based on safety. And this is, this has been occurring since 2010. I have taught over 120 students on how to long board safely through the streets and particularly, downhills like the arlington heights neighborhood. Yeah, I am here today to tell you the history. I've been a Portland native. And seeing skateboarding grow over the years, and especially since 2003, when I started my business, seeing this particular aspect of skateboarding, long boarding down hills. Flourish, considerably, over the years, and i've been a leader in the community in promoting the safety and explaining to people the privilege that we have to skate on the streets using the current city ordinance 2012-205. Which requires that we all follow the same laws as bikes and, and are punishable upon blowing stop signs and going in the wrong lane, etc. So I am here today to pledge that I will continue my effort, and not only teaching the course by pcc but also making a presence at this particular neighborhood, even more often than I do already, and waiting there on those corners and, and letting these people know that don't know already about the current law. They should not be running the stop signs. So, yes, I just want to tell you that i'm here today to, to continue to do that, and I pledge my services, and I appreciate the time, the extra two months plus that we have to implement the plan that is in action with billy and j.p., and continue to corroborate their efforts and doing so. I think that's all I have to say today and appreciate your time.

Leonard: I want to point out you were at the meeting yesterday, as well, and I appreciate your cooperation and the statements you made here today. Thanks.

McGuirk: Thank you, randy.

Adams: Welcome.

Cory Poole: Hi my name is cory poole, a proud homeowner in southeast Portland. I am a long boarder, and i've been a long boarder for ten years. I use my long board as a practical mode of transportation. To call what I do on a long board an extreme sport is an offense to extreme sports everywhere. I do not speed on my long board or violate traffic laws on my long board, and unless it

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is by my presence, I do not distraught my neighbors. The language in the ordinance would wrongly deprive me of my right to use public streets in Portland. Safety, since safety is a concern that is being addressed by this ordinance, I wonder if there's ever been a law created to exclude an entire class of vehicle from public roads. Based on a single recorded event. I know that there is a lot of anecdotal events, but they are just that. Anecdotal unless they are recorded. Also how would this law affect change when the officers have the ability to cite and traffic any traffic offense that this would correct. The truth is it will do nothing to stop the supposedly illegal activity. If some riders are not deterred by a significant fine, they will not be deterred by this ordinance. The riders that will, it will affect will be the law abiding ones. I'm concerned about the criteria of this ordinance. The ordinance makes the assumption that long boarders are unable to control their vehicles on steep hills and this is not correct. The long boards are similar to bikes and maneuverability and the ability to stop if they wish. I believe that a speed study, would show that most long boarders in the proposed exclusionary area are not breaking the speed limit. Also, since there is not specific language speaking to the road conditions that justify the exclusion of an otherwise legal use, I do not see how any road in the city of portland could not use a similar justification to ban long boards or bicycles or any other alternative mode of transportation. I'm very happy that you've agreed to extend this to work with the long board community. I volunteer my services as well.

Adams: Thank you. Hi welcome.

Carl Larson: My name is carl larsen and I represent the bicycle transportation alliance. I work on our safe routes to school programs. In partnership with the City of Portland I've taught thousands of students bicycle and pedestrian safety and in schools citywide I've encouraged biking, walking, skateboarding, scootering and roller skating as safe, healthy and fun transportation. So its from the perspective of an educator and encourager from which I view the issue of dangerous skateboarding in the west hills. First of all I'd like to thank you commissioner Leonard for trying to address this serious issue. The current situation particularly on sw Fairview is terrifying. People skateboarding without lights, running stop signs, riding on the wrong side of the road, watch the video you get the idea. It's unacceptable to feel unsafe on your own neighborhood streets, and the bta is eager to be a partner in any effort to ensure that our streets are safe places for everyone who uses them. To make that a reality in arlington heights, to improve the behavior of people on skateboards, there needs to be a multifaceted effort. Engineering, education, and enforcement offer a wide range of tools. Signs, traffic calming, enforcement solutions would consist of enforcing existing laws, laws that govern speed, lights, lane use, etc. Education solutions are the most promising with a brochure, signs, videos, and the skate safe pdx website already in production thanks to nearly a year of work by local skateboarders, the police, parks and rec, and the bureau of transportation. The ban being proposed cuts all these potential solutions down to one: Enforcement. It places the burden of affects behavior change entirely on our police bureau and their limited enforcement resources. By keeping responsible skating legal, Portland will be able to address problematic behavior not just by enforcement but through engineering and education as well. I'm grateful to you commissioner Leonard for granting an opportunity to pursue that and for continued support of the safe routes to schools programs.

Leonard: Thank you for your comments and thank you for participating at the meeting yesterday as well, I appreciate it.

Adams: Anymore?

Moore-Love: About 21 more.

J.P. Rowan: Good morning, council members. My name is jay perone. I am a manager of a local skate shop, an event organizer and an advocate of the skateboard community. It's true that the continual growth of mammoth skateboarders that frequent the west hill route, known as zoo bomb this is directly reflective of the fact that the number of skateboarding participants has had an exponential growth over the past few years. Skateboarding is fun, athletic, accessible. And because of Portland's progressive mind-set, our town is becoming one of the major epicenters for the

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growing and budding industry. To pass the proposed ordinance would not only be a blow to the growing skate community. It would also come with unexpected consequences. If passed, fines for all participants of skateboarding, in-line skating and scootering will be a quadruple increase in fines. This means that even neighborhood children would be subject to persecution for recreating out in front of their homes. In fact, a child caught downtown on the sidewalks riding a scooter without a helmet could be subject to over \$300 in fines. To assume the intention of all participant Skateboarding on the roadways are thrill seeking is clearly prejudice. There are those on the roads that choose to use it for a means of thrill seeking, but these people are using more than just skateboards to accomplish this agenda. Bicyclists, motorcyclists, drivers are all guilty of utilizing these roadways for that purpose. The way we keep these reckless behaviors in check is not by creating new laws but instead by enforcing those that already exist. If the desire is to create a safer roadway, then the proposed ordinance will fail at that as well. While many will respect the new laws and find legal roadways to get their downhill fix, the ones we are most concerned about will see the new legislation as justification to disobey all the laws only the roadway, creating an even more unsafe use of the roadways. Thrill seekers will continue to use the roadway but will now act in a manner to avoid arrest. The proposed ordinance undermines the hard work of numerous city departments, the skateboard community and, until recently, the arlington heights neighborhood association put into creating a safety awareness program. The program is 10 months in the making and is just moments away from being put into action and has already seen positive results. While a year ago, it was unheard that participants riding down zoo bomb routes would stop at all the stop signs along the way, today it is quite the opposite. This is the direct result of the education initiative put into action by the skateboard community.

Adams: I need you to wrap up.

Rowan: The education initiative has been planned over the past 10 months, involves numerous forms of media to get the word out about safe skateboarding. Educational pamphlets have been designed to hand out at all local skate shops. Signs addressing the safety concerns of the neighborhood have been drafted and posted at the top and bottom of the zoo bomb route. An information website has been built to provide further details of the safety initiative. Even a comprehensive video put together for the purpose of educating participants to the potential dangers of skateboarding unsafely. This is only the beginning of what we have to offer as a resolution in the arlington heights neighborhood. If the ordinance is allowed to pass, all that hard work will have been for nothing. Portland's popularity as a skate friendly town will decline. The roadways in arlington heights community will not become any safer. I beg of you please vote against this proposed ordinance. Give education a try, and don't let intolerance become a player in how we create laws in portland oregon.

Adams: Because of the central role that you played on this issue, I let you go long.

Rowan: I appreciate that. Thank you.

Adams: Are you in support of commissioner Leonard's approach outline today?

Rowan: I do appreciate the fact that we have been given more time.

Adams: Are you going to participate?

Rowan: 100%. Have been from day one. I would like to think that it may take more time than that just to fully see the results and the fruits of our hard work, but I appreciate at least the opportunity to put our efforts into action.

Fritz: If I may just comment, you talked about the effect on kids on scooters on downtown sidewalks, and I think it is particularly important -- my frustration with cyclists and skateboarders on downtown sidewalks has been well publicized. I want to make sure that whatever is done in this ordinance doesn't impose draconian measures such as you suggested, the kid without the helmet on on the sidewalk. But it is a holistic thing. And I think skateboarding on downtown sidewalks is already illegal, and yet we still have the problem, so I think that's something to consider by this group, and I appreciate everyone's willingness to work on it, because we don't have enough police

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to enforce all of our laws on anything, so we do rely on our citizens to respect each other and share public spaces. I appreciate your work on this.

Rowan: Thank you.

Billy Meiners: My name's billy meiners. I would like to defer my testimony until September 5th. I would like to say I think the neighbors have very valid concerns, and I share many of the same fears they have. The last thing I want to see is somebody get hurt on these roads or worse, and I would like to continue my work with the city and the neighborhood and reach a solution that we're both happy with.

Adams: Thank you very much.

Susan Bankowski: My name is susan bankowski. I'm an arlington heights resident. I've lived there for seven years. I'm also a public health professional so I believe in public health education very much and support any effort to do so, but I also support the ban. And I think education and the ban may advance things. And right now we're looking at the rights of the boarders versus the rights of the residents and safety of all involved. I unfortunately learned how dangerous this behavior is this past november. In the afternoon, I was driving up the hill with my son, coming up fairview, and my car was struck head on by a skate boarder. I was hit just after I rounded the second large curve on fairview, a blind curve, so I can't see who's coming down, and certainly this skate boarder can't see who's coming around. He had swung way out into my lane to make the curve. He was going very fast because it's at the bottom of a very steep pitch. And it is impossible -- i've watched people round that curve a number of times. It's truly impossible to make that turn without coming wide. I know some very good athletes probably can, but the majority of people who come around that curve don't do it. I do believe in education, but I don't know that commuters and boarders can traverse the streets at the same time. I'm going to have to be convinced as a resident. I had little time to react. I hit my breaks. The boarder hit me head on. He was severely injured. He is lucky to be alive. When I got out of the car, I suspected the worst. Many boarders go up over the hood. He went under my car. One thing noticeable when I got to him was that his headphones were playing very loudly laying next to him. A lot of boarders have headphones on, and one of the ways you detect people coming is you can hear what's coming, and so he certainly was making no effort to avoid being safe. He's made a claim against my insurance to pay for his injuries. I had \$5000 worth of damage to my car. I had my child in the car at the time and luckily didn't have him come out and see what had occurred. There were many witnesses. The police came. He wasn't cited. He left in an ambulance. His bills have been sent to my house. It's been very traumatic for our family.

What I think is missed also is that many other people could have been injured. We could have swerved to avoid him and hit a telephone post. I could have hit the woman walking her dog who was next to me. He could have come up over and come through our windshield and injured myself and my child, and we were lucky that this didn't occur. I don't want anyone else to have to go through this. The other person this happened to recently, I was traumatized for weeks after this occurred at the thought that someone could have been killed during a collision with my car. So i'm eager to work with skate boarders and have more education as a resident. I would support that. As a public health professional, i'd be involved. But I do think there are times when perhaps we shouldn't all be on the streets at the same time, and not everyone can skate as well as some of my friends up here.

Adams: Thanks for your testimony.

Fish: I have an excused absence to represent the council at an event with governor kitzhaber, but I do have staff watching the proceedings. Parks has committed to participate in the ongoing discussions with the various parties. Thank you.

Adams: Tell the governor hello for us. Welcome.

Pricilla Andres: Thank you for the opportunity for public dialogue on this issue. My name is priscilla andres, and I live at the blind curve right before you go around it on the steepest part of fairview. I've lived in the neighborhood about 10 years. I actually -- when I very first moved in, I

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thought it was all clean fun, no big deal, just young people having fun. But over time, I have come to dread the sound of skate board wheels going down my street. For me, it's not anecdotal, because I have had several people crash into my home. They have destroyed personal property that we have out front. They have damaged our car. Now, those are replaceable. I mean, we have insurance. But as someone observed earlier, a human life is not replaceable. I have personally driven a young man to the hospital because he had no insurance for an ambulance. I left him my phone number so that I could drive him home after wards. About a month later, his mother called me and said he had had a concussion and she was very grateful that I had extended him that courtesy. This is not about green commuting. This is not about responsible skateboarding. If it was, you would not have the plethora of stories that you're hearing today in this room. I understand the desire for the thrill, and i'm sympathetic. There has to be another way. Let us not make death the ultimate education. Thank you.

Adams: Thanks for your testimony. Thank you all. Appreciate it. How many people who have signed up have something to say that has not already been said? Given the schedule we have today, I need to winnow it down. So if you have something else, please come forward. We have two gentlemen here. Go ahead. A young lady. Sir, come forward. I'll get to you in a minute. You were here first. Ma'am, would you come forward? Do you have something that hasn't been said yet? And I have one more seat up here. I appreciate you working with us. You can also submit testimony, and I encourage you to submit testimony via e-mail. The address for council is --

Moore-Love: they can send that to me: karla, k-a-r-l-a, dot, moore, m-o-o-r-e, dash, love, l-o-v-e-@Portland Oregon dot gov.

Adams: that's on the website. So those of you who don't have an opportunity to testify but signed up we can take your testimony via email. Hi would you like to begin.

Cherie Appleby-Lannan: Sure my name is cherie Appleby lannan. I'm a resident of Arlington heights. I also have to turn in and out every day at the most dangerous blind corner. There's five on fairview that are absolute 90-degree blind. I have worked for the last 15 years in the outdoor industry representing anybody who makes skateboards, all the equipment, nike, columbia, outdoor research, all of those people, and I can tell you a big aspect of what we do is to educate people. I feel that as a driver and a citizen, I have certain rights. I have to operate within the wiggle room of those rights. I'm not allowed to drive on the opposite side of the road, on a sidewalk. I'm not allowed to hit people. I've had my car keyed by the skate boarders from the top of fairview just below the arboretum down there because I wouldn't get off the road, going to emergency room because my daughter had been hit by a skateboard. They keyed my car and wouldn't move. I've had this happen numerous times. They swear. They're abusive. I'm not allowed to do that. There's laws against things like that. And whatever solution that is collates between all the different interests, I think it has to be in the interest of safety. If you put a law or an ordinance in, it has to be for the good of everybody. Right now, it's just really dangerous. One of the groups mentioned that the number of incidents are diminishing, and they really honestly aren't. I mean, everybody's spoken to the number of people who don't wear headgear, lights. They come down on those boards, and truly somebody is going to be killed. Nobody wants to live with that.

Adams: Thank you very much. Welcome.

Mike Timothy: My name is mike timothy. I'm a resident of arlington heights. I concur with everything that's been said by the association, but i'll cut to the new stuff. The technicalities of the law, I remember there was a campaign with single-speed bikes that they had to add a brake. Now, how come that doesn't apply to skate boarding if skateboarding is considered a vehicle of transportation equal to a bike? Secondly, in regards to equality of the law, i've seen little stings set up at the corner of fairview and kingston to catch the california stop sign which is just slowing down but rolling through a stop sign. I don't see the equal amount, proportion of enforcement of the law regards to how many cars brake it and just slowing down versus the skate boards that blatantly go through that intersection. So I feel it's a disproportionate enforcement law in regards to autos in our neighborhood as opposed to the skate boarders that blatantly go through there and celebrate it.

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Thirdly, a while back when I first moved into the neighborhood, there was a crime issue, and I was working with the police, our neighborhood officer, and one of the things that he was going to do was to mitigate the problem. It's not directly related to the skate boarding. I just would not clarify that. But there was a tangible thing in regards to zoo bombers in regards to livability in the neighborhood and regards to noise. One of the recommendations by the police force was to shut down or not allow the max station to open after 10:00. Now, the law, as far as I know, that was made apparent to me by the police force is that it is illegal to step off that elevator at 10:00 p.m., 'cause technically you're in the park. In terms of the livability for me and the neighborhood, there's a lot of noise that comes after 10:00 with the skate boarders and the hooting and hollering and the skateboard noise, but they're not allowed to step off that max elevator after 10:00.

Adams: We'll have the interim process take a look at that. Appreciate your testimony. Your time's up. Your times up, last thought?

Timothy: I think it's clearly an issue, and i'm just wondering, if nothing is done in this meeting, then how much worse does it have to get before something is done?

Adams: One thing, and then we have, I think, three more. The city council definitely puts a lot of weight and credibility in the stakeholder participation, and so one thing I wanted to underscore, as we get near the end of discussing this issue, is encouraging everyone -- and i'll make sure that pbot does a better job of helping commissioner Leonard's efforts on this to facilitate things did you but we want everyone to engage and be as creative in the problem solving on all sides as possible, and I think that's part of what you're saying as well as to look at all aspects of it.

Timothy Denny: My name is timothy denny. Good morning. I'm a resident over on the east side, and I roller skate with the local derby teams. I don't believe the ordinance ban is really going to make an effective solution to this problem. I don't argue with anybody here this is a giant safety concern, but I don't think the ban is going to do anything. We already have laws on the books that should be able to be used to take care of this problem, and unfortunately law enforcement is very busy and this might not be one of their highest priorities. I think a good analogy to this is residential zones with cars going too fast. You can enforce what all you want but, as soon as you stop enforcing it, nobody's going to follow the law anymore, and so the city will to install speed bumps. There's a lot of things we could do, cobblestones, maybe some grates, something to slow people down to make sure they don't blast through intersections at full speeds but allow those that want to legally skate and follow the law to be able to do so without being in trouble. That's all I have to say. Thanks.

Darren Alexander: My name is darren alexander. You started the meeting talking about the cascade aids project and the death of a child. AIDS is a public health emergency is very hard to deal with. This is potentially a public health problem in the future that's going to lead to a death, and I feel that you all need to act urgently before we open another meeting recognizing the death of a skate boarder. I'm an emergency physician. I've worked in Portland for 11 years. I don't need to bore you with the countless injuries i've seen in my own neighborhood, treated on the sidewalk or later seen in the emergency department. You've heard all that, you've seen the video. You know. A lot of skaters are talking about health promotion and youth activity. There are better ways to do that in Oregon. There are myriad opportunities for exercise and health. And this is a risk benefit analysis that we deal with often in medicine. The risks of this sport currently in our neighborhood greatly outweigh any benefit to health. I can't emphasize enough the exponential nature of the problem. The number of skaters exponentially increasing and their dangerous behavior following that. This is not a problem that's getting better. There are not more people stopping at the stop sign at fairview/kingston. My concern about allowing education to be a part of this process is that you're going to be dealing with a death before that education ever reaches the minds of these very young, impulsive, thrill seeking skaters. I want my kids to participate in exciting sports as they grow up in Oregon. There's better ways to do it than on the west hills. Thank you.

Adams: Thank you Dr. thank you all very much. Our last panel, a couple over here.

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Ben Schoenberg: My name is ben schoenberg. I'm a homeowner and business owner on the east side. I have in interest in this topic for several reasons. One is that my business use to be a next-door neighbor of rip city skate managed by jp rowen. I'm familiar with him and billy meiners. We had, I can tell you negotiating or trying to get cooperation was not an easy thing. They built a skate park on the other side of our wall without permits, without doing things properly. And when I found out about it, I questioned them. They said, well, we'll take care of the noise. We'll be thoughtful. That was not the case. We had the thumping, the noise, the insulation blowing in. I could go on. The harassment that we felt at the hands of them and their friends eventually meant that our business had to move, and now rip city skate occupies the space we were in. I don't believe that they're operating in good faith necessarily, because if they were speaking for long boarders as a group or skate boarders as a whole, I think you would see much more effect over the last year. It's been going on for a year that the neighborhood association has tried to talk with them. You've heard the expression herding cats. You've seen testimony from people against the ban today by a number of business owners. They have a business interest in long boarding continuing. You don't see a large number of skate boarders here, in my opinion, because it is mostly an anarchic group, yet there is this pattern. I think it is the city council's job to see these patterns and figure out the safest way to proceed when there is no particular group to latch onto. A good analogy would be anti-cruising ordinances downtown. Sure, it's legal to drive downtown but, if you circle the block endlessly, that goes against the law, and there's a reason for that, even though we all feel free to drive. I appreciate your time.

Yvette Beaumont: My name is yvette beaumont. I share a small business with ben. That deals with alternative mode of transportation. I'm actually here to support the measure today, and to me it's about safety and the grade of the hills being used as a racetrack. We know a little bit about the group that is protesting this. Routinely the group led by j.p. rowan and billy meiners, when they get in trouble, they claim to want to lead the community to be safe. Yet they hold illegal races, build illegal skate parks. Reaction to people talking about this has been the bullying of the people who speak out against their illegal activities. This includes graffiti, harassment, threatening to burn down competitor businesses, and smearing of feces on business walls. J.p. has done one good thing for us. He forced us to learn about the various bureaus and a thorough civics lesson, but i'm telling you now you're being sold a bill of responsibility by the very people who are breaking the law. Thank you.

Becky Wynne: My name is becky wynne, and i'm a resident in the arlington heights neighborhood, and I can add many stories of very close calls with skate boarders. I feel lucky that I have not hit one yet or one has not hit me on my way home every day. I'm always on the alert for it. My greatest fear right now is for my 16-year-old daughter who's just learning to drive. She does not have the instincts that I do as an experienced driver. My greatest fear is that she'll have a collision with a skate boarder, because we live around a blind hairpin turn on Rutland terrace that is a favorite alternate route to the fairview one. There's no way to see them coming, and i'm worried about that. I have also have many close run-s in as a pedestrian as well in the neighborhood.

David Terry: My name is david terry. I'm a bicycle advocate, and I would just like to say that my heart goes out to everyone in the neighborhood association who's had something happen like this. It's horrible. It's sad. But on that same token, i'm not a skater, and i'd like to keep it real for all of you guys. A ban will not work. I have some experience in these things. You're dealing with a very rebellious-natured individual group. The skaters here are the nicest skaters you'll ever meet. A ban positively will not work. Think of all of the times when you were a child and the city told you not to do something. You're going to do it. If you think you're safe, the ban will not change your mind. The police will not change our mind. The only thing we can do is educate, put the proper signage to the people going up and down so they'll have a clue of what could happen and the education. Please understand that a ban will not work. Prohibition will not work. It doesn't solve anything these kids will not listen to it for one minute. The guys in this room who are responsible long

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boarders will and will make an effort to do whatever the city wants, but thousands of kids and young adults are going to say no we don't care. If you guys go ahead and do this, it won't matter to them one bit. And if the neighborhood really wants to control it, you have to do signage and education, and all these really sad stories of very sad, and I wish we could do something about it, but a ban will not do it. Prohibition never works. I'd like to leave you with one thought that prohibition goes beyond the bounds of reason and attempts to control a man's appetite by legislation and makes crimes out of things that are not crimes. Thank you.

Adams: Commissioner Leonard?

Leonard: Let me just close by saying that, your comments notwithstanding --

Adams: You can return to your seat.

Leonard: -- if there's not an agreement by september 5th, we will vote on a ban.

Terry: I understand.

Leonard: It's not a discussion, but i'm telling you that i'm focused, as I think the police bureau will be, if we ban it to not criminalize people but to make sure nobody gets hurt or killed. That's the point. Having said that, I want to thank mayor Adams for convening the meeting yesterday that he did. He was the one that brought the parties together, including myself, where we could have this discussion and we could get to the place where we could agree let's give this process two more months and see what happens. And I look forward to everybody working together cooperatively, particularly with the direction mayor Adams has given, and we'll see where we're at on september 5th at 9:30. Thank you.

Adams: Thank you, commissioner Leonard. I appreciate all the effort and the genuine concern that you have about this issue. One thing I want to underscore as police commissioner is you asked for additional enforcement of the existing rules, and that will be provided.

Leonard: Thank you.

Adams: Folks, the dangerous activity cannot continue. It is difficult for us to enforce for a variety of reasons. One is we also have a war between some gang sets, and we have too many people getting shot and killed in the city with illegal use of guns, and this detracts from that. So I really need everyone in these next two months to not only focus on solutions but individually and otherwise to act in the most responsible way and to set an example for others to follow and to engage in common sense self-policing while we put some resources to devoted to this law enforcement as well. So it's continued to --

Leonard: September 5th at 9:30.

Adams: Thank you. All right. We will now consider, unless there are objections, the item pulled by trimet from the consent agenda, item 764. Can you please read the title?

Item 764.

Adams: They pulled it, so they're the first to talk. This item was pulled from the consent agenda by trimet. Who's here from trimet to speak to why you pulled it from the consent agenda? Chair of the trimet board of directors warner, hi.

*******:** Thank you. Good morning, mr. Mayor and members of council. Nice to see you again.

Adams: Welcome back.

Bruce Warner, President, TriMet Board: Thank you so much. As you heard, i'm bruce warren, president of the trimet board. With me I mr. Craig prosser, also a member of the trimet board. We're some of the newer ones. Neal McFarlane will be up here with us who is the general manager.

We are here to speak in opposition to moving forward with the specific changes that are proposed in this ordinance regarding transportation fees, specifically those around fees for bus shelters and benches. I need to say that, for the record, we were surprised by the proposed fee increases.

They're very large. We were shocked to see them, and I think, as you know, it's about \$2 million a year that trimet would be impacted, and these fees were not factored into our budget deliberations when we adopted the budget for 2012/13 a couple weeks ago. Reluctantly adopted, because it includes some major service cuts and fare increases that went along. I want you to know that

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trimet's always approached fees imposed by the city in a partnership manner. However, when we look at these, the legal basis for these fees we think is questionable, and ultimately we believe, if it was imposed, it would probably not be sustained by a court. Having said that, let's talk about what evidently is the real issue which, as I understand from reading the press and media, is that these fees are to be used for the student transit pass program with Portland public schools. I understand you'd like to collect these monies and return it to us to maintain that free student transit service program for the district which were previously funded by the city. What I wanted to say here is, if that really is indeed the desire of the city council and the mayor to continue that, this is probably not the way to come up with a funding solution. For the record -- and some of the folks in the audience, I'm sure, don't know that the free student transit pass program was in the past funded entirely by the state of Oregon and, due to their reduced revenues, the funding for this program was eliminated. In simple numbers, that program is about a \$3 million program a year and, in the past, it was funded one-third by the school district through allocation of monies from the state through the schools transportation fund and two-thirds from the state general fund, and the state's decision not to fund this program had created about a \$2 million hole in the program, which is what we're talking about.

We've made it clear, I think, with our current budget funding and the reductions we're seeing, we can't bear the entire cost of this program without some sort of equitable sharing of the cost. And I want to also state for the record that we, trimet, and the board would like to help maintain this very, very popular program. Mayor, I actually thought we had an agreement with your office to share the cost of this program in an equitable manner where it was one-third funded by the Portland public school system, one-third by trimet, and one-third from the city, and I thought we also agreed to find ways to minimize the impacts to the city during the first year with some of the things we're doing with some of our projects. I want you to know trimet and the board are still prepared to honor what I thought was that cost-sharing agreement to move forward to keep this program running. Having said that, in summary, we've always worked well together, and I want to continue to do that. However, if you move forward with this ordinance today, I think ultimately it could have major impacts to our riders and to that partnership. So if you really need the resources that are outlined in that to do your general transportation funding, please either remove the increased fees for the bus shelters and other transportation-related encroachments in this ordinance and then move forward and adopt it or bring it to second reading. Or if student pass program is really the issue, which I understand it is that we're talking about here, please defer this entire ordinance for at least 30 days to allow us to talk further with your staff, with you mayor, about how we can actually come up with a true agreement to continue this free student transit program for the future. With that, I want to thank you for the time, want to thank you for pulling this off the consent agenda and giving us an opportunity to speak here today. Again, we'd be glad to answer any questions you might have this morning.

Adams: Thank you, mr. Chair. Mr. Board member?

Craig Prosser, TriMet Board Member: I don't have much to add to that. This is something that we have been talking about at the staff level for some time. The board itself has not had a full discussion on this. At our meeting this morning, we just adopted a statement on our budget since we just recently adopted that, and it laid out work items of things that we know that we need to address as we deal with our budget in the future, and consideration of this program is on that list, so we intend to continue working on that. One thing I do need to add -- and this recognizes that I represent district 7 on the trimet board, which is primarily clackamas county -- Portland public schools is not the only school district within our boundary. It's not the only school district in the state with severe financial difficulties. I want to see if we can craft something that would be available to help with all students in our entire service area. We're not going to be able to do that without looking at some sort of means testing. Those are things that I think we need to look at. We do have a responsibility for the entire service area of trimet, not just any one city.

Leonard: Isn't Portland public schools the only school district without bus service?

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Prosser: Yes. It's the only school district in the state that is not required.

Leonard: What's the comparison you're making then with clackamas county and students there and Portland? I'm struggling. If we don't have bus service for kids here, what was the point you were making about clackamas county?

Prosser: My understanding is that the Portland public schools at some time in the past did go to salem and got an exemption from that requirement. It's the only school district that has done so.

Adams: Actually, they never had yellow bus service ever, according to the state.

Prosser: Ok.

Adams: It's one of the reasons why rose city transit, your predecessor, gave free access to the buses as well.

Prosser: Ok. All of our school districts are severely stressed. If there's a way --

Adams: Mr. Board member, let me be really clear. What I proposed to your agency 18 months ago was that, knowing that you have other school districts and wanting to have an objective sort of policy criteria approach -- what I suggested was that any school district that a school district would have to agree to give up the yellow bus system, devote those resources to trimet, that if it had an impact on trimet's services that the school district would have to pay for those additional required services around specific stops or on specific routes that serve high schools. We're only talking about high schools here. And they would have to get approval from the state to do that. We have not had an exhaustive discussion with all the school districts in your service territory, but I have had discussions with some, and it would -- trimet, from what I have found, would not adequately replace the yellow bus system for at least the school district's personnel that i've talked to. So again not exhaustive on my part, but we talked about this because -- and the reason that we went down and got betsy credits is my concern that we would overwhelm you with service demands, and I didn't -- I wanted to make sure that you had the resources to add more equipment, more drivers, more frequency of service. And that's why we sold the betsy credits to your benefit. It has not required you to add equipment or drivers. It has not required you to add service. I think if the school district - that changes and it ever does and they have to be on the - they would be on the financial hook for that. The other thing I would say is that the problem solving approach -- I know you've had a hard budget, and i've been a good partner with trimet in various positions for 20 years.

It's why the idea of helping you pay for this by eliminating the service within the city of Portland to the benefit of keeping youth pass going, which was the ending of fareless rail, which could pick you upwards of \$3 million in additional revenue to help fund what you calculate to be lost revenue selling unsubsidized tickets to pps high school students. That's why that was on the table. This was not subsidized one school district without your city partner finding a way for you to make up for the lost revenues that you said would come with the end of the betsy credit, which is based on your calculations of how much revenue you collect off the backs of high school students. This was a problem solving approach that I put on the table. You went forward with only a part of it. And the fact that you haven't had a full briefing on it is part of my concern about this overall conversation happening in bad faith.

Saltzman: Can I ask a question? Mr. Prosser, you brought up at this morning's board meeting where this issue and sort of a broader look, you're hoping for student access to transit is something the board wants to consider. Is that in the context of the next fiscal year or are we talking July 1st, 2013 or something that might happen before the school year begins in september?

Warner: Maybe i'll try to answer that.

Saltzman: You are the chair.

Warner: The issue is both. What we want to do is -- again, I think, number 1, this needs to be resolved quickly, because the next school year is coming in another two months. But the board is very concerned about our financial future and where we're going, because right now we have a budget that's not sustainable. So that needs to be wrapped up into a longer term discussion that will be for the following fiscal year as well as beyond. So we've got two issues, but the main thing is I

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know that the need is to get some closure on this quickly. I think the general manager told me that we need to actually print the passes -- the passes need to be printed -- by the first part of august, so we've really only got 30 days to figure out a solution on this to be able to move forward for next school year.

Adams: Mr. Chair was the cost-sharing agreement included in the budget approved by the board?

Warner: We have the resources in the budget to cover

Adams: Was it actually, though, budgeted?

Warner: It's not a separate line item in the budget. That's correct. But I will assure you that we are ready.

Adams: For those of you -- for an organization that i'm passionate about, trimet, I just want folks to note the reason I have felt compelled to be as hard-headed on this as I have been is because I didn't see it in the budget. I was notified just before that even your proposal on the cost-sharing proposal doesn't show up on the budget. You took the resources but didn't do the second part of the hand shake agreement. These are all sources, I think, of legitimate frustrations and discussion on this issue. I'm willing to take the 30 days and set this over for 30 days and talk seriously about this, but you need to understand that one of your biggest friends and fans, who helped come up and this council come up with additional resources when you needed it -- and i've been put through the meat grinder on the front page of the newspaper because those resources came from what could go to maintenance and other things -- to be dealt with in this manner is very disappointing. I'm happy to do 30 days based on previous successful negotiations on things. Again, I absolutely understand your financial situation, and that's why this specific proposal was on the table with us. So I appreciate you being here today and I'm happy to set it over for 30 days. Does anyone wish to -- do you want to say anything? Anyone else wish to testify on this matter?

Moore-Love: We have some people who have signed up, about 8 people.

Adams: Michael, do you want to come up first? I'm going to let michael go first.

Michael O'Brien: Thank you. I applaud you for your stand. Michael o'brien, advocate for people with disabilities. Again, I applaud your stand. There have been so many issues with the disability community, agreements with TriMet broken over the years. When I saw your stand, I wholeheartedly believed it was true. Just real simple. However, I hope that you will force trimet or trimet will do it on their own to look at the impacts, because the rest of the community cannot be impacted any further by this school thing. And I understand the importance of rides for students. I mean, these young people are going to be the future. But people with disabilities, which again is where I primarily work the avenue, we are suffering enough. Fares for lift paired transit customers, the most vulnerable customers in the trimet district, which by the way, about six, nine months ago, trimet was blaming the lift customers, people with disabilities, for their budget shortfalls. Then it went to the union, et cetera, et cetera. But we cannot stand anymore cuts. We had a 30 cents raise for a lift customer this year. There's another 30 cents already approved by the board for next year. They're cutting service, service areas. They're going to do more and more to cut lift service. We have to be careful what we ask for. Sometimes we get it, but it's at the expense of too many other people.

Adams: I couldn't agree with you more on that, michael, and that's why the trade-off of eliminating the service of free fares on rail was the trade-off for helping to pay for youth pass. It was not a zero sum ask it was intended in good faith to not require additional cuts elsewhere. I appreciate your point very much.

Mila Buckland: My name is mila buckland. I'm a recent alumni of Roosevelt high school and I want to testify here today for the importance of a youth pass. When I was a freshman at roosevelt, we didn't have youth pass. For the next three years that I attended roosevelt, we did. It was extremely beneficial. The students who go to high school have younger brothers and sisters they need to get to school. Some have to work. Their moms have to work to support the family. And a lot of the students, including me, couldn't afford to do these things in their lives, extracurricular

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activities, sports, jobs, taking care of their brothers and sisters, without the help of a youth pass. People play sports and then they leave home at really late hours, and so sometimes their parents can't pick them up. Sometimes their parents are full-time workers, and the youth pass enables students to find ways to get to the places they need to go on their own and safer alternatives than just walking home at night in dangerous neighborhoods. I really benefited from the youth pass. So did all my friends who have all these responsibilities they have to take care of that they can't always depend on our their parents to do because we live in a rough economy where both parents have to work. Youth pass is beneficial to a lot of students at my school and a lot of students in portland public schools in general. I think its real important.

Fritz: Congratulations on graduating. What are you going to do next?

Buckland: I'm going to psu. I want to be a teacher and teach at roosevelt or some other high-needs school in english language.

Adams: Thank you. Karla, we'll do two minutes 'cause we're running late. Welcome. Thanks for being here.

Angel Gutterez: Thank you for having me. My name is angel gutierrez. I graduated from roosevelt last year. I have never felt more disadvantaged, less fortunate or at risk. When I was asked to come here today and testify about the free trimet bus passes, I thought long and hard about the question how it helped me. When I used the pass, I would go down to psu three times a week, and I would take a high-level spanish literature course in hopes of attending college. I wanted to take on the challenge of being the first one in the family to go to college. I was able to take that psu class because of a program that funded classes for low-income students. They also had other fees, but my school covered them. I was able to go to pcc to take some classes. I was able to do that because it was funded by a national program to bridge the gap between low-income students such as myself and other students that are more affluent. I'm currently working for roosevelt, and impart of the americorps summer vista, and every day I see people asking for bus passes that want to get credit recovery, that want to get a head start with all hands raised. The fact is that I never saw the gap between me and other students. I always felt like I wasn't disadvantage and less fortunate because of all these different programs that the city provides for us from pcc to psu to gear up, to all those different programs. Little things like bus passes, free lunch, free breakfast, all those things make a huge difference. I saw that firsthand. The roosevelt graduation rate from 2010 to 2011 almost doubled, and that's when we had gear up that year, 2011, and could do middle college, psu, pcc. I also recognize that I achieved my two goals. I was the first 1 to go to college, and I also went to the college that I wanted, and it was because of all the help we received. I want to thank trimet for being part of the network. I felt like I was just as normal as everyone else. I really want to thank them, and I hope that this can continue, because I how it can continue to help other youth in the city.

Adams: Thank you. Congratulations, and thanks for working with americorps.

Leroy Brandon: My name is leroy brandon. I'm currently a roosevelt student.

Adams: We have new equipment here, leroy. Sorry. We'll do it the old-school way.

Saltzman: So much for the new equipment.

Adams: Karla has a back-up.

Brandon: I feel that words alone can't express the importance of these, like, youth passes. Like, a lot of students are trying to take advantage of their every-day opportunities, get involved in summer activities, playing sports and just regular summer activities. Some of those activities are not within walking distance, so a lot of people are going to take advantage of those bus passes. We can't, like, keep asking parents for money because you just waste gas money.

Adams: Thank you all very much. You can return to your seats.

Ray Kennedy: My name is ray kennedy. I am a recent graduate of trillium charter school in north Portland. It is nine miles from my house. Sorry. The school is interstate and killingsworth. My house is on 106th and glisan, so it's a bit of a commute. As a recent graduate, I will no longer be

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able to make use of the youth pass program, so i've been biking a lot more, and that's been exhausting, to be honest. I'm a little bit happy I don't --

Adams: You're not helping me here, sir. I'm kidding. I'm kidding. Go ahead.

Kennedy: Yeah. I'll be honest. I really wish I could have gotten my sister here. She is going to be a sophomore this coming year. Her name is flo. Because she'll be using the youth pass for another three years, assuming it's around, and that's really meaningful to me, because I have made great use of the youth pass. But at a certain point, i'm going to have to leave the fight to someone else, because that's the way the world is, you know. I'm getting old. [laughter]

Adams: How old are you?

Kennedy: I'm 18.

Adams: Wait till you're 48. I get tired sometimes, too, riding around on my bike. Welcome. Glad you're here.

Gunnar Olson: My name is gunnar olson. I'm a sophomore at grant high school. I would say 90% of my friends, their main mode of transportation is TriMet. Their parents can't give them a ride 'cause their parents work, and I don't know if they could afford to buy a ticket every day to and from school. That's all I have to say. Thank you.

Henry Li: My name is henry li. I am also a recent graduate of wilson high school, and I was also a former youth commissioner. I'm here again first of all to thank mayor Adams for proposing the youth pass options, also to urge the rest of the city council to vote yes on the proposal. It's hard to quantify how important youth pass is. My neighborhood is in the southwest hills area. It's more privileged. I mean, there's no other way you can say it. But recently I had the honor of being student rep for the Portland school board, and one of our projects for the year was talk to the former marshall kids who are on the opposite side of the river about how the transition is going now that they're out of school. Their school is closing, and they have to transfer to other schools. A lot of them live far enough from cleveland or madison that they had to commute, and they had these sobering stories of kids sometimes waiting for one bus that was so crowded that they had to wait for the next one just to get to school. They were frequently late. If you don't have youth pass, that's kind of the last straw. I'm sure some of these kids who have been through a lot already, it helps with congestion, and it helps maintain Portland's reputation as a green city. I would appreciate you doing all you can to save it.

Amy Que: My name is amy que, and i'm going to have a sophomore at lincoln high school next year. It's my first year using youth pass, and it has been extremely fundamental for getting me to school and back from school and has allowed me to do many extracurricular activities. The ones who live far away on the east side, it's sometimes been their only option. We don't have other ways of getting to school without youth pass. It would create a severe financial strain time-wise on their family if they didn't have this valuable service. So I just urge strong support for this program.

Thomas Edward Mullen: My name is thomas mullen. I do thank you for the program for the kids. I want to ask a question about jurisdiction. Trimet came in sometime in 1947 where they put in a light rail. We changed a freeway for a light rail. Washington doesn't do anything in three years, and so it was brought up in 1950, so it has to be about 1950, '47, and that was seven years before I was even born. This was already in place. It is just now playing out. All this land and stuff that you guys are arguing over and bickering about is actually stolen property that the city signed off of. Everybody in Portland, Oregon, has a part in finagling these people out of their property in order to put this trimet system in, and that's why god is bringing it back to you every time and why nothing is going to work right for trimet or the trailblazers or nothing, because they stole that property from these people. I want to be on the meeting within 30 days to bring you back the papers and present it the way legally and the way it's supposed to be presented. That's all i'm asking for today.

Hector Junior Osuna: My name is hector junior osuna and I'm the OPAL organizer. First it's interesting to see the trimet board at the other side of the table. With that said, opal fully supports the youth pass. We actually spent the last six months developing an alternative budget in which our

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bus riders elected to keep youth fares the same. Our stand has always been on ridership or on the people that depend on the service. Fare hikes and cuts in service impact all users and is not acceptable. We support the delay of the motion in order to find a sustainable funding source. People need hope more than ever. And through collaboration, relationship building, and sacrifices, we can make a just and equitable decision. Thank you.

Adams: Thanks and thanks for your advocacy. Unless there's objection, this item will be continued to July 25th at 10:30 a.m., time certain. That's a Wednesday. So done. All right. We're going to take a five-minute, 10-minute break for human compassion reasons.

Recessed at 12:03 p.m.

Reconvened at 12:12 p.m.

Adams: City Council is back in session. If we could get our TV coverage going again? And, Karla, can you please read the title for emergency ordinance item number 774?

Item 774.

Chun Whan, Portland Bureau of Transportation: Good morning, Mayor Adams and city commissioners. My name is Chun Whan, I'm with the Bureau of Transportation.

Christopher Weir: My name is Christopher Weir. I'm the public works permitting process manager for the public works bureaus.

Whan: We have a presentation set up here, but I know you've had a long morning and have a full agenda for the afternoon. We can just jump right into the questions.

Adams: What are the biggest changes? Are there any big changes in this proposed ordinance?

Whan: The biggest change is that, in the original ordinance back in 2009, we were mandated to establish reasonable fees for permit review. So we haven't had enough data in the last two and a half years because the economy has slowed down and we haven't had the number of permits to establish that. We are going to establish the residential permits for the small one- or two-lot permits that we do have enough data on that we have enough predictability.

Adams: And your name, sir?

Weir: My name is Christopher Weir. I'm the public works permitting manager.

Adams: What is your favorite part of this proposed ordinance?

Weir: My favorite part is for the in-fill fee, we will actually be able to do some of the administrative pieces that have been costing before, because we know longer have to do the financial amounts for some of the projects that have cost basis. We have to go back and do the accounting for them for these, because we've established a fee that simplifies things and makes things less expensive.

Adams: Great work, fellows. Appreciate it very much. Anyone wish to testify?

Moore-Love: No one signed up.

Adams: Please call the vote on 774.

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

Adams: Again, thanks for your efforts at continuous improvement and streamlining and effectiveness. Appreciate it very much. 774 is approved. Please read the title and call the vote, second reading, item number 775.

Item 775.

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

Adams: Aye. 775 is approved. Please read the title, first reading, on emergency ordinances 776, 777, 778.

Items 776, 777 and 778.

Adams: Welcome back.

Kathleen Butler: Good morning Commissioner, good morning Mr. Mayor. We have three ordinances before you today. Kathleen Butler, regulatory division manager from the revenue bureau. I'm here with Frank Dufay, the private hire transportation administrator. We have three

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ordinances for your consideration today, all designed to improve the permitting and enforcement process in the private for-hire transportation program. The ordinance that increases the penalties is designed to improve our enforcement against unpermitted operators who create a safety risk for the public and also to have a stronger deterrent against safety violations by permitted companies. We're also bringing forward an ordinance that allows for a special permitting process for those providers that provide round-trip medical transportation from distant areas in Oregon. Those providers are regulated and permitted through brokerages that are authorized by the Oregon health authority, and those processes are equivalent to our permitting process. The special permit is to enable these providers to give safe and convenient round-trip service to their customers who are coming here to Portland for medical treatment. The third ordinance is related to making the vehicle age limit for handicapped accessible vehicles the same as it is for the other private for-hire vehicles that have age limits on them. We've received some complaints about the condition of the older handicap accessible vehicles, and so we are making those 10 years instead of the current 15 years to promote newer, more efficient vehicles. We're happy to answer any questions that you have about the ordinances.

Adams: Questions from council? Mr. Dufay, anything you'd like to add?

Frank Dufay: No. That about says it all.

Moore-Love: Yes, we have eight people signed up to testify.

Adams: Thanks for your perseverance with our timeline today. Thanks for being here. Who would like to begin? Sir, would you like to begin?

Gordon Ross: My name is Gordon Ross. I'm owner of PDX Limousine LLC. I operate under various marketing names in the greater Portland, Vancouver region. I have been in business since 1998 when I purchased Imperial Limousine that had been in business since 1984. I oppose the private for-hire board as a whole because the board was formed illegally. Our industry had no representation on the board when the new ordinance was adopted in 2009. The board consisted of taxi companies and government representatives. Yes, there were work sessions that our industry was invited to attend, but all the input we provided was thrown out the window in favor of what the board wanted the code to read. The code, as written, is overbroad and vague and gives the code administrator too much leeway to make decisions that are beyond the scope of safety. The decisions being made and adopted or written in are based on what the code administrator, Kathleen Butler, feels are the intent of the code. This gives her too much power and not enough oversight or accountability. The code as written is in violation of our 1st and 14th amendments. And our Oregon constitutional rights under section 8 and 20. There is current litigation in the court regarding the private for-hire code. No changes to this code should be made or enforced until the court of law makes a ruling. The administrators have conducted illegal activity in their enforcement action, admitted to at the code hearings level by Frank Dufay. See here in case 3110119, a clear violation of ORS-165.055, fraudulent use of a credit card. The code administrators have lied and misinformed the stakeholders over and over. Kathleen Butler's standard line when confronted is "I must have misspoke" which is against the city's code of ethics, city code 1.03. We as an industry agree that public safety is important. But the code as written goes way beyond public safety and has caused good businesses to go out of business and the loss of jobs. We, as an industry, request meetings with the city council to go into specific details regarding the current code and the changes that need to be made. Copies of all referred documents are available to the council upon request.

Adams: Thanks for your testimony.

Wendy Stevens: Wendy Stevens from Fisher Limousine, a new company from Washington state. I'm concerned about the permitting process and implications to a Washington-based limousine company and would like some clarification from the Portland city council of where Washington-based companies stand in the permitting processes especially now since the city is trying to make being nonpermitted an arrestable offense. My understanding is that under the real interstate driver equity act of 2002, a Washington-based company is exempt from Portland city permits and

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regulations as long as the following are met. In general, no state or political subdivision thereof and no interstate agency or other political agency of two or more states shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law requiring a license or fee on account of the fact that a motor vehicle is providing prearranged ground transportation service if the motor carrier providing such service meets all applicable registration requirements under chapter 139 for the interstate transportation of passengers. It goes on to say more about that. As long as I start in Washington state and am in compliance with both federal and Washington state regulations and registration, I can take these clients to Portland, makes a many stops as I wish -- as they wish -- and take them to a final destination and that the city of Portland has no rights or jurisdiction over my Washington state company to fine or force me, my drivers or any part of my Washington-based limo company to be permitted by the city of Portland. Therefore am I not as a fully licensed and registered Washington state limousine company exempt from city of Portland regulations? And the city of Portland has no right to fine or has as any of my drivers or my company about being permitted or not permitted? Upon realization of this act, I would expect the city of Portland to retract and refund all permitting fees, fines, and business licenses that any Washington state business has been forced to comply with and request that the city of Portland and the representatives immediately retract any and all statements which has been detrimental to Washington state limousine companies by leading the public to believe that we are unreputable companies because we are not permitted by the city of Portland when in fact we are very reputable companies that fall under the federal and Washington state jurisdictions. Therefore the city of Portland and representatives of the city have caused undue hardship towards Washington state companies due to their biased and uninformed misrepresentation of the facts regarding rules and regulations by leading the public to believe that, just because we are not permitted by the city of Portland, we are not safe to do business with. I would request the city of Portland council members look into how their representatives, particularly kathleen butler and frank dufay conduct themselves toward the limousine companies as a whole. And try to intimidate companies into complying with the city's rules and regulations when in fact a lot of these companies that they are ticketing and harassing are not under their jurisdiction.

Adams: Your time is up. Thank you for your testimony.

Stevens: I have copies of this for all of you with the interstate facts if you'd like them.

Adams: Just give them to Karla. That would be great.

Steve Entler: My name is steve entler. I'm the general manager of radio cab, also a member of the private-hire transportation board. I was a little bit unprepared, but I thought it wouldn't hurt to throw in a little bit of anecdotal information. I've been involved with the cab industry and the private for-hire industry for about 41 years now, and I kind of remember a lot of things that have happened in the past and how it all kind of got to this point. About nine years ago, maybe 10 years ago, when commissioner Leonard had the department, we had a particular situation with things gone completely out of control, and it ended up with a number of cab drivers getting killed. I applaud commissioner Leonard for bringing some semblance of order back into it. They created boundaries between all the different entities, and it kind of limited some of the entry into the industry that was being accomplished by unpermitted companies. Eight or nine years later, what's gone on as a result of the weak economy has gotten to the point where we're almost back to where we were before. There has been an increase in the amount of unpermitted vehicles that are operating on the streets of Portland. Basically anything with four wheels and cardboard sign saying "taxi" will suffice, and they're diluting the market place for the people who have gone through the process, being compliant with all the city regulations. I think ms. Butler should be applauded for her efforts. She's gone into this in great detail. She realized that they were getting their nose thumbed at by all the people they had delivered fines to that just basically were not paying and continuing to operate, and this, I think, puts some teeth into the regulations that are already in place. Thank you.

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John Case: Good afternoon, mayor and commissioners. My name is John Case. I'm the president of Classic Chauffeur Company and have been for the past 38 years. I address you today as the elected representative of the 15 legally permitted limousine operators on the private for-hire transportation board of review. During the last two and a half years, since the transportation code has been in effect, the board of review has become increasingly frustrated with the lack of enforcement of the new safety code. The revenue bureau has been unable to effectively curtail the illegal operators. It is not, however, from their lack of trying. The ordinance before you today will give the revenue bureau the tools it requires to do the job the new code was meant to accomplish. Myself and other members of the board of review are questioning why we donate our time when the decisions we make have little or no effect on the unpermitted operators of taxis, shuttle vans, and limousines. It would be my hope that you will see your way clear to give the revenue bureau the means to enforce the safety minimums in the new city transportation code. Thank you.

Adams: Thank you all again. Thanks for your perseverance in our long morning hearing.

Darren Campbell: My name is Darren Campbell. I'm the lobbyist for radio cab, also an owner/operator and member of the board of directors. I want to first of all applaud Kathleen Butler and Frank Dufay for their hard work on trying to put up with some of the issues that have gone on under their watch without having some sort of bit to be able to enforce what they need to make this a profitable and prosperous industry as a whole for all the legally permitted drivers in the City of Portland. There's a large problem with the unpermitted, unlicensed drivers who are taking a bite out of our industry. And this ordinance will give them the teeth that they need to really go after and shut those down. I wish it would go a little further to enable to address the facilitators of these vehicles.

There's a number of cab companies that you have probably seen on the outskirts that supply vehicles to people. I don't know that this really addresses that as much as it does the drivers themselves. It's definitely a step in the right direction and hopefully you will put this into ordinance. Thank you.

Adams: Thank you. Thanks for your testimony. Hi.

Ray Miles: Good afternoon, my name is Ray Miles and I am the president of Broadway Cab. We have definitely support the ordinance to criminalize the legal operators in the city of Portland. In fact, I wish it went a little further and criminalized some of the activities that are complicit in helping those providers. Fact of the matter their business model is not very viable in they don't have someone feeding them trips. So we wish it went a little further. Thank you.

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

Tesfaye Aleme: My name is Tesfaye Aleme. I am the green cab manager. First of all, thank you for giving us this chance to testify. And second, that I am applauding the work of the bureau, Kathleen Butler and Frank Dufay. I have been involved in the taxi industry for a long time, which I have seen it. All these problems started growing out from 1999 to 2000, which when the Portland airport was regulating everything. And then everybody tried to come up here and that created a problem with the city. When the city tries to enforce all these activities, and making them illegal, then, all these companies are going out of the outskirts of the city, and they start putting such a kind of all kinds of things and then they come back to the city and they start taking out the rides that the legally permitted company drivers are taking. Well, I have been asked by the drivers for a long time, and if the city has been working on this thing for a long time. And finally they have come to this point and we have come to this point, which needs to be controlled. And the drivers have been always asking me, what is the city doing? If the city is not doing, controlling this illegal cabs, what are we doing here? That's what they ask me. I, in turn, go to Kathleen or Frank and ask them, what are you doing? They tell me we have to change the code. Once we change the code, everything will be controlled. The city has no power. The police has no power. And the drivers see that the police stop these drivers and then they can do nothing about it. That will be the end of it today if the city council approves that ordinance of this illegal activities. And thank you.

Adams: Thank you, sir. Hi. Welcome.

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Red Diamond: Good afternoon. I'm red diamond, and I city on the transportation board as the taxi drivers' representative. On behalf Portland's 1,000 or so working cab drivers, I wish to express my support for the proposed ordinance. I believe it's 776 which would criminalize the activities of nonpermitted vehicles who operate in Portland and increase penalty tease against them. There are two principle presents for this. One is economic and one is public safety. Mr. Mayor, as you know, the Portland taxi drivers face severe adverse conditions and subminimum wages. The amount of revenue that we lose due to these rogue element that is come in from out of town to steal business is a significant contributing factor to that and we appreciate all the efforts to plug that leak because it is very significant. The public safety issue boils down to a number of things. I hear anecdotally from my customers who inadvertently stray into these tax that these people don't know Portland, they routinely refuse to accept credit cards so they are not giving good service and there is no recourse if a customer has a complaint because the city of Portland has no jurisdiction over them. Also these drivers are not drug testing. They are not criminal background checked. Their driving records are not checked and it's almost virtually certain the amount of commercial liability insurance these people have is not going to meet the standards imposed by the city upon permitted taxi vehicles. So the public safety issue is very important. I also hear accounts from my drivers who approach these out of town drivers and try to and confront them and tell hey, you are not supposed to be working here, it's not permitted and it's led to intense confrontations on the street level. For increased fines, I encourage the mayor and city commissioners to consider increased capacities for enforcement strategies. Drivers do have a problem with lack of enforcement for existing ordinances and the inability of the city to effectively curtail a lot of business being taken from us by code violators. We have heard encouraging things about enhance enforcement out on the street where our business takes place and I encourage you to move in that direction. Thank you.

Adams: Thank you very much. Thank you all for your testimony. Anybody else who wishes to testify on this matter? All right. Any additional discussion from the city council or staff?

Fritz: These aren't non emergency ordinances. I would like to have a response from staff in the next two weeks before we vote. Not right now. But over the next two weeks the issues that were raised particularly regarding interstate commerce, I would like to know the response on that. thank you.

Leonard: Since we are not going to vote today, I would observe that I am very impressed with the work kathleen butler and frank dufay have done. It's an interesting theory, to be polite, that one argues they can just roll in the city of Portland and behave as a cab and not be regulated as a cab, thereby negating years and years of work to make sure our cab drivers are minimally trained, and only have a certain number of cabs for the public is adequately serviced, and to somehow think one can circumvent all that, arrange deals with some of the hotels to circumvent our cab companies which parenthetically I would be interested in criminalizing some of that behavior as well. But I think that these ordinances are very balanced, and probably a long time coming. So thank you for your work and I am going to be pleased to vote for them.

Adams: Thanks as well for everyone taking the time to testify today. For those that work directly on this, from the industry, thanks for your input. Whether I agree or disagree with you, I appreciate the input and thanks to ms. Butler and mr. Dufay for the great work on this proposal. And we will consider it. We are not in session for next weeks. So we will vote on it two weeks from today. Thank you very much. That gets us to a set of ordinances. Can you please read 779 through 783.

Items 779, 780, 781, 782 and 783.

Adams: Commissioner dan Saltzman.

Saltzman: I will turn it over to jennifer li for the office for community technology. A brief explanation.

Jennifer Li: Thank you. Mayor and commissioners, jennifer li from the office for community technology. These five ordinances before you today of -- i'm happy to bring forward to you. Seven

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years ago the city council first granted authority for wireless right of way agreements. These five carriers agreement the will expire on June 30th, 2012. The city's general policy has been to grant short-term authority to wireless carriers. This allows the city to remain flexible with the rapidly developing technology in the wireless industry and adapt our right-of-way agreements as necessary to these industry changes. The terms have been standardized to provide a consistent approach among the wireless agreements based on feedback we received from citizens, other city bureaus, wireless industry, and utility pole owners. Staff have negotiated agreements with 5 -- three of the five carriers -- at&t, cricket and t-mobile -- which are before you today. Two company agreements, that would be clear and sprint, were not able to be concluded in time for submission on today's agenda. So we are requesting an extension of their agreements for a short part of time while we conclude negotiations. We expect to have the renewal agreements presented to council very shortly on substantially similar terms to the agreements before you today. I thank the council for considering and moving forward with these agreements and extensions so wireless services to customers will continue to be uninterrupted within the city of Portland. I am happy to answer any questions that you might have.

Adams: Questions from council? All right. Does anyone wish to testify on this matter?

Moore-Love: No one signed up.

Adams: Please call the vote for each.

Roll 779:

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

Fritz: Considering how controversial wireless facilities in the right of way has been over the past four years or more I really appreciate the fact that there's nobody here to testify. It shows you've done a good job. I think it shows a good job of notifying folks and creating agreements which do meet the test of common sense and make requiring companies to pay for the use of the right of way which is a reminder to everybody it does go into the city's general fund and helps fund police, fire, and parks and all the other things that the general fund funds. So thank you, Jennifer, for your diligence on this. You're a relatively new member of the office for community technology, director David Olson is going to be stepping down and I think his hiring of you is one of his legacies to our city and to the office. I appreciate that. And with that I am pleased to vote aye.

Adams: Aye.

Roll 780:

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

Roll 781:

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

Adams: Aye. Approved. 782.

Roll 782:

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

Adams: Aye. Approved. 783.

Saltzman: I just wanted to take this opportunity, my last appearance here as the commissioner in charge for the office for community technology soon to become the division for the office of for community television, a division within the revenue bureau. So I wanted to acknowledge the great work and my pleasure being the commissioner in charge twice over this bureau. I also want to acknowledge David Olson who will be appropriately feted today at 4:00 in the atrium. You should see his proclamation. It's something else. Thanks, Mayor. It's a doozy. I want to thank Jennifer for her good work. Pleased to vote aye.

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

Adams: Commissioner Saltzman, congratulations. Thank you for your service. And thanks for your work on this and I look forward to seeing you at 4:00. Aye. We are in recess until 2:00 p.m.

At 12:43 p.m., Council recessed.

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.

[PCMTV technical difficulties from 2:00-2:46 p.m. That portion of the meeting was not captioned and is transcribed from Clerk's audio file.]

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Adams: Council will now come to order. It's Wednesday, June 27, 2012. We have two time certain on the agenda today. Karla, please call the roll. [Roll]

Item 784.

Fish: We have a lot to cover in a short amount of time and I'd like to begin by offering an amendment. I'd ask for a motion for technical adjustments to this item's exhibits to update the map attached as exhibit d. Nothing substantive has changed but we've simplified the colors and labeling. Second, a map was inadvertently left out of the documents for exhibit e. The map has been widely distributed to the public and commissioner offices have had a briefing. We do not feel it contains any new information. My colleagues have this map in their handouts and I request this be accepted.

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

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

Fish: Thank you Mayor. I have an opening statement, but I'd like to invite chair cogan to come forward. Mayor and colleagues today we're asking council to approve a package of updates for the limited tax exemption program. These updates will balance the program's costs and foregone revenues with the values taxpayers of affordable housing and other public benefits the program incurs. The updates will better align the lte program with our community's goals for housing and approve it's efficiency and accountability. Portland is a growing and dynamic city. We are experiencing historically low vacancy rates for rental housing. At one point recently we had the 2nd tightest rental market in the country. As availability drops, rents go up. At the same time, transportation costs are also increasing. Making it more important for people to have housing options near their place of employment. We all want a complete community. We want low wage workers and families to be able to afford homes in neighborhoods across the town. From cully and lents to south waterfront. We don't want to become another san Francisco. A city of rich and poor enclaves. The Portland housing bureau has a variety of tools to create housing choices for people priced out of the market. Some of these tools involve direct investment. Dollars that can be put into projects that help them pencil out. As we all know, the resources available to us for direct

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investment are shrinking. Tax increment dollars are drying up, federal funding is rapidly declining. In fact, one of the candidates for president said he would abolish the department of housing and urban development which is our primary source of funding. Other tools like limited tax exemption program, lte, involve indirect investment in the form of forgone revenue. Rather than put a dollar into a project, we defer getting a dollar out. And the lte program works by offering the developer a brake on the property taxes. For the improvements they make, which is typically a building, but not the land itself. Only for a period of time in exchange for including affordable apartments in their developments. Or selling houses to modest income buyers. The lte program is a small but effective tool that advances our equity agenda and promotes housing choice throughout our community. The secretary of hud recently said something powerful about how housing fits into the larger conversation of the future of our communities. He said our goal is to make sure that every neighborhood no matter where it starts is moving on the path to greater opportunity. That is a point that is too often lost. We may have disagreements about means to an end, the end is to get integrated vital neighborhoods of opportunity. There could be a neighborhood today that has opportunity but is closed to low income families and families of color. It could also be the reverse, taking neighborhoods that have been cut off from opportunity and have concentrated poverty and we are moving on the path of becoming a neighborhood of greater opportunity. Our lte programs are also anti-displacement. It capitalizes on development that is happening already in desirable neighborhoods and offers developers a way to partner with us to make sure those neighborhoods are open to all. At a time of scarce resources we must be thoughtful about the decision to forego revenue. In 2010, Multnomah county chair, jeff cogan, and I launched the big look project to evaluate these programs. The lte program is made up of smaller individual programs. Three core values drove our work. Better alignment between city and county goals, better efficiency and more accountability. We formed a strong and diverse community that included commissioner Amanda fritz, county commissioner Deborah Kafoury, and partners from the nonprofit community, private sector and the Portland and david douglas school districts. We brought the committee's preliminary recommendations to council in a march work session and we asked you to give us the ok for public outreach. Kate allen from the Portland housing bureau and staff from the bureau of planning and sustainability have spent the last few months taking these recommendations on the road. We got a lot of great feedback which helped us refine the original recommendations so the package before you we think is even better. Today we are proud to share with you what we feel is a comprehensive set of updates. As I mentioned before, they will add a new focus on accountability and transparency, ask more of our developer/partners and balance the benefits of this program with costs and foregone revenue. I want to publicly thank jeff cogan for his collaborative process. We can have a philosophical debate someday about who does what among the city and county. But at the end of the day a person struggling in our community simply doesn't care where the help comes from. They just need help. I'm very proud to have such strong county partners in our work to meet the housing needs of our community's most vulnerable. Jeff thank you for your good work and I'll turn the mic over to you.

Jeff Cogan, Chair, Multnomah County Commission: Good afternoon, Council. For the record I am jeff cogan, chair of Multnomah county. You said it so well, nick. If I was smart I'd just say I agree. I'm a politician, so I have to say something. Tax abatements can be fairly controversial. Particularly in local governments that are so dependent on property taxes. The foregone revenue is a very significant issue. But they can also leverage goals that are very important to us. And this process that began about 2 years ago was really about making sure that the tax exemption program we have in place was working as it was intended to work. And was furthering the goals that are our current goals. And was in place in locations that still made sense. And it was a very thorough process, went on a very long time. But it was a good thing. The thoroughness really let us make sure that we were both engaging and exploring all possible alternatives and also leaving time for feedback and reality checks from members of the community. It was a broad-based group that

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allowed for different perspectives that really mattered. And I agree with commissioner fish that where we've landed is a really good balance. Policy making is often balancing competing interests and that is certainly the case here. I feel strongly that we landed in a place that balances these interests well. By putting a cap on foregone revenue, we're making sure we can't go too far off in one direction by reassessing and recommitting to the values that commissioner fish so eloquently stated. We're ensuring that these are being used to achieve goals that are relevant and important to our community. I feel we've created a new set of policies that make sense for us in the 21st century. I'd also like to acknowledge commissioner fish's leadership here. This was a difficult enough process that could easily have gone off the tracks many times and it didn't. We had good communication and we were committed to achieving the goals we aligned here. I will say that during the course of the conversation as issues emerged we had time to consider them and make changes along the way. I feel the final package is better than some of the interim proposals. I'd also like to acknowledge the terrific staff work from both the city and county. I will be bringing forward the county's version of this on July 19th. I do expect it will be supported at the county and I encourage you to support it as well.

Adams: Thank you.

Fish: Mayor, we have two panels this afternoon. The first, I'd like to call forward. It is composed of city staff to explain the changes in greater detail. Director Traci Manning, Kate Allen and Joe Zehnder to walk us through the report.

Traci Manning, Director, Portland Housing Bureau: Traci Manning, I'm the director of the Portland housing bureau. I'll do a quick introduction here. Limited tax exemption is one of our most important tools. It's advancing our commitment to bring homeownership within reach of moderate income people. Particularly members of communities of color. And then to make sure that our up and coming neighborhoods are open to lower income renters. Our city is continuing to grow and change, so this tool allows us to capitalize on that growth that is already happening to make sure that it produces high quality affordable housing all throughout the city. It aligns with our strategic plan which identifies affordable rental housing as our #1 priority. As well as helping Portlanders from communities of color purchase a home. Those are one of our top investment priorities, as well as reaffirming the Portland housing bureaus values, of accountable, transparent and fair processes. So at a time when resources to invest in projects are drying up, tools like lte become even more important to help every Portlander have a safe, decent and affordable place to call home. So as you heard from chair cogan, the process reflects our commitment to work in partnership with the county. I'm also pleased to report that this process, these proposals, have been broadly discussed with community stakeholders. We had great urging from commissioners fish and fritz to take these proposals into the communities that would be the most directly impacted and might have the most questions. The proposal you see before you reflects changes that those communities suggested. It was an amazing example of community outreach and listening to that feedback. See the letters in your packet. The planning and sustainability commission has been a great partner. They've made specific suggestions in the update. See their June 19th letter. The east Portland action plan wrote us a letter in may, following the hearing of the subcommittee to say they support the package conditional on some specific recommended refinements. I confirmed with them that we either had been or made changes to incorporate their suggestions. The Portland development commission shared with us the leadership of the pdc strongly endorses the improvements to the lte programs before you today. See their letter. We took their recommendations to account in the mapping. Finally the Portland housing advisory commission, citizen advisory body, took generalized feedback and provided thoughtful useful guidance about the process. I am a bit of an interloper. This has been a two-year process. I get to usher in the successful part of it through to the end. I recognize the people who have been carrying this through. On my team, assistant director Jacob fox is here today. Our neighborhood housing team, andrea

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mathiessen and dory van bockel who have done an amazing job of writing code. And the incomparable Kate Allen.

Kate Allen, Portland Housing Bureau: Oh my, I'm very happy to be here this afternoon. Kate allen, senior policy advisor with the Portland housing bureau. I'm going to have a chance to go over the main policy actions and highlight the improvements. There are six important things to say about that. This is a 3-year pilot for the changes. That allows us an annual analysis of the outcomes and an opportunity to sync up with the comprehensive plan update, when that's completed. We placed caps on both the programs that are in front of you today. That's the homebuyer opportunity and the multi-unit limited tax exemption. Instituted a competitive process for the multi unit program which will be annual in the first year and then we'll assess how that works and modify if needed in the subsequent years of the 3-year pilot. New homebuyer limited tax exemption increase alignment with the investment priority of helping Portlanders from communities of color buy a home. The new multi-unit tax exemption is aligned to deliver more affordable rental housing city-wide and advance the Portland plan equity and prosperity goals city wide. It includes more rigorous base requirements around green building, the inclusion of 60% of median affordability for a minimum of 20% of the units in any project. And incorporates goal around minority, women and emerging small business contracting opportunities. Additionally scoring bonuses in the competitive process are awarded for additional affordability, accessibility, family size units where those don't currently exist in adequate supplies. And for projects that meet special housing needs such as for youth who have transitioned or are transitioning out of foster care system.

It's important to say there are no changes to the biggest program of the lte, which is the non-profit affordable housing program. This is essential to delivering the deeply affordable unit in partnership with non-profits. We're proposing no changes to the program at this time. So briefly, since we were in front of you for the council work session in march, we've held more than 20 briefings in the community which included urban renewal area, advisory committees, neighborhood coalition land use groups, east Portland action plan housing subcommittee and stakeholder meetings for both the single family home builders and the multi unit developers. We held briefings for the Multnomah county board, Portland housing advisory commission, planning and sustainability commission, bureau directors and the pdc leadership and council offices. Both the Portland housing advisory commission and the planning and sustainability commission held public hearings and heard citizen testimony and wrote letters of support. So the Portland housing bureau throughout the communication process kept an open link for comments and maintained a log. We received more than 80 comments, all of those we characterized as to what was the nature of the comment and what would staff propose as a response. Four important program improvements came out of those public insights. First in the homebuyer lte we propose in the documents you have to exempt from the 100 application cap, homes that present long term affordability for families earning less than 80% of median family income. This is most often achieved through the programs operated by habitat for humanity and proud ground. Second change, to allow purchase of homes up to the statutory limit of 120% of annual sales price. At this time that is \$275,000 as a cap on homes that would be eligible under the program. This keeps the most product in the program and increases opportunities in markets like north Portland where prices are on the rise again. Third, in support of east Portland action plan goals to increase high quality mixed income mixed-use development along main streets and corridors, the proposals exempt otherwise qualifying multi unit developments in gateway or lents urban renewal areas, exempt them from the cap and competing with other projects city-wide. Fourth, with regards to the map, we went big, across the city which joe will describe in more detail.

Joe Zehnder, Bureau of Planning and Sustainability: Good afternoon Commissioners, I'm joe Zehnder with bureau of planning and sustainability. I'd like to direct your attention to the proposed multi-unit limited term exemption program eligibility map in your packets. What you're looking at in the map is an approach that tries to take a first cut at a look at neighborhoods that have or potentially could have opportunity like commissioner fish was talking about to create the chance for

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affordable multi-family units to be developed there. We focused on two things, metro designations which includes the availability of mixed use multi-family development and access to transit. You're seeing on the map metro 2040 designated centers and main streets and stationary areas with transit service. Also 2404 corridors with frequent transit service. Also you're seeing north vancouver and Williams which is a quarter that is not a main street or designated corridor, but has the main street mixed use zoning and is part of the interstate urban renewal area, so under the current map its part of the program. Also the one segment of metro's criteria that we left out is on se 122nd ave, south of powell. This was omitted from the eligibility map to address concerns from david douglas school district about the amount of tax exempt property in the school district that's facing both class room and fiscal challenges. The area it covers by using this criteria, most of the neighborhood economic development, prosperity, small ura's, ne 42nd and cully didn't have transit, but all the other ones are included. It also includes major parts of the lents ura and gateway ura. Places where we have other tools to do community development this will help leverage and be part of the mix.

Fish: Thanks for your work. Questions? Our second panel is comprised of Andrew Baugh, chair of planning and sustainability commission; Justin wood of the homebuilders; and steve messinetti of habitat for humanity. Thank you for joining us today.

Andrew Baugh: Mayor, Commissioners, Andrew baugh, planning and sustainability commission chair. We give our approval for the new map for the combined lte creating opportunities citywide to leverage and incent private development that advances the Portland plan equity, economic prosperity affordability, healthy and connected neighborhoods city goals. Bottom line, the lte in front of you today is aligned with the Portland plan. We're also pleased that our suggestions through this process, the big look, have been incorporated. With the strengthening and alignment of the transference accountability in the recommended program changes the psc wishes to play an advisory role for the housing bureau with semi annual review of outcomes. Lastly we will collaborate in the comprehensive plan with the housing bureau in terms of translating the Portland plan in the comp plan in that 3-year time frame. Finally I'd like to acknowledge the effort and diligence of staff and Joe Zehnder in reviewing these changes. They've been valuable in working between our commissioners concerns and getting to the housing bureau and making the changes and making sure everything worked. Thank you for the leadership commissioner fish, fritz, chair cogen and the big look in allowing me to sit in and participate and take our suggestions seriously. I appreciate it. Thank you.

Fish: Before I introduce Justin, regarding the feedback Kate alluded to, a number of the points we heard from created an interesting symmetry where our affordable housing community, homebuilders and others were all on the same page. That's a happy circumstance and we appreciate the care and thought that you gave in your review of these proposals.

Justin Wood: Good afternoon. I'm Justin Wood with the Portland homebuilders association, but I am also a builder with fish construction. I've been building with my father in Portland for about 12 years, which gives me insight both from the homebuilders assoc side of things, but also we've built many infil starter homes and used this program ourselves quite often. We're a big supporter of the lte program. We figure we've built at least 100 homes that used the program just under my construction company. As a for-profit builder we work hand in hand with the non-profits to provide the balance of affordable housing that families from both profit and nonprofit side to purchase. When the big look committee first released the draft to us, we had initial concerns that some of the changes would have a negative effect on the ability to provide a balance of affordable housing. The initial draft had a cap of 100 homes with no differentiation between nonprofits or for-profits. It also had the lowering of the max sales price of the house. Our concern there was it would push families further out to se Portland or ne Portland where the land was a little bit cheaper. We felt that the income qualifications were the important issue to make sure families qualified for the program. After outreach by the Portland housing bureau, we reached out to our members and other builders

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throughout the city and after further work with the housing bureau and commissioner fish's staff, we really appreciate your working with us and including our comments. We're happy to say the proposed changes do address the concerns we had and we're happy to support them. By taking the nonprofits out of the 100 homes cap, we don't feel you are creating an adversarial situation where the nonprofits and for-profits are going after the same cap numbers. By leaving the max sales price where it is, we don't think you hurt the families' ability to purchase homes in a little bit nicer areas.

We don't want to limit them to certain areas. We believe the proposed changes support the needs of the city and county while allowing the development of affordable homes for both nonprofits and for-profits and so on behalf of the homebuilders association and other builders in Portland we ask you to support the changes.

Steve Messinetti: Thank you. Steve Messinetti, executive director, habitat for humanity, Portland east. Thanks for your diligence and work on this important issue. We want to especially recognize the staff and public participation process they led. I can't tell you how many times I saw kate allen lead the presentation and her remarkable ability to listen and to educate us and the public and respond. Especially the exemption that is in this recommendation for the nonprofits to not be included in that cap, is not just important for us because we're a nonprofit, but in these neighborhoods that we are building in lents, centennial and outer southeast, it's really essential that both nonprofits and for-profits are part of the revitalization and this makes it possible for us both to be there. Just this year habitat will have pulled more than 55 permits that all qualify for the lte. So that would have clearly made it a more competitive process for us. The lte program is really essential for the nonprofit. Housing developers, homeowner developers, as you know it is challenging to provide homeownership to low and very low income families in our city. I believe a lot of inequities stem from the challenge that families face in finding affordable, stable housing across the housing spectrum. In just the past 5 years habitat's built 100 homes and of those, all received this exemption. The average mfi for those families was 41%. 80% were families of color. 40% were single parents. I'd like to provide a quick example of the impact and leverage this program has had. Back in 1998 nicky Williams was a single mom in her late 20's with an 8 year old daughter, having grown up in a large family in north Portland. She was a social worker and lived in subsidized housing, making a little over \$1,000 a month. That was about 35% mfi back then. She was selected into habitat's program and purchased a house on n commercial ave. The tax abatement made her house payment about \$100 less than it would have been, which is what made it affordable for her. I found a quote from Nicki 5 years ago that said they say it takes 3 generations to elevate families out of poverty. I'm counting myself as generation #1. Nicki's had a challenging time in her home. She's changed careers a few years after she entered the construction industry to get a higher paying job. Then became injured and was not able to continue. She attributes her low payment to keeping her and her daughter from becoming homeless. She's now gone on to get her associate's degree from pcc. She more recently has a bachelor's degree from Concordia, thanks to a ford scholarship and is getting a masters degree. Her tax abatement ended 4 years ago. I'm proud to say she hasn't missed a house payment, even though her payments now are higher. Tax abatement is a critical piece of the puzzle for nonprofit homeownership providers. Thanks.

Fish: Thanks very much. Mayor, that's all our formal presenters.

Adams: Has anyone signed up to testify?

Moore-Love: Yes, we have two people. Ted Gilbert and Linda Robinson.

Ted Gilbert: My name is ted gilbert, and I would publicly like to thank commissioner fish, chair cogen, kate allen and her colleagues at the Portland housing bureau, members of the housing advisory commission for listening with an open mind to the concerns that some of us had. We were concerned that some of the provisions of the original draft had some unintentional consequences for the east Portland areas of lents and gateway. The changes would have put them at more of a disadvantage than they already are. The changes that have been presented and hopefully you will

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approve today not only mitigate that, but hopefully will make this a more meaningful program than it already was. So for all those reasons, we're grateful.

Fish: Ted let me just say you're a very persuasive person. You brought your concerns to chair cogen and me. Your changes help our goals of incentivizing market rate and affordable housing. Thank you for your advocacy.

Linda Robinson: He is very persuasive. I am Linda Robinson, I too am a member of the gateway renewal advisory group and east portland action plan and we did have a concern if a cap was put on and we had to compete within that we would have trouble getting builders to even propose affordable or what we need—market rate housing. We need a better mix. We were afraid we would not get market rate housing at all if developers had to go through that process. And we might not be able to compete with the other areas. So we appreciate making those modifications.

Adams: Thank you very much. Are there questions or comments from Council?

Fritz: Thank you Mayor. I want to thank commissioner fish for including me in the process all along and for the focus on the community. Thanks to Kate Allen and staff for going to the community and listening. I didn't receive many emails on this proposal, whereas I received a lot two weeks ago. And that's evidence of the response to the input. It's really gratifying to see how you responded to the community and how the community has made this proposal better. An issue I've heard which is not part of this proposal, but which is a concern to me is about parking. Why is it that citywide there is not required parking. I know the bureau of planning and sustainability is including it in the comp plan process which we heard is part of this three year process. I support further hearings [Inaudible. Audio equipment problem.]

Fish: If you and the Mayor can formulate an amendment, I would except it.

Fritz: It's actually not specific to the tax exemption, it's more a citywide issue.

Fish: Accept as legislative intent? Mayor are you satisfied with that?

Adams: Absolutely. Yes. Karla, will you call the roll.

Fish: This has been a long and winding road. I'm really delighted we're at this point where we can act on the recommendations. I want to begin by thanking chair cogen for not only agreeing to the process, but for attending all the meetings and actively participating. I want to thank all the people in leadership who participated. My colleague, commissioner Fritz who was a wonderful addition to the team and as a former planning commissioner brought a perspective that was very important to our work. And to county commissioner Deborah Kaufory. I also want to thank chair Baugh and the senior staff at bureau of planning and sustainability and Kate Allen and her staff at the Portland housing bureau. And I guess in particular I want to thank Kate, because this process could have gotten off the tracks at a number of junctures and she kept us focused and on task. And frankly, we had all these scheduled meetings, but we actually had another set of meetings which we had to follow for the prescheduled meetings and she had to remind everyone where we were. This is so mind numbingly complicated we needed a little refresher course before each meeting. I've had the pleasure of working with Kate when she served as housing policy coordinator for the city in my office and now for the last 2 years I've had the pleasure of her in this capacity. Kate did a superb job. I also want to acknowledge my friend Linda Nettekoven came to see me at one point we were discussing the outreach. My thought on public outreach is no matter how you do it, you can always do it better. So we are very open to hearing suggestions on how to do at a more robust level and hear more voices. But I was particularly pleased in the exercise we were able to engage so many voices and not just the organized groups but also individuals. And through that process we learned we could make a good proposal even better. I'm particularly pleased with the final product. I hope people take from that we are sincerely interested in engaging our stakeholders the best we can. Thanks to everyone who came out today to testify. Thank you for the work you do everyday in our city. To my colleagues I appreciate the interest and concern you've shown on this subject. Each of you has had separate briefings on this and asked tough questions. I really appreciate your commitment to our work. It is not easy to house people priced out of the market and our traditional

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tools—traditionally things like general fund, tif, federal and state funds—they are all shrinking. So to get the job done we have to be as creative as possible. And this is one too. It is a tool that is quite misunderstood by the public. And I hope we have done a better job of explaining why it is valuable. I want to restate something which is a profound truth at the heart of what we do. With the kind of vacancy rate we have in the city, practically historic with rising rents, the one thing we know is that there is going to be a lot of market rate housing built in the city. People are taking permits out and building market rate housing. What we also know is unless we have a tool like limited tax exemptions we will not be able to get affordable units and that's the reality. And this housing is going in very desirable areas. In transit corridors, in strong neighborhoods throughout the city. Without this tool we will not be able to put affordable units in those buildings. And we have balanced that according to our other concern which is the cost to taxpayers of forgone revenue. A concern the county has had. So we are trying to balance a number of things. A lot of people who might have preferred the line being here or there. In my view we struck the right balance and I think the proof today is that this broad coalition has come forward and said they support this package. To everyone who made this day possible, thank you, particularly to kate and her team. I'm pleased to vote aye.

Saltzman: Well, i'm very supportive of this program. I do think the capping of the forgone revenues is a wise move, and certainly honoring the fiscal obligations that face local governments, city, county, alike. And I particularly want to thank commissioner Fish and the policy review committee members, commissioner Fritz, the staff of the housing bureau, in particular kate allen, who was very helpful, and hanna and sonia of commissioner Fish's office. I'm appreciative of the fact I was able to flag an issue last time in march about maybe adding a bonus for those who are building units that would support youth transitioning out of foster care. So that now is in here, bonus points for housing that addresses one of the vulnerable populations -- youth transitioning out of foster care, because this is a huge largely unmet need that is probably so huge and unmet that people don't even know how big the problem is. But I know there are developers out there who want to address this, and so this will provide them one particular type of bonus they can perhaps win these very limited tax exemptions to do good things with. So again i'm very pleased to support this and thanks again to everyone. Aye.

Leonard: I do think this is good work, and I do think that it's an appropriate use of tax abatements. I would note that when you're building market rate housing in areas such as lents and others that have been identified, cully on the map, that it has the effect, I believe, of raising the property values of all the houses in the area. So the net effect of the tax abatement for a house may actually be nothing or positive, if it actually creates higher values in the neighborhood. So I think this is a smart program, and it sounds like kate allen deserves a lot of credit. So thank you, kate, for all your work, and commissioner Fish, and commissioner Fritz for assisting. Aye.

Fritz: This is an example of how this council has worked hard to make the commission form of government work better. I appreciate commissioner Fish inviting me to be on the committee, and accepting some of my suggestions. I'm very pleased to see in the new code that one of the criteria for evaluating whether a project can compete is that the applicant has to demonstrate in its minority women and small business community engagement plans, how the project will help the housing bureau achieve the vision contained in housing bureau's guiding principles on equity and social justice. This is the first time we've had something in another section of code other than the office of equity and human rights where we've called out that we do expect these issues of equity and social justice to be considered in everything the city does from now on. And I very much appreciate that. This morning on the consent agenda we allocated millions of dollars in federal and local money to housing. This is another tool in looking at how do we help Portlanders stay here, thrive here, have families here, and become homeowners here. If you look at the maps, they are very much refine and targeted from the previous areas of eligibility so that we've done a much better job I believe of looking at where this actually going to help or is it needed, and where as in gateway and lents, is it -

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- perhaps not the best tool to use. The community input was outstanding on this, in a very short time frame, I particularly appreciate the folks on williams and vancouver who again have refined where the benefits are available in that area. And also the collaboration with the county. It's an example of how the Council and each -- one of us is committed to working with our jurisdictional partners to get the best benefit for Portlanders. Appreciate the participation of our nonprofit partners, and all of us working together to address the extremely challenging issues of affordable housing. Congratulations, commissioner Fish. Aye.

Fish: Thank you.

Adams: Well, this is a great day for the city's efforts to both improve neighborhoods, but fight gentrification. I want to thank you, commissioner Fish for your leadership on this issue, this is a vast improvement over existing city policy, also I would thank the policy review committee, the good folks at the bureau of housing, and everyone else who had input into it. And commissioner Fritz for her work on this the entire way. This is maybe complicated for most, but this is a very, very important tool to fight gentrification, but improve neighborhoods. So thank you. Aye. [gavel pounded] commissioner Fish?

Fish: I also just wanted to in closing thank sonia from my office, jenny and hannah, they all did double and triple duty and thanks for your work throughout.

Adams: Round of applause for everybody. [applause] all right. We have a 3.75 minute break. 5.73.

Adams: That's not 13 minutes. [recess]

Item 785.

Adams: We have an amendment at the outset. Would you please read the title for the resolution.

Adams: So if council, did we pass out copies of the amendments to council? I'm moving a set of amendments that will make selected funding in terms of education -- do we have these? You all have them? Ok. That would make selected benefits for arts education also available to eligible charter schools. So i've asked jim van dyke to explain the changes, and then i'll make a motion, and then we'll start the proceedings.

Jim Van Dyke, City Attorney: Good afternoon, mayor, council, jim van dyke, city attorney. The changes in front of you are in section 5.73.030.

Adams: We have copies of that.

Van Dyke: And I believe that in my version in any event the changes are underlined. Which shows that -- the funding of charter schools. And then there's a deletion on the following page because the original draft excluded charter schools.

Adams: And then there's an amendment --

Van Dyke: There's also an amendment to the summary, the ballot summary that would be provided to voters to correspond to the changes that we just made.

Adams: In exhibit b.

Van Dyke: In exhibit b.

Adams: I moved these changes.

Fritz: Second.

Adams: Please call the vote on the motion.

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

Adams: Aye. [gavel pounded] thank you. All right jessica, please come on up. First I want to thank everyone who took time out of your busy day to show up. This is a near violation of the fire marshal. But we have the fire commissioner with us. [laughter] he sees nothing. And i'm very pleased, i'm going to be very, very brief at the beginning, thank you all for being here, I want to thank the city council who has been a stalwart supporter of arts and culture programs in the city through some of the most difficult financial times for this community in this city since the great depression. I want to thank all the volunteers for the creative advocacy network, and specifically the board of directors. We have two, I want to thank them both, and also the staff, the executive

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director jessica jarrat miller, and you're going to hear from, and also thank board chair chris coleman. Finally I want to thank all the parents, all the arts organization volunteer boards, their staff, superintendents, the existing donors, we have a lot to do to get this passed in november, but the care and attention and the research to be responsive truly responsive of the community needs to make investments where they will have the biggest benefit to all Portlanders, we've gotten here today with that as a real possibility. With that, I will turn it over to jessica.

Jessica Jarratt Miller: Thank you so much, mayor. I think we all need to take a moment and acknowledge your tremendous leadership. This day has been years in the making and we would not be here without your vision for our arts and arts education in our city. [applause] i've got a great picture that represents a bit of the -- there we go. A bit of the work that we've done to get here today. The proposal we're here to formally present to you, as I said, is years in the making with input and engagement of more than 10,000 supporters in this city. 4200 volunteer hours have gone into putting this proposal together, and 68-member organizations are represented here to talk to you today to bring the arts, culture, and creativity to light in our communities and our classrooms. To kick off our formal presentation i'm joined by the best of the best. Two amazing teachers, and incredible principal who have changed the lives of thousands of children by bringing arts and music into their lives. We're first going to hear from a teacher from david douglas, who can talk about the power of their commitment to music education in that district.

Val Ellett: My name is val, I am a music teacher, and I am so glad to be having this opportunity to speak to you today. I've been teaching music for about 16 years. And i'm also on the board of the Oregon music education commission. David douglas school district is in southeast Portland and serves over 10,000 students in grades k-12. Of these students, nearly 24% are english language learners. At last count our district had about 76 different languages spoken. We also have a very high population of students who receive free or reduced lunch, title I service and other medical and social services. David douglas has always maintain add strong commitment to music education. We've created and maintain a districtwide music curriculum and assessment, we hold true to the national association for music education guidelines, that music education is a core subject area, not an extra. In my own school we have students who are learning the english language and students who function in music classes despite facing challenging issues – autism, spinal injuries, birth defects, diabetes, attention deficit disorder, blindness, even homelessness. Yet every day I get the joy of seeing these students come to my classroom and all the world fades away while they get to experience and learn and do music. And music is a great equalizer, it brings everyone together. Every child in every elementary school in Portland can be engaged in the same way. They can be singing and playing instruments, moving to music, reading, and writing music, composing, even in kindergarten, Analyzing and critiquing music and experiencing music from different cultures, and time periods, it seems like the only culture we have nowadays is facebook and xbox. We've got to get children the chance to create and develop their own culture. What I teach is not the music class from your childhood, it's so much more. As I plan my lessons I ensure daily opportunities for students to reinforce language and literacy skills, and basic math skills. My music lessons connect the two sides of the brain and provide sensory experiences to improve fine motor skills, gross motor skills and I offer opportunities to increase listening skills and historical and cultural backgrounds. Two months ago I had a mom email me tell her son who was new to our school was struggling with wanting to go to school. She told me something amazing. On the days he had music class he lit up. Jumped out of bed and was delighted to go to school that day. For certain – music class helps provide disconnected kids a connection to school and learning because elementary music teachers are the whole school's future. Over the years I figure I taught music to over 10,000 students. And i'm not that old. If it weren't for the continued funding of music education as part of their course, that would be 10,000 kids who may never have found their voice. There are about that same number of students in Portland right now who could greatly benefit by having music taught to them as part of their core curriculum. We need to teach to the whole child. We need to think about the

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future and catch up with what the rest of the world already knows, that music and the arts are the most powerful force a community can invest in. Thank you for having us. [applause]

Lisa Collins: My name is Lisa Collins, I'm the school improvement specialist at King School. Mayor and Council, thank you for the opportunity to be able to speak toward an advocacy for arts. I'm very proud to be working at King School, who has the Presidential Turnaround Arts Grant, and will be going to Washington, DC next month for training, more training in the arts. What I want to talk about a little bit as a school improvement specialist, briefly, my job is to collect data to help teachers coach teachers with the curriculum they have, and make sure students are learning what they're supposed to be learning. And we're doing that part. What is not addressed are the things that kids need foundational developmental things that kids need when they come to school. When they come to school about age 6, they need to know how to tie their shoes, they have to be able to cross their body, they have to be able to calm themselves when they sit. They have to focus their vision. They have to problem solve and share attention. Those things we address in the classroom somewhat. We have heavy curriculum and we don't have the other foundation all pieces for students to learn. Students start to struggle. We can't necessarily look at a child and say, I know he's struggling with crossing the midline. Unless you're trained. Arts education creating building creators, all of those pieces are part of holistic education that all kids need. At King I'm proud to say we have done well with our testing, and the things that we have needed to show the world that kids are learning. But on the other part is the dance the kids are doing. The motor movement they're experiencing, the singing, the movement, all of these things encompass higher order thinking. As you consider today, and you listen to the testimony, I would please think about the development of children and playing outside, the things that I'm not that old either, but when I was younger I had lots of time outside to play. And lots of things to help regulate my body and keep me attuned when I was in the classroom. So I hope you consider making a change for our kids for the better. Thank you. [applause]

Kim Patterson: Thank you Mayor, Commissioners. I had the privilege two years ago of having Commissioner Fish join me as my principal for the day when I was new at King School, and so I appreciate all the hard work and financial support that you're offering the districts within the city of Portland. So thank you. This will be the first time I speak publicly that I will acknowledge that I am a former parent in Portland public schools. My son was a 2000 graduate of Wilson High School and graduated from NYU in 2004 and my daughter graduated from Grant High School this spring. And so I have a wealth of experience in Portland public schools, but I really come to you today as a school leader. And I want you to know that when the King School Principalship was available, it was not a principalship that leaders were running towards. But for me, it was exactly where I wanted to be. I had been an administrator in the high schools in Portland, and I know that all five of you are following the conversations around the graduation rates and the high school, and one of the reasons I came back to earlier childhood education is it's important to me that I understand how we get kids through our K-12 system successfully and on to successful adult lives. So I took this responsibility very seriously. When I walked in the door of King School, the majority of what you probably in your childhood called enrichments and I think "the Oregonian" this week, their public position piece indicated that they saw the arts education as an enrichment, has been cut. But I am going to ask you to flip that thinking, the Presidents Council on the Arts and Humanities selected King as a turnaround art school because of the leadership that I had when I walked in the door and suggested that it's not the flower, arts aren't the flower you put in the hair, it's the wheel. It's how you make it all turn. And it is impossible to teach kids the mechanics of education. So it is important that all kids become efficient mechanical readers, and we have the core instruction, technology to do that, and PPS and the surrounding districts. We know how to teach young children mechanics of reading. And we tend to do that fairly well. What we do know, though, is that our scores for reading and kids' engagement in school by eighth grade, by 10th grade, waxes and wanes and their achievement lessens. So what I would suggest to you is that arts is the opportunity in

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schools where children are creators. It's the opportunity for them to experience the design cycle. And it's the opportunity for them to experience efficacy, and an anecdote, an experience I would give you is, in the state of Oregon, dance can fulfill the p.e. requirements, so I made a very simple change and I replaced p.e. with dance. And a few -- if you could have seen the expression on some of my students' faces when they walk in dance. It's african dance, it's -- some of them were not thrilled and pleased, but I can tell you that after a short amount of time, I have some brilliant dancers. And then i'm going share another secret with you. I don't care at all, not one wit, if any of the children at my school ever become professional dancers. It's not my concern. It's not my journey. What I know that I have given them is an experience to think about themselves aesthetically, as learners, to take on something that's really challenging, i'd love to invite you to stop by for african dance. What the kids have learned is when faced with something very difficult cognitively, they can apply themselves, they can work in a team, and they can deliver. They've learned about culture, they've met mamma day this year, they've learned that physical expression is an expression of culture, which in -- of itself is an important learning experience for kids. Everything about the arts is constructivist, everything about the arts is the opposite of becoming mechanically able in a skill. So for all of you that learned piano and the drills, or football, and the drills, and then experienced the joy of when you could freestyle when you did everything were you taught and then you added your flair, that's what this is about. It's about kids having real lab experiences. And it's an equity issue for us in Portland. Because if kids don't have these experiences, k-5, they don't show up at grant high school and take band. You don't pick up a tuba at 14. And you don't join choral if you haven't been exposed to it. And you don't try out for a play if you haven't had experience, because you participated in activities like that. So my school is majority black and brown latino students, and I want them to know that they can try all kinds of things. And that they can master their bodies, use their minds, and teamwork in individual ways to create. And I want to tell you the results cannot be released yet, but we have such significant gains at king school in our state assessment in reading and math, that when you see them in august, you will say, you inc. Do all of these other things, and it will directly impact students in the key achievement areas we now measure. So I really encouraging to you look at the presidents council, arts and humanities web site there's copious research that documents this, it also documents the huge gap across this city and the nation in terms of the kids that access the arts. I'm sure that all of you that have children are connecting your children with the opportunities that i'm trying to give children in schools, and I so sincerely hope that you give the other leaders in Portland the ability to give kids these experiences. Thank you. [applause]

Jarratt Miller: Thank you so much for helping us to better understand what so many children in our city are missing right now. With the slide, if we could put that back up, we'll highlight the gap that we have been shouting about at the top of our lungs this spring. The gap of 18% of --

Adams: We have a new audio-visual system in the chambers, and it has a few bugs.

Leonard: It was installed by people who didn't have any music education. [laughter]

Adams: Right. Can you just yell?

Jarratt Miller: I can. Yes. The statistics speak for themselves. What's not up there, 12,000 students, that's the number of students today who attended school with no arts, dance or drama at all. So the opportunities that kim and val and lisa are making available to a few students in our city, we would like with this funding to make available to every student. At this point we're going to continue our conversation around arts organizations and arts in the economy

Adams: Thank you all very much. [applause]

Jarratt Miller: I'm now going to introduce jose gonzalez, who has served as a board leader for the creative efficacy network since the organization was founded, and who also by the way, leads milagro theater, an amazing arts organization set to benefit from this fund.

Jose Gonzalez: Thank you, jessica and thank you council for having me here. My name is jose gonzalez, and i'm the executive director of the miracle theater group, also known as the milagro

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theater and other things as well. One of the things that is unique about us is that we serve a latino community through a multiple number -- a number of programs. Both in our home, southeast Portland, as well as throughout reach -- through outreach programs, locally and in Portland as well as the region, and even travel farther abroad. We're actually not unique in that. I'd like to give a pat on the back to almost all of my colleagues in the arts community who serve very diverse audiences, with a lot of innovative programming, and a lot of neighborhoods and communities where normally things can't or don't happen. One group of that is the small and mid size arts community, which is very invested in small neighborhood, intimate programming, reaching a large segment of the population that may not be able to afford arts experiences through their own pocket, but receive it either directly as a gift, or at a very low cost. Portland is a really unique place. And I just don't say that to sort of blow my own horn, but years ago I remember when I was a young man, and I asked my mentor and professor over at the university of santa clara, what he thought about Portland. I don't know why I asked that. He said to me, "i think of it as the florence of the west." and it was an image that still sticks with me today. And when I came back and embarked upon my creative career here, I continued to wonder, why is all of this happening all the time? Why do people come out and on a shoestring, and hope, create such wonderful art, and contribute such -- so much to our cultural environment? So I think it's something in the water, perhaps, that does that. But it's still an image I think that is a very positive image, and one that we need to maintain. And I think this idea that we can create a more stable basis of funding for the arts community, as well as for arts and education in the schools, really speaks to how we value arts and culture in our community. And it's really important -- and it's not only that, it's smart. I think it's a very sustainable way of doing it, because we know that when we speak about audiences, that the future for all of us are the youth. The young people that come up. And they will be our future donors, and our future patrons, and our future board leaders, and our future artists. So by making this investment in the schools, where right now there's a real lack of arts education, we're developing a whole new community that will be the future of Portland, and we'll be changing the environment. We're also -- I firmly believe that you cannot have a civilized society without arts and culture as one of the foundation stones of that. And if we want better communities, if we want a more civilized community here, and we want innovation and creativity to be hallmarks of our existence, we need to make this kind of investment.

So I look for your support on the create i've advocacy next initiative. Thank you. [applause]

Jarratt Miller: Jose, again -- jose represents one of a few dozen organizations to get funded throughout regional arts and culture council. They're highly qualified, and just last year provided over nearly 2 million arts and culture experiences, for Portland residents. Nearly a quarter of a million of these arts experiences were offered free of charge, and more than 220,000 times school age children were the beneficiaries of these experiences in their classrooms and in their communities. The proposal that we brought to you today is what I hope you'll find to be an elegant integrated approach to investing in arts in classrooms, in communities by funding teachers, by funding arts organizations, and by funding targeting programs. And at this point in the presentation I want to walk you through those details. The proposal as you will see in front of you, is to ask voters to restore school arts, music, education, fund arts through limited tax. Should Portland restore music for schools and arts education through income tax capped at \$35 per year. What would this \$35 buy? For the city of Portland? It would buy certified arts teachers for every Portland elementary school, more than 34,000 students in this last year. Again, nearly 12,000 of whom currently have no arts instruction at all at this time. It will increase funding to support arts organizations like milagro theater, and others that provide nearly 2 million arts experiences in our community every year. And it will provide grant funding for schools and nonprofit organizations to increase access for the arts for residents who don't even live in arts rich neighborhoods or for low income residents who may not be able to afford a ticket to an arts event. The administrative costs are capped to ensure that 95% of the collected funds will be invested in arts education and arts programs annually. We also have proposed some accountability measures, like the creation of an

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oversight committee that represents a diversity of the city and will annually report back on the impact of these investments so you're clear on the number of teachers hired, the number of students served, the number of arts organization and programs funded and who benefits. Do you all have any questions about this proposal?

Saltzman: That sounds like the opening, I will take it, because I do have to leave at about 3:45. I just wanted to drill down a little bit on administrative expenses and establish sort of a legislative record with you. So the proposed income tax of \$35 is estimated to raise \$12 million a year, roughly?

Jarratt Miller: Yes --

Saltzman: I guess it would be exactly, because we're not talking about property valuations, it's \$35 equals -- I guess approximately \$12 million a year.

Jarratt Miller: The city revenue bureau created projections for the first five years, which I averaged, and the average is \$12.6 million a year. For the first five years.

Saltzman: Ok. So the resolution before us speaks to the administrative expenses being capped both for our revenue bureau at 5%, or not to exceed 5%, and then gross revenues, so that would be of the 12.6 million, and then the -- it also speaks to a 3% administrative cap on the regional arts and culture council of net revenues.

Jarratt Miller: Yes.

Saltzman: Ok. So that's -- I want to make sure in my mind and everybody else's, so 5% of 12 million or 12.6 million is roughly 600,000 dollars plus or take. Per year. That's the revenue bureau's ongoing average annual expenses. I realize there's a first-year start-up cost, but ongoing after year one, from year two on forward, it's going to be an average of 5% administrative expenses on a five-year average basis. I'm looking at Thomas Lannom.

Thomas Lannom, Director, Revenue Bureau: I'm Thomas Lannom, the revenue director. We have looked extensively at these revenues. We've also looked at costs we've designed a proposal around our experience administering Multnomah county personal income tax. I'm very confident of keeping costs under 5% of revenues collected in our proposal.

Saltzman: Also under our administrative expenses, it says the revenue bureau's initial start up costs are capped. What are they capped at the first year?

Lannom: \$500,000. The bulk of that cost has to do with making sure every household of the city of Portland gets a mailer. That one mailer and not two, but actually three mailers to make sure people are aware of the tax. It's a brand new tax.

Saltzman: So there's that \$500,000 initially in year one. And then from year two on, where does the ongoing --

Lannom: \$525,000 is the estimate.

Saltzman: And then to get to reach 3% administrative cap on net revenues, so if I take 12.6 million less ½ million, that gives me 11.6 million, is that the net revenue?

Lannom: 12.6 less 525,000 would be just over 12 million remaining and the 3% cap on reach expenses would be applied to that net number.

Saltzman: Is that's roughly \$340 to \$00,000 a year then for that?

Lannom: I have not run the math, but that sounds --

Saltzman: Well --

Jarratt Miller: When I did the math, it was in the \$340,000 range. It's a percentage based on revenue, so it will shift from year to year.

Saltzman: Right. But the basic logic flow here is correct, you start with gross, which is what is the actual yield, and minus the revenue bureau's expenses, which equals net, and the 3% cap on reach is applied to that net? I mean.

Jarratt Miller: Right.

Saltzman: Somebody else is coming to the table here.

Adams: Everybody should note, Teri Williams.

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Saltzman: The wizard of oz.

Teri Williams: Teri Williams, license and tax division manager for the revenue bureau. The race percentage cap according to Jim Van Dyke is based on the gross revenues, as well. It's the 3%. On the gross.

Adams: Not on the net.

Saltzman: It says net, I believe, in here? Yeah, it does say net.

Adams: It says net.

Saltzman: Why wouldn't it be? So it net.

Williams: According to everyone who advises me, it is net.

Adams: It is net.

Williams: It's correct in the exhibit.

Saltzman: So the logic is correct here, so 4.6 million minus 500,000 equals net, which you apply the 3% for race.

Lannom: That's correct.

Saltzman: Roughly \$340,000?

Williams: Yes. And commissioner, if I may, I would love to distinguish between the two sets of administrative items.

Saltzman: Go ahead.

Williams: The administrative and collection expenses incurred by the revenue bureau are directly related to bringing in the money. And the oversight dollars, assigned to the regional arts and culture council, are more programmatic in nature. In working with the six school districts over the last year to develop this proposal, what we learned is that it is not enough that we simply hire teachers and put them in the classroom. We must make sure that they are working together across elementary schools and up through 12th grade. In a coordinated fashion with a coordinated curriculum that they have professional development and that there is a district level oversight of what is happening with arts and music. This fund will reach out to all six districts, rather than hiring administration at each of the six districts we thought it was more efficient use to develop a multi-district coordination and oversight role and assign money out of race to manage that. So, in the end, if you are interested in looking at how much money we're paying for people who are producing programming versus how much we're paying for people who are collecting dollars, I would say that, that the race oversight dollars really will be directly involved in providing arts, music and education to our children.

Saltzman: So, appreciate that. And I guess I just want to suggest, maybe this will be a friendly amendment to exhibit a-1. To add in the amount that the first year start-up costs are capped, says are capped. I say capped at 500,000? And then I think the first word of the following sentence should read, ongoing administrative rather than other administrative costs.

Adams: Let's pass that past Mr. Van Dyke to make sure that everything else flows well. I consider those friendly amendments.

Van Dyke: Right. There is an exhibit to the resolution. Before you.

Saltzman: I'm looking at it.

Van Dyke: Is it exhibit d?

Lannom: C.

Adams: C1.

Saltzman: Ok. C.

Van Dyke: That's a cap.

Adams: Is that c-1?

Van Dyke: Yeah, just called exhibit c. And it shows a 500,000 cap.

Leonard: Our reading comprehension skills from school --

Saltzman: That's in exhibit a.

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Van Dyke: There is a number of exhibits with the resolution. One of them refers to the cap on overhead expenses or start-up expenses in the first year, and it refers to it being capped at 500,000.

Saltzman: There any problem amending c-1 putting that number in there?

Van Dyke: No. We can do that.

Saltzman: And changing other to ongoing administrative costs? I think that's --

Adams: Yes.

Lannom: What is the change you are proposing?

Saltzman: On c-1. Now, misplaced.

Lannom: Are you referring to a-1? There is no c-1.

Saltzman: I'm sorry, yes. A-1. The limitation on cost. So paragraph a, would read, the first year start-up costs are capped at \$500,000. And then the next word, ongoing rather than other administrative costs are capped at 5%. Of gross revenues. I think I was trying to make things clear.

Lannom: So the current language, the revenue bureau's first costs are capped.

Saltzman: Right.

Lannom: And other administrative costs are capped at 5% or less of gross revenues over a five-year period and you are proposing --

Saltzman: Cap at 500,000 for the first year, and change the word, other, to ongoing administrative costs are capped.

Adams: Ongoing is clearer than other. So, I consider those to be friendly amendments. Do you want me to move them, mr. Attorney? Mr. Other attorney?

Adams: Moved.

Fish: Second.

Adams: Moved and seconded. Karla, call the vote on the motion.

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

Adams: Aye. [gavel pounded]

Adams: Thank you, commissioner. Anything else?

Saltzman: No.

Fritz: This is on the revenue side, I am concerned about people over 18 who are not required to file federal or state tax returns. I'm thinking of college students who might make up to 9,500, which is a level at which when it's required to file any tax return. Under the current proposed code, they would, even if they only made \$1,000 they would be required to pay of the \$35. Is that correct?

Lannom: Well, no, \$1,000 of income would not be subject if they were the federal poverty guideline.

Fritz: But the household as a whole would not be at the federal level? A college student living at home with their parents. The household as a whole wouldn't meet the federal poverty guidelines, but the taxpayers, themselves, or the wage earner doesn't, earn enough?

Lannom: Let me ask Teri Williams to come up and speak to that, please.

Adams: Why don't you confer and we'll get back to this.

Fritz: I am wondering if we need to add onto page three of six under 573.020, who is an 18-year-old and required to file federal or state tax return. If you can consider that and get back to us by the end of the hearing.

Adams: And we'll consider on -- we'll continue on with testimony here. I am going to start losing voting members of the city council. All right.

Jarratt Miller: If there are no more questions we can carry onto the benefits of this of this fund, and one of my favorite people in the city is here to talk a bit about how important art is to the whole Portland. This is Mike Golub coo of the Portland timbers.

Mike Golub: Good afternoon. I'm Mike Golub with the Portland timbers and a board member, past chair of the Portland center stage and currently a member of regional arts and culture council. On behalf of the timber's organization and I want to thank the city council for helping to make the

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timbers and major league soccer a reality. I've always believed that sports and art play a similar role in the fabric of our community. They bring people together, mitigate differences and create shared experiences for disparate groups of people regardless of age, socio-economic background, gender, ethnicity. Mayor Adams has often said that soccer connects Portland to the world. In my view, the arts brings the world to us, Portland. Arts teach, provoke, challenge, and entertain, and creates a discourse in the community. It helps all of us, but especially our young people to think more critically, be more tolerant and openminded and communicate more effectively. While the timbers army may be more colorful and demonstrative, as you could see today, arts and culture army if you will is no less robust or a part of our city's dna. In the sports business we often talk about creating the future fan. Likewise, it's paramount for any world class city to create the next generation of arts supporters, lovers and practitioners if it hopes to remain a great city. The proposed arts education access fund will do just that through direct investment in teachers. And by restoring art and music into the classroom. So as someone who helps run a local business, I urge city council to support the measure and refer it to the ballot in November. Thank you.[applause]

Adams: And thank you for winning over the sounders.

Adams: I don't have to wear their awful colors again.

Jarratt Miller: We have two final spokespeople, lined up here. Both of them are followed on the entertainment end of this presentation. So if you are ready I would love to call Thomas Lauderdale.

Adams: All right. [applause]

Thomas Lauderdale: Hello. I'm Thomas Lauderdale, I started the pink martini 18 years ago to play at political fundraisers because I thought the music was terrible. So we've gone from playing every wedding and progressive cause in town to playing all around the world from japan to Moscow last month. As well as Lebanon, Oregon. I went to tuppin high school. At the time it was in the old girls polytechnic building on ne davis. It was the arts magnet middle school. I guess it is now di vinci, for better or for worse. And then I went to grant high school. I think that sort of—I know you, commissioner Leonard went to grant in 1970.

Leonard: I don't know that we need to get into numbers, tom we went to high school together. [laughter]

Lauderdale: And dan Saltzman, I think you went to Beaverton high school and graduated in '72. I would say the music and arts programs have dramatically changed since 1972. In 1970 at grant high school you had multiple orchestras, multiple choirs, multiple bands. In Beaverton they still have a semblance of a music department, but it is severely less than what it was. There was a brief time when china forbes and I taught at Jefferson high school when they lost their choir director and I was astonished to see an entire building constructed specifically for the arts which was completely empty which was sad because there were all these band costumes just lying unused and instruments that aren't being used. It's sobering and awful to see that there are a whole bunch of young people who have no idea what they're good at. And for many of the people I went to high school with and middle school with—whether it was arts, dance, doing something in the shop, or art class, choir or bands—that was the way in. That was the only reason why they stayed in school. There are a lot of out of towners who come to Portland and I sort of take them around and show off the city. And they ask about the state of arts in the schools. For the first time in my life I sometimes think I'm not the advocate of the public schools that I thought I always would be. And a lot of that has to do with the fact that the state of the arts in schools is so miserable. There are a few pockets of schools with ambitious parents, wealthy frankly, who can give to help subsidize. But for the most part most of the people are broke and they barely have time to pull it together and get out of bed, let alone think about how the arts funding is in their schools. Also the difference between now and then is we're now dealing with television culture. The arts teach discipline in a way and now we're in a culture where the only young people in this country, and this is a gross oversimplification, I may offend somebody. But there are two populations left that are bothering to learn about classical music. And they are asian Americans and fundamentalist Christians, with the occasional jew.

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Adams: I will have to see your citations on that. [laughter]

Lauderdale: It's true. Look at the Portland youth philharmonic. It's those two populations, actually three. Also, look at the marching band situation. It used to be every high school had a marching band that marched in the rose festival parade. Now there is not a single marching band at any high school in Portland high schools. Not a single. There is not one. You know. Earl Blumenauer had a gala couple of weeks ago, and we played there. The only marching band, you could find on the outskirts of town. So he got a fantastic marching band from Reynolds high school. I was so inspired. Hopefully they will play our new years eve show with us. But the whole idea, every high school does not have a marching band is so awful. You have to start young, if you start when you are six, seven, eight, this is where it all begins. That's where discipline begins. And it makes you a better citizen. It makes you a better contributor. I have now had the band for 18 years, graduating from high school in 1988. And I've come back. I'm a huge advocate of the city. I love the city. I wish it was more than \$35, but 35 is fair—like three drinks at a bar. For those who say the Portland school system has to change itself, ultimately I don't think right now the city of Portland can wait for another five years for the school system—and it's going to take longer than that to pull itself together. But for the activist Portland with people who support the arts, the time is now. I hope that you pass this, refer it to the voters. And urge the voters and I will do everything that I can as a citizen, as an employer. And as an Oregon symphony board member. And a champion of the city. I will do everything that I can to build bridges with those communities that maybe more difficult to reach and try to get the entire city on board. There is no reason it should not be passed with flying colors. Thank you. [applause]

Adams: Thank you tom.

Jarratt Miller: To transition this public testimony and inspire us on what the future holds with our youth. We have got an incredible family here to sing today. [applause]

Miller: Laronda and her daughter. Laron has been involved in tears of joy theater and Oregon children's theater and nw children's theater. Goes to Jefferson high school and Sara goes to Fabion school. They're here to share a poem and a song.

Laron Steele: Hi. There is, actually, an upset rally recently. I did this poem at that. I bang on the tables and I spit to the beat knowing this is the only place that arts and education meet. The space between my palms and the graffiti, that's where dozens of lost talents have been laid to rest. Books raggedy and torn barely serving any use, the seams of our school system are slowly coming loose disturbingly vacant band rooms ring with music unplayed, with rotted dance studios and dances unmade. Shake your head at our generation. We will do nothing great. Street corners and welfare offices hold our fate. The minority schools will live up to the way you display them. Sports scholarships the only path but no money to play them. Headphones hidden under hoodies disguising our creative fix. Lord knows real life and school life ain't never 'sposed to mix. Private schools snicker at our illiteracy and test scores fueling the fire of test scores of our insecurity. Trust me, I want to know more. Teach me. Understand my troubles, try to reach me. Teach me. Take these inaccuracies out my speech please. The right to education is to each, teach me. You can't leave our education in the hands of a few folks with degrees. We are all perfectly capable of achieving what our system needs. I am tired of artless, colorless schools same syllabus every year. Don't support our future leaders and your future is unclear. Your answer to worldly crisis could lie in the city, there are young potential heroes in need of more than just pity, so I'm gonna stand up here in hopes of contributing to this fight because with a little help our generation will get it right. [applause]

Adams: That was good. That was really, really good.

Laronda Steel: She won first place with Portland public schools.

Sara Steel (Laronda harmonizing): ¶ sometimes in our life ¶ we are in pain ¶ we all have sorrows ¶ but, ¶ ¶ ¶ lean on me when you are not strong ¶ I will be your friend ¶ I'll help you carry on ¶ ¶ ¶ swallow your pride ¶ if . Things you need to borrow ¶ I'll share your love ¶ if you just call me ¶

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lean on me ¶ when your not strong ¶ i'll be your friend ¶ i'll help you carry on ¶ it won't be long ¶ i'm going to need ¶ somebody to lean on ¶ call on me brother when you need a hand ¶ we all need somebody to lean on ¶ I just might have a problem that you will understand ¶ we all need somebody to lean on ¶ lean on me when you're not strong ¶ i'll be your friend ¶ i'll help you carry on ¶ for it won't be long ¶ i'm going to need somebody to lean on ¶ call me ¶ call me ¶ call me ¶ help us keep arts in the schools ¶ you can do it now ¶ come on, help us, help us, yeah ¶ call me ¶ call me.
[applause]

Adams: Amazing.

Jarratt Miller: That's why we're here.

Adams: All right. We'll now go to testimony in the order that people signed up. It's two minutes each.

Adams: Mr. Parker, go ahead and begin.

Terry Parker: I am terry parker. Northeast Portland. I was born and raised in Portland. I lived here all my life. When I received my education attending Portland public schools in the 1950s and 1960s, the average class size was 35 students. And art instruction was taught by the same skilled classroom teachers who taught the basic. Taught the basics. Along with anything else part of the regular curriculum. Only when I entered high school was art taught by a separate teacher and that was an elective class. With the expansion of the internet, and smaller than many class sizes the students have a easier road to navigate for an overall high quality meaningful education. The economy is stumbling, in part due to government intervention and social engineering. Incomes are not keeping up with inflation and the continual proliferation of tax and fee increases, including those assessed by the city of Portland. Now is not the time to increase taxes. Furthermore, a head tax is regressive. A person with a fixed or modest income pays the same amount with a person with high income. It doesn't take into consideration what other financial conditions, obligations, responsibilities, and dependence a person may have. Moreover the privacy issues with how the city will determine who will pay and who will be exempt. And equity is absent. And second, having the city collect a portion of the tax designed to be distributed to a very select number of nonprofit organizations is beyond the reach and scope of city government. It was an attempt to legislate what should be a choice for individuals. If the organizations chose to financial support. Where's the equity to the other educational 501c3 organizations in Portland? Using the schools as a front to implement a tax to fund specific nonprofits is an attempt by this administration using other people's money to pick winners and losers. That smacks of socialism. Finally, it is up to the individual school boards to place school funding tax measure on the ballot. Not the responsibility of the council. Likewise, it is not the responsibility of this council to place a measure before votes to specifically fund their personal picks of nonprofit organizations. Therefore, mr. Mayor, this tax proposal is, actually, out of order. Thank you.

Adams: Thank you, mr. Parker. Hi. Welcome. You go ahead.

Mary Ann Kaza: I am mary anne. Thank you for the opportunity to address you today. I am a product of the Portland public schools music program. Over 60 years ago, I began my violin studies at ainsworth grade school in southwest Portland. Going on to lincoln high school and Portland state. I had the opportunity to audition for an won a position of the Oregon symphony. And where I survived for 42 years. And just retiring last month. My late husband, Eugene kaza was a teacher and member of the symphony. He taught at grant high school, and wilson high school. We've been advocates of education of young people all of our lives. Because it produces civilized young people who grow into good citizens. Those people who are capable of becoming leaders and, and good community citizens. I began the violin studies early but also found that it helped me in other areas of my school studies. I became interested in many other aspects of the community. I now serve on the board of directors of the metropolitan youth symphony, and I am on the board of executive board of local 99, American federation of musicians and president of the music education assistance project. I have come full cycle from coming into music as a child,

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performing thousands of concerts and reaching out to young people in the school systems. I strongly believe that music education and arts belong to the young people of the future. I request you support this measure, thank you.

Adams: Thank you. [applause]

Adams: Welcome.

Bob Clark: Bob Clark, southeast Portland, active member of the taxpayer association of Oregon. We also oppose this new form of tax. We don't want to give the city another form of taxation that would no doubt be expanded for other uses beyond art and music in the future. But putting aside our grievances, I want to make sure councillors are clear, the language in this resolution implies the tax will be applied unfairly across the citizens of equal merit. I cite the following language in sections 5.73.02. A tax of \$35 is imposed on the income of each income earning resident, unquote. I emphasize the resolution's use of the term income earning. Many of us residents receive an income each year but we don't earn it according to the internal revenue service. The internal revenue service defines income earned as wages, salary and self-employment earnings. It excludes passive income such as pension, social security, capital gains and dividends and other things like that. So, there is some unclarity in the language here. Effectively, it also, like commissioner Fritz raised the issue, a working family with two parents and two dependents may, actually, will pay more than \$100 per year than the 35. And the final point is, I think the resolution is overstating the amount of funds the new city tax will raise because there's only about 600,000 residents and only 64% participate in the labor force. And another 20% are below 18. So you have less than 300,000 residents and that will bring you less than 10 million.

Adams: Thank you, next.

Adams: Welcome. Glad you are here. Do you want to start?

*******:** Ok.

Elly Baldwin: My name is Elly Baldwin. I have been a volunteer with CAN for a year now. I graduated with a degree in art. Last May, and since, wanted to explore the art community in Portland and met up with CAN. Art has been an integral part of my life for as long as I can remember. My father was the assistant principal bass in the Oregon Symphony for a little over 20 years. And my mother is a pianist, and a piano teacher so growing up I was surrounded by a lot of creativity. I was able to study music, go to symphony concerts, and take art classes in painting and clay, and through high school and college, I was confident the arts were where my professional interests lay. So I believe in CAN's work because I know how important creativity is to all learning and building a rich community. I am privileged to have been able to explore my love of the arts. But not everyone has that opportunity. And I believe creativity is an essential human need and everyone should have the opportunity to explore painting and clay and the symphony. Not only those who have, have, are fortunate enough to have had parents in the field like me, and so that's why I believe that restoring arts and music for children and improving access for the arts, to the arts for everyone in Portland is a step in the right direction.

Adams: Thank you very much. [applause]

Kim Heron: Good afternoon. I am Kim, and I have been a music teacher with the Portland public schools for 30 years, and Thomas was my student at Harriet Tubman Middle School. I applaud your actions today, that will help to ensure equity in arts, education, for all public schools in Portland. There seems to be some confusion or misunderstanding in some parts of the city regarding the importance of arts education. Let me assure you that both the federal and state government define the arts as a core academic subject. Core. Some folks think that they can determine which subjects are more important than others. And is a little like saying, would you prefer your respiratory system or your circulatory system? There is no distinction at the federal or state level regarding higher priority or lower priority subject matter. The arts are essential for us. All of us. All children deserve and need music and the arts in their lives. I don't need to tell you how brain development is augmented by musical training or how communities are strengthened by the power of group

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experience. Or how some kids stay in school because, because of their involvement in the arts. No. I know you know this. Kids can't wait. Their time is now. Let's do this. Let's make this happen. For them, for us. Thank you. [applause]

Frank Petrick: Mayor Adams and council members, thank you for the opportunity to speak today. I am the director of dance at Sherwood high school, in Sherwood or. And music advocacy chair for the Oregon music educators' association. I am here today in support of creative advocacy network and their efforts to ensure arts education for all students in the Portland area for arts education and access fund. Music and arts education is essential for students in our schools, workforce and life in general. As you know, there are 100s of studies on the importance of art and education. Many of these confirm a high correlation between arts instruction and increased math, language and other disciplinary scores. Even with all this knowledge about how music and arts support students success, these areas of scholarship are the first to be cut during hard economic times. Due to our state-wide funding crisis, it is proving to be the most devastating to arts. As a music advocacy chair I have been made aware of the severity of the cuts. I regretfully share that numerous districts, like the Beaverton school district, has reduced music and arts programs by half. My previous district, the Mt Angel school district, with a community of 21% poverty rate has completely cut their 6th-12th grade band program, which I too 5 years to build to state championship. It is now gone. The rate of decline in Portland has been equally objectionable in the last 5 years many districts have also cut their arts and music teaching in half. These cuts and number of licensed educators in the classroom is staggering. Ultimately our nation and state have great challenges at hand regarding education reform, making music and arts a priority. The arts education and access fund, supported by Mayor Sam Adams, Creative Advocacy Network and many other notable supporters is a way for Portland to confirm their commitment to how vital music and the arts are for their students and community and the creative future of Portland. Thank you.

Adams: Thank you very much. [applause]

Sharon Genasci: I am Sharon. I am here as a private citizen in Portland. I'm a documentary filmmaker. I grew up in Hillsboro at the public high school with a very strong art teacher, and I think that's made a difference in my life. We ended up living in London. Working with kids who hated school. And one of the ways they kept them in school was to work with the art program in a community center where they produced videos of their own. And these were kids with no self-esteem. Nobody thought that they could do it. And when they showed these publicly to the parents and showed what they could do. It was a tremendous thing. When I came back to the states, we did the same thing here in the United States for a number of years. Working with kids who were having problems in school. And they did wonderful things with poetry. With the video, but the video was the wonderful tool to get to these kids. And I just learned through my own work and my own experience that this was an absolutely a critical thing, in my case with a whole group of kids, that nobody else could get to them. To the regular curriculum. So, I strongly urge you to go yes for this very modest \$35 tax for something as vital as this. Thank you. [applause]

Adams: Welcome. Glad you are here, would you like to begin.

Liz Cannon: I am Liz Cannon, and I taught English, literature, and EOL at the Gresham local for seven years. And I am currently a member of the action board. Access to the arts changes the course of students' lives. I watched an isolated, quiet freshman find the drama department by accident his first year and emerged second semester of his sophomore year as an exuberant, confident sophomore. With a kind and devoted group of friends. I received a hand painted, handmade ceramic bowl from one of my migrant students upon his graduation from high school. He told me the main reason he came to school everyday was that he wanted to use the clay and the wheel. Art is essential. And it is essential that art begin at the elementary level when students are the most formative and the least self-conscious. Elementary students in Portland regardless of income should be able to try out different instruments, experience the power of singing in harmony, have the opportunity to experiment with clay, paint, photography, pastels. So that they can go on to

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become the artists, the band members. The orchestra members. The poets. And the dancers at higher levels. Also so that they can go on to become the creative and committed well rounded and collaborative adults I would like to see in our city's future. Thank you for your time today.

[applause]

Dunja Jennings: I am dunja jennings. I am a musician, a classical musician, a music teacher. School teacher. And also a parent of Portland public school kids. I had a speech, but whatever. I'm not going to read off of it. You know why music and arts are valuable. You know the date has been out there for years. We cannot hide behind it and say that it's not important. We cannot say that it is not. It does not involve both parts after child's brain or hooks kids. We know all of this. But, we forget that these children grow up to become adults. And I live in a part of town in southeast Portland where the kids have not had music for three or four years. And I decided to start an after school music classes because I got tired my own children having everything available and my students having everything available but these kids having nothing. High poverty. A lot of english language learners. We started an after-school class, and we have 30 kids, we're doing classes that go along with the free lunch program. And first class we had 15. Yesterday it was mayhem. We had almost 40 kids show up. There is a thirst and a hunger out there. And Portland can do so much better. I was just at the astoria music festival where I performed, and I calculated people say that, that the arts don't contribute to an economy. It's not true. I got a paycheck, I spent more of my check in the town, in astoria. I got paid. I left my money there. The other thing is, most of the orchestra were not Portlanders, people from all over the country. They were shocked. The Oregonian editorial had come to press, so I was able to talk about it with people. They were shocked. A city as creative as Portland, as wonderful as Portland, it's embarrassing. Sorry, what our schools have as offering for all kids. Especially the ones that need it the most. Thank you.

[applause]

Adams: Hi.

Aaron Barnes: Good afternoon, I am aaron barnes. I am the high school music teacher at lincoln high school. I've been there for five years. After virtually no music program for over a decade. And now, we offer band, orchestra, percussion, jazz, choir again, although it has been hit or miss, and we're the only high school marching band from Portland to perform on the grand floral parade in the last 20 years. We did it three years ago. [applause]

Barnes: We don't have marching band uniforms that fit kids or enough uniforms for our kids. We're trying to get it off the ground again this fall. But the sources of income to make these things happen are not coming from the city or the state or the school district or any political organization but from private donors and corporations, and I find this to be appalling when all students are not entitled to an, entitled to an equal education, and like kim said earlier, the arts are core. But if kids are going to schools without arts, how is that equal. We don't need to talk again about how arts enhance your skills in math or science. Nobody has to go to the table and say well math is important so you can be an economist. It's understood. It's a paradigm shift we need in our society that arts aren't there to support other things. That arts are there. I encourage everyone to go home and turn off the television while you are making dinner. Let's get rid of the mural, let's get rid of the artistic math. Let's stop listening, get rid of soundtracks and movies and television. Get rid of everything that makes us expressive and impressive and go to class. And try it. We can go to school and learn about life, we can take these artistic opportunities and, and see how it parallels life. Why is sculpture made? Is it because we don't have it? Or because it represents something? Why do we put on plays, musicals, play concerts, everything? Thank you. [applause]

Adams: Welcome. Thanks for your perseverance. Would you like to begin?

Ann Leitheiser: I will. Good afternoon. My name is anne. I am the mother of two young girls. Gretta will be in third grade at dunwoody elementary in southeast Portland, and fay will begin kindergarten after one more year of preschool. Thank you forgiving the community a chance to weigh in regarding the critical issue of restoring arts into our children's education. For the last three

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years I have volunteered in many capacities for dunaway elementary school. I will serve as president of our pta next year. In addition to serving on the board of our foundation. Participating in numerous fundraisers. As well as teaching art. The dunaway applied art program is a 100% parent run program. The program has been up and running for over 20 years. And employs a volunteer base of 150 parents from year-to-year. And the materials and supplies are paid for by the dunaway pta. Which holds numerous fundraisers throughout the year in order to maintain this and other enrichments at our school. And in addition to the funds raised, through our pta, money raised by our foundation, helps to secure funding for strong music, library, and p.e. programs. I know this goes not the case for so many other schools in our area. While I find it fun, to teach art lessons that have been planned and written by fellow parents that were once art instructors, I am afraid I come up short, and depending on a volunteer basis, this large is not realistic or sustainable in our future. But there is where we are today, and this is surely better than nothing, which is what so many our schools and students are faced with today. I am here today on behalf of the students in our community, and our community schools that do not have these enrichments. I feel that all students deserve something more than better than nothing.

Adams: And your time is up but the final thoughts?

Leitheiser: Having worked in the field for 20 years, where creativity and innovation is critical, I feel that students with arts in their education can -- will ensure that future generations are ready and willing and prepared to enter the innovation age right here in our backyard in Portland. Please support this initiative. Thank you.

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

Matthew Oleson: I am matthew oelson. I've been a fifth grade teacher the last four years at beach school. And next year I will be at lents school. First I would like to talk about my experience. In elementary school, I distinctly remember singing turkey in the straw in the second grade. Distinctly. I distinctly remember learning allow to play hot cross on the recorder, I can do the hand signals right now. And jazz choir and middle school, things kept going from there, and let's not forget the administrators at the beginning. It was wonderful how they talked about how we can tie the arts to test scores, but let's not forget that the arts are fun. I have these vivid memories because it had an impact on me. I would like to talk about what I don't remember. I don't remember the standardized tests I took in kindergarten through 11th grade. I don't remember the tests I took in high school. I passed them but I don't remember them. But I do remember arts education. I remember that. And i've been a teacher in the Portland public schools for a while now. And it still surprises me that the arts doesn't exist in some schools. This year my students did not have one music class. Not one. So, we're held accountable for reading, writing, math, science, social studies, and let's be accountable for the arts, as well. [applause]

Adams: Thank you very much. Hi.

Michelle Fujii: I am michelle fujii, the artistic director for Portland Taiko, percussion performance group. I know how the arts can open a child's world to creativity, imagination, and motivation. Some things I remember is a child -- we talk about how the art form is a cultural history, and how our stories are able to be expressed through the drum. We encourage students to do that and a child who had just moved from Africa, so afraid to raise her hand or speak up in class. When we invited these students she felt safe to speak for 15 minutes. Of course that's quite long in a one hour residency program. Afterwords the teacher said how they have to arrange for her to raise her hand and through taiko she was able to speak beyond one sentence which she was able to do in the classroom. I think of another child of Chinese-american descent, who opened up and told us about how he was getting bullied in his school. He had to move from one school to the next. He identified being asian american and telling his story. We were able to identify that was happening to him and, in his school at that moment. And we were able to open that story so other people could help him in that school. And in addition, I think of how many stories we have received about lessons of respect, cooperation and perseverance, and I know this is so important. \$35 is minute compared to what it

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can do for the students and for their learning, and I hope you will support this. Thank you.

[applause]

Adams: Welcome.

Kay Dickerson: I am [inaudible] I have a music education degree. I am a Portland resident. I am a member of the get a life marching band. An all adult band and a member of several other adult marching bands. One of the things that really upsets me is when we were in a parade, the kids there, if there are any, are riding on platforms. And we're the old people and we're marching, it's something strange.

Adams: Indeed.

Dickerson: So, I am i'm here on behalf of the north american music association. Research tells us children who play music do better in school and in life. Playing music fuels motivation and self-esteem. Music lessons boost your thinking skills. School music fosters your well being, builds skills for the future. Everybody said they weren't going to tell you these things, but I am so you don't forget. Music education helps young people feel inspired and motivated. So I think that it's very important for music education to be a cornerstone of public education. Thank you for your time.

Adams: Thank you very much. [applause] we'll have council discussion now that gets us through the testimony. Commissioner Fish.

Fish: So could eloise come up for a second?

Adams: Welcome. If you could introduce yourself for the record.

Eloise Damrosch: Eloise Damrosch, regional arts and culture council.

Fish: Hi, eloise. I want to confirm something and create a record around it. Portland through Portland parks and rec has number of arts programs. Multnomah art center, community music center, interstate firehouse cultural center, among others. And I want to confirm that under this proposal, when this, these additional funds are available, that they, like other nonprofits, would be eligible to apply for grant money, assuming that they, they qualify in terms of the programmatic requirements.

Damrosch: Absolutely. The arts, education and access fund is going to be available for all kinds of nonprofits to reach underserved audiences through the arts. As well as schools, and it's a pretty open grant category. So they will be able to apply there as they do currently for project grants, and also, when you figure the money that we're investing in generally operating support currently, will be supplanted by the can investment, and that liberates additional funds for larger and more project grants. So it's going to benefit those organizations, as well as many, many in the city.

Fish: Thank you.

Adams: Others? Karla. Can you please call the vote.

Fish: Thanks to everyone for a very inspiring day of testimony. When I ran for office, in 2008, I made a pledge that I would work with the mayor and the council to come up with a dedicated funding source for the arts. And here we are. With a chance to refer this to the voters. So i'm very pleased to do so I was listening to the stories about my colleagues in their high school years. I'm actually surprised they are so old. '70, '72. I was the bicentennial class. I had no idea that I was the baby of this panel.

Adams: You are not. [laughter]

Fish: I remember that I did not have a laptop or an email account or an i-phone. But I do remember that I had p.e., art, and music. So, I am old enough to remember when this was part of the curriculum. And I did not become a great artist or a great musician. Or a great athlete. Some would say probably not a great politician, either, but. Beat you to the punch, but --

Leonard: You are good.

Fish: But, what I had learned is that because of the wonderful teachers that I had when I was younger, they planted the seed with me that later in my life caused me to become passionate about jazz. And about painting. And about theater. And about the things that unites us today. The way

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that human beings express themselves through the arts and that really would not have happened I not those role models and the early experiences. And so it's wonderful that for every Thomas Lauderdale who graduates from Grant, there should be a Nick Fish who is not -- will never be known as a noted musician or artist, but has the, the joy of experiencing the best of what we have to offer, and in my own way appreciates arts and culture and heritage that are, that are unique to me. So, we want to teach the whole child, as someone said. Which I thought that was very beautiful. And we know that through these investments we have a better community. So, what we're asking you today is simply, to pass this onto the voters and let them make a judgment. I am very pleased to do so.

And I want to join with all of you in thanking the mayor for the leadership that he has demonstrated over four years on this subject. We would simply not be here without that leadership. I've been very proud to play the second seat on that, and I will continue on the council to be a strong supporter. But this is a proud day, so I am pleased to say thank you, Sam, Jessica, Kim, and thanks to all the people in this room who are so passionate about what I think is one of the great things about Portland. Now and hopefully in the future. I am pleased to vote aye. [applause]

Leonard: And you are a good politician, Commissioner Fish. So how did we get here, so we're having a debate today about whether to restore arts and music in school. And the other debate that's happened in the community, how do we restore sports and athletics in school, and other debates in the community. How to restore shops in Portland schools. We got here in the time line and the, the line to this place is very bright and clear. In 1990, the voters passed measure 5. And measure 5 cap per 1,000 on the amount of schools could get from property taxes, and a \$10 limit on the amount that local government could get. The funding for schools, therefore, shifted to the state.

Which is obligated to provide a common system of schools. And because of that requirement, they now use income tax that otherwise went to fund parks and state police and other programs such as prisons and programs at the county level to help the elderly and the poor and people with addictions and mental health crisis. All those funds now go to fund schools. That's how we got here. It got worse in 1996 when the voters passed measure 47 and the legislature made that so that it would work and sent out measure 50, which would place 47 in that passed. And thereby limiting the amount per year that even that smaller amount of property taxes we could get would grow. So for 22 years. This debate has been dominated by the voices that say public education should not be funded at the level some of us think that it should because they think that it's overfunded. And they have to define themselves not by what they are for but what they are against. The voices for public education that have argued, for instance, in the legislature I worked with then republican speaker of the house Lynn Lundquist when I was a member of the Oregon state senate, and I co-sponsored a radical bill that would have taken all of the kicker money, and dedicated it towards education. He could not get the votes in the house. Even though he was a republican elected speaker, and I certainly couldn't get the votes in the senate, in a legislature dominated by republicans. So, we have, we have become a state that has had our options for education defined by those who tell us what we cannot have and sure enough yesterday,

as I'm driving in and I'm listening to speak out loud, which is a program on OPB in the mornings that discusses local topical issues. They were discussing the subject and who was the person that they had on, explaining why it was a bad idea, Don McIntyre, the original author of measure 5. And it just struck me that, that Don, in many ways, and Bill Sizemore, who worked with Don, have succeeded at a number of levels. I regret having to say that when I read the Oregonian editorial, that opposed this measure, I just felt like they had succeeded in defining for the state of Oregon and even the most well intentioned of us, including our friends at the editorial board, what's possible. For public education. And the possibilities have become dimmed by the Don McIntyres of the state.

So, I even had a discussion with a friend of mine who told me that he was for public education, and for funding education, where he opposed this \$35 income tax charge because, because according to him, it was regressive. And you know, a long time ago I learned to quit having discussions about abortion and religion and even in some places, politics. Because it's like beating your head against

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the wall. So what I thought, instead of what I said, what I thought was, what do you think happens when people buy the tags for their cars? What do you think happens when people pay property tax now? The county doesn't care if you are out of a job, when your property taxes are due, and it's 4,000, pay. So I have gotten myself to the place where, where, where I am less concerned about the nuances of a particular proposal. I am heartened that I am here. Working with a mayor who, actually, has a proposal. He's risen above those who have said, why we can't do something. And said, here's something that we can do. I find that after having been either in the legislature or here for now 20 years, shockingly refreshing. And I cannot wait to vote for \$35 a year to help fund arts and music in the schools because it's something. Somebody has come up with an idea, and it's something. And if somebody else comes up with another idea, I will vote for that. Even if it's, it steps on some other principal of taxation that I might hold dear. Those are secondary issues now because the bigger issue is, and has to be for all of us that we cannot let our school system become so driven down and so downtrodden that it becomes a self fulfilling prophecy that education in this state is not good enough. The irony is that this argument over the last 22 years has created what it is that they said wasn't true in the first place. They created that. And some have bought into that. So, I am very impressed with sam on a number of levels. He, for a variety of reasons, for this next six months, could be just administering bureaus and nobody would second-guess that. But he shows up early and stays late and produced a budget. And he could do that and check out. But instead, he has chosen to lead, and from where I sit, and I have served with three mayors, served with different governors, and served with some of the, some of the brightest people that this state has produced over my career in one capacity or another. He's, he has stepped up. Time and again on a number of issues. This being the latest example to produce what he thinks is right for the citizens of Portland. And I appreciate it. And, and I wish that I could just do something more than just vote aye. But that's, that's what my role is here, so that's what I will do. Aye. [applause]

Fritz: Commissioner Leonard and I sometimes have disagreements but on this we are completely in agreement, and my first son entered kindergarten, the year after measure 5 passed, and we had music at markham and band, and now, they don't. And it is the legislature's job to fix it. The students who did that beautiful poem for us performed at the upset rally. And upset is underfunded. Parents, students and educators together, and I urge you to go to the website and join their next rally. Enough is enough. We need adequate stable school funding for all curriculum elements in Portland. And throughout the state. Not only the sixth school districts which will benefit from this measure if the vote is to pass it. Every school district in Oregon is suffering. And it's not ok. We in Portland will do what we can do on this measure, and I am proud to refer it to the voters because the adult voters will choose whether the adults want to pay it or not, and that's how it should be. It's urgent. The whole system needs to be fixed, and there is no more excuses. The legislature is responsible for referring something to the voters. And I hope that they will do it next year. To pass comprehensive school funding reforms so that we don't continue to cut and cut and expects our wonderful educators to do more and more with less and less. And to expect our students to do more and more with less and less. I believe with all my heart that portland public schools are wonderful places. We have the david douglas high school band. I went to pirates of penzance at Madison high school this past year. Absolutely phenomenal. And in many different areas of our city educators, parents—it was mentioned that parents are volunteering to provide some of these services, but this measure provides certified arts and music teachers. These are educators, people who are trained to educate, not parent volunteers like I was for 17 years, doing our best to fill in the gaps. Enough is enough and we are taking a step here today to move forward with that recognizing the arts and culture in Portland is more than something that is of value to our hearts and souls. It's part of our economy. 8,529 jobs, \$253 million industry. That's big bucks in our community and it fosters our creative arts community, the film industry, and other associated technology industries that come to Portland because we are that hub of creativity, that Florence on the west coast, that makes us a special place. And we're not going to let go of that special place. I pledged when I

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came on the council that public schools will not go down the tubes on my watch. I appreciate the Portland association of teachers who have worked closely with the mayor on this measure and all of you who have participated in this partnership—racc, creative arts network—we're all in this together and we recognize that. So I'm very proud to refer this to the voters and I hope to be here next year to also continue implementing the arts programs here in Portland and to continue to push the agenda at the legislature. That's where the core responsibility lies. Let's work together to pass adequate stable school funding for the whole of Oregon after we get this one done. Aye.

Adams: I want to thank my colleagues for their very kind remarks. You need to know though this city council in this past year in the bridge one-time funding we were able to give schools across the city in all the districts, was a lot of work and this council stepped up and made that happen. What we're voting on today is sort of beginning, instead of it being a plank or bridge, this has the opportunity to land on the other side. It does not solve the school funding problem, this is a focus on 5 to 10 year olds in elementary school, kindergarten to 5th grade who now are treated, whether we want to admit it or not, like building robots on some sort of conveyor belt. We forget that these are little kids who deserve to have what most of us in this room had the opportunity to be infused with the humanity and creativity and critical thinking and relationship building that comes with arts education at the earliest stage. So it's time to start treating our very young vulnerable kids the way they should be treated and by providing basic, not luxurious, but basic arts and culture in our elementary schools. So I'm very proud to be part of a city council that's putting this on the ballot. I'm very proud to be part of this community effort that helped get us here. I want to especially thank Cary Clark and Tomi Douglas Anderson, the folks at the bureau of revenue, can, the great regional arts and culture council team and Jennifer and Amy. Our work now begins. Thank you. Aye. And we're adjourned.

At 4:46 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.

JUNE 28, 2012 2:00 PM

Adams: Good afternoon. Portland city council will come to order. Today is Wednesday, June 27th, 2012 its 2:00 p.m. Hi karla, how are you?

Moore-Love: Hello, I'm well.

Adams: It looks like we have summer upon us. Please read the title for -- today is thursday, june 28th, 2012, 2:00 p.m. Please read the title for 786 and 787.

Moore: Roll call?

Adams: After you do the roll call. [roll call]

Adams: A quorum is present. Please read report item number 786.

Item 786.

Adams: Commissioner amanda Fritz.

Fritz: Thank you Mayor. It is my joy and pleasure and honor to introduce this report on the first 90 days of the office of equity and human rights. I invite director dante james to give us that report. I promised when we established the office in september of 2011 that we would come back with a six-month report. Which we did at the end of march. Which was just two weeks after dante james joined us as the director. At that time I said that before the end of the fiscal year I would come back to council again and to the community with a report on his progress and our progress as joint community working on equity and human rights after 90 days. So this hearing is starting with that report. Director Dante James.

Dante James, Director, Office of Equity and Human Rights: Thank you. Good afternoon mr. Mayor, commissioners. I appreciate the opportunity to come and offer some thoughts and a snapshot of what I think are the successes of the office for the first 90 days. Actually i've been here 103 days, so -- but i'm not counting. I believe that there's -- there have been some excellent successes, as I continue to learn and maneuver my way around within the city bureaucracy and the city government, and i've been very, very appreciative of the support that i've garnered and the office has garnered throughout the city. And also in conjunction with the presentation this afternoon i'm also here along with the commission on disability to request council to accept and support the resolution on the planning of the captioning plan for media produced by the city. So this presentation also is the first part of what will be a larger presentation on equity that will be presented next month. And that will include a presentation of our one-year work plan, as well as reports and resolutions from the contracting department and the mayor's office on the minority evaluator program, contracting strategies on minority, women, and emerging small businesses, as well as a look at some of the bureau demographics. And so as I begin the report on the 90 days, if you will, I first want to give thanks to a few people who have been very instrumental in my initial time here and getting the office up and running smoothly. Obviously commissioner Fritz for her support and trust. The many bureau directors who have offered their time and support for the work of the office. My staff who are present here this afternoon, for their support in the beginning of this new phase of the work. All of the folks in housing, thank you commissioner Fish for being gracious and allowing us to be good neighbors. Jack graham for his assistance on the big picture of the city. Kezia Wanner in the budget office for really helping me untangle the numbers as I came during the end of the budget process. Kathleen Saadat in human resource for being a phenomenal wealth of information, and the strength she has, that she's brought to the city over the many years. Celia Heron at omf for helping me with metrics, as the mayor appreciates, I know. Alfonzo moore and

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diane avery in human resources for helping with a lot of the staffing as I again maneuver my way through the human resources bureaucracy of trying to make changes and adjustments and hiring new staff. So truly to highlight some of the items hopefully you have a document in front of you that outlines some of the accomplishments in 90 days. We really have been building on the work of the prior office and have been shifting from an external -- external to an internal focus, working with bureaus individually to offer technical support in education, The police bureau we've been working to work with them on training, some of their officers officer jim quackenbush, and stacy dunn, neither could be here this afternoon, but certainly send their regrets and said they wished they could be here to speak to you about the work we've done together in putting together training for their officers. Also I just the other day met with the command staff and actually seattle's office came down and some of the police officers from seattle came down, and you'll hear two weeks from now from the human rights commission as they've been working to work with the command staff here and the police bureau on training of the officers and trying to work some things a little bit differently. Working with the contracting office, obviously with the minority and women owned businesses as well as emerging small businesses and christine moody is here this afternoon, and you'll hear from her in a bit. Working with the planning and sustainability office, the bureau of planning and sustainability on the pegs. The policy expert groups for the comprehensive plan. And that's been an excellent opportunity to really infuse equity in how the city is going to look in the next 25 years. I had an excellent meeting this morning with planning and looking at ways to structurally put equity within the pegs as opposed to one peg the next peg, the next peg, are they individually doing what the Portland plan speaks of, but how would we put that in structurally so that we can have an important and complete impact for the best and most efficient way to do it. In my 90 days here i've continued to hear a particular refrain that I want to address. And that is that Portland is one of the whitest big cities if not the whitest big city on the west coast, and Oregon is just a big white city. So I truly needed to look and see what that meant. And so what I want to do is very quickly read you a list of states, and the states are kansas, wyoming, nebraska, south dakota, north dakota, montana, utah, idaho, minnesota, iowa, kentucky, indiana, wisconsin, west virginia, vermont, and new hampshire. And all of those states have less population by percentage of people of color than does Oregon. Multnomah county is 27% people of color. So when the conversation is that we just don't have the demographics to do something differently, I would argue that's not true. And that's a narrative I think we need to recognize that we need to change. Or at least speak to differently. Because it's not that the demographics are changing, the demographics have changed. And continuing to use the narrative that I just expressed is a crutch for why things can't change. And if we don't address the need to change that narrative, we always have the crutch to fall back on. In speaking with some of the members of the bureaus who do hiring, or even some of the bureau directors through no -- casting no aspersions on their intentions, when I speak to them about hiring, and diversity, a lot of times i've heard just around city in general that we put out the applications and the request, and we just can't get people of color to apply. We don't get people of color to apply. And my response is that's a 20-year-old answer if we want to do something differently, then we have to do something differently. And think about it differently. Or the other refrain is we just don't really -- we're not concerned about color, we just want the best person for the job. And again, that one, it's not mutually exclusive to get the best person for the job and the person of color, but that's a 20-year-old answer. We really have to do something differently. Do outreach differently. Have an expectation that the people we hire will come from the broadest, broadest breadth of who can apply and who we have in the city of Portland. So my vision for the office is a city where my office isn't needed, quite honestly. I would love to work myself out of a job. Because equity and fairness happens just like recycling does. Or just like the idea of sustainability. Or just like public involvement happens. I know it took some time for the bureau of sustainability to be up and accepted and now it's merged with planning and now it is the powerhouse that it is. Recycling was i'm sure a painful process to implement, and people didn't understand it, didn't want to do it. I've

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gotten a few notices myself because I put the wrong thing in the wrong barrel. So i'm still trying to figure it out. And so it sometimes is a painful process. But it's a process. And as I learned, the city loves process, so let's embrace the process. So it is a continuing work, but until equity becomes as infused as public involvement, then it will always be an add-on as opposed to the ingrained part of how we do business. And I would suggest that the work can't be done without leadership. And that leadership comes from you. And I would ask each of you specifically to reiterate or state for the first time to your bureau directors, senior staff, the people that listen to you, in the city and city employment and not. That achieving equity requires doing something differently and that it's important. Because the importance comes from the top down. And it requires consciously doing something differently. Looking at things differently, looking at who's involved in hiring, firing decisions, looking at how we think about how the services that we provide are in fact provided, all of those things. Considering whether we have internal biases reflected in our work. Since we all have internal biases, how do those manifest in our policies and our procedures? And so I ask for your leadership in that. And in closing my initial remarks, I just want to again refer you to this document, I think it lays out some of the successes that we've had, some of the community oriented work, all the meetings i've had with many, many people and organizations within the community, I am pleasantly empowered and surprised by everyone's appreciation and respect for the city of Portland having put this office in place, and I hope you hear that, because they credit you for putting this office in place. And bringing this office to the forefront, and bringing equity to the discussion. And so i'll be returning in just a couple of weeks to bring the work plan together, the work plan to you, as I said, and there will be some -- maybe some specific asks for you as heads of the portfolios that you have. The difficult part, as you know, is a citywide initiative because of the way the city is structured and the silos that exist. I must say that I have been wonderfully accepted by all the bureau directors who have said they want to do equity better. And they want assistance in how to do that. And so that is the goal, that is the mission, and I don't like to lose, and I usually don't, so I expect that we will make this process work. And it already is, and I thank you and all of your staff for helping in that process. So. Do you have any questions?

Adams: I just -- are we voting on the presentation?

Fritz: We have a panel also who -- could we have the panelists come up?

Adams: I might have to step out early, but I wanted to say, director James, what -- how impressed I am with how fast and with a great amount of agility you've hit the road -- hit the ground running, and how much I appreciate the efforts that you've made to reach out into the community and also to reach out internally. This is a city that values process. There's no question about it. You absolutely have to embrace it. If not express frustrations from time to time, we all do. But I really appreciate all the extra effort you've made, and I want to underscore my thanks for the leadership of Amanda Fritz, starting up a bureau from scratch is hard work, and so I appreciate your leadership and the team effort that you brought to this. Thank you. If I get up and leave it's because I have a conference.

Fritz: Thank you.

Adams: So if I get up and leave it's because I have a conflict.

James: Thank you, Mr. Mayor.

Lavaun Heaster: Hello I'm Lavaun Heaster and I'm on the Portland commission on disabilities. And the Portland commission on disabilities has been very pleased with the office of equity and the work and the progress it's made in such a short time. Many of us join the commission because we wanted to make equity inclusion and diversity conversation more inclusive of people with disabilities here in Portland. And so I think that we have been very much embraced by Dante and the staff and the office of equity and human rights. We have worked together to have our staff person elevate so he can now become a program manager, and can go out and do the work effectively. We have worked together on the closed captioning resolution, which you will be hearing in just a little while, and that's really exciting, because it's really painful to be left out on a very

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regular basis, and we have community members that are. And so expanding -- by working together, we are really expanding how other people see disability, but also we're looking at the work we're doing on the commission, and we're beginning to expand it because of our connections being built in the office of equity and human rights, and one of the things that is also becoming louder and louder, I hear in our community is really recognizing that for disability -- people with disabilities often times it is an issue of human rights. And that is not always seen, it's always seen as a disability issue rather than an issue of human rights. So being put in this office has been wonderful, and we're really happy for the support and the structure that it's helping us to move forward with our work and expand work.

Fritz: Thank you, commissioner.

Midge Purcell: Good afternoon. My name is Midge Purcell, I'm the director of advocacy and policy for the Urban League of Portland, and on behalf of the Urban League I would like to welcome and acknowledge the accomplishments of the first 90 days of the office of equity and human rights.

In particular, I would like to thank Director Dante James and his staff and you, Commissioner Fritz, for continuing the collaborative and inclusive process of working with community members and city staff who are deeply, deeply invested in ensuring that equity is integrated in the way we do business as a city. We recognize it's no easy feat to bring together the strands of this work. Again, acknowledging the task that Director James had when he came to Portland. While at the same time building the organization of the office itself, again, no easy feat, given the diversity of groups. And functions that this newly created, newly combined office oversees. And currently with fairly limited resources. And we look forward to that changing. The Portland plan and equity frameworks set a clear goal to achieve a city where opportunity and achievement is a reality for all Portlanders. And to address the disparity that was set out in our state of Black Oregon report and in the coalition of communities of color report. And so in the first 90 days Dante and his staff began to set up the structure to begin the first step to achieve the goals in the Portland plan. And we really understand that it is the first step of a long journey. Just as I make the analogy that Dante did, just as it's taken time to develop a commitment and understanding, a mechanism to integrate sustainability as a core value in the city of Portland, a core value in everything that the city does to fully institutionalize equity will also take time. And resources, and expertise that we are confident that the office and its community partner can bring. That's why we support the creation of a citywide equity strategy to begin to build that shared commitment and shared understanding and direction of how and why we have to do this work. I think the office acknowledges that a lot of staff in this city will need support to understand what equity actually looks like in their work. How to, you know, I'm sure people will say, how the heck do I do things differently when I'm deciding where to place a water pipe? And that equity means more than hiring and contracting, even though these are important components. So we have the vision and -- which is why I think the training piece Dante mentioned is really important, and we're really looking forward to supporting triple A in the capacity to ensure that the city can do this work. So we have a vision, and we're confident that the office will continue to be an investment in how we get there. To ensure that decisions of where we invest, how services and programs are delivered, and how we involve our communities and how success is measured has racial equity and disability at their core. So we welcome the first 90 days and we look forward to continuing to work to advance this important task that the office has before it. Thank you.

Fritz: Thank you for your partnership.

Christine Moody, Chief Procurement Officer, Procurement Services: Christine Moody, the chief procurement officer at the city of Portland. As council knows, in 2009 we conducted a disparity study for city contracting, and since Dante has been on board, I have been trying to get him up to speed on the last three years worth of work, which he has taken hold of, and very comprehensively is understanding what we've been working on and what we have been working on with the community over the last year as far as contracting initiatives. And Dante has some very good ideas, there were some things that -- from his background that he can bring forward to us here

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at the city coming from a different area that I think are good things that we can take to move forward with and work with on our city contracting, in addition to some other things that we've been working on over the last year. And actually, these things will be coming before city council in the next couple weeks. We will be making recommendations on bureau's process improvement and increasing opportunities for mwesb businesses. And Dante and his staff have offered support to my self and my procurement services staff in speaking with community members about these upcoming changes and policy changes. And I appreciate his support and the office's support in all that we do as far as equity and contracting.

Fritz: Thank you very much. Colleagues, you may notice that a lot of what we're reporting today is coming back in two weeks, on July 11th. I work hard to make this process transparent and since I did promise it would come back before the end of the fiscal year, that's why we're doing this report today. But there is more to come, and in fact many more things to come over the next several months. So we hope that we're leaving you with -- eager to find out more. Thank you panelists, and if there's anybody who would like to testify at this time --

Fish: Do we have anyone who has signed up?

Moore: No one else signed up.

Fish: Is there anyone who would like to be heard?

Fritz: Do you have a final thought for us?

James: Final thoughts are that I just truly appreciate the opportunity to come and continue to keep you apprised of how we're doing, what we're doing, and how well we're doing what we're doing and request your input and support and suggestions at any time from the feedback that you probably hear that I don't hear, I would love to hear all of the suggestions, critiques, comments that you may hear about how well we're doing what we're doing.

Fish: We have one person who signed up to testify.

Saltzman: Can I add one thing? For government work, these reports are impossibly concise. So keep it up. It's not our standard for report. Believe me.

Fritz: I will have that linked from my website by the end of the afternoon.

Fish: Mr. King.

Promise King: My name is Promise King, the executive director of Oregon League of Minority Voters. I have been following the process. Let me thank some of you who have demonstrated by example that equity matters, that inclusion matters, that diversity matters. All of you commissioners have staff and bureaus that are diverse, you made that intentional. I am here today to really ask you -- I want you to demand greater accountability of the process. And that accountability carries a lot of responsibility. Number one, you must assure that your will is present when this conversation is taking place. What I do mean by that? We have -- we don't lack people who understand this process. What we lack is the political will. I know inside the effort of Commissioner Fritz behind the scenes in trying to move this effort forward. Now we are here, we have a structure, we have the vision. And I'm begging you to demand greater accountability. Ask questions. Because equity is not just a fancy word, it's structural adjustment of systems to accommodate and create an opportunity for inclusion and diversity. So get that in mind, that equity is not just a fancy word. It is a structural adjustment of systems. For instance, the office of sustainability has done a great job, we admire that we want that to be about also our own equity. If the city is trying to -- I am asking that if the city wants to take any step, you also ought to pass through the lens of equity. That is the only way we can get to the point where we're going. My former boss said, this should not come to a Kumbaya. I agree with you Dan when you make that statement. But we require your efforts, your will, your examples, your office, your pronouncement, and your statements. Thank you.

Fish: This is a report. Do I have a motion to accept the report?

Fritz: So moved.

Leonard: Second.

Fish: Karla, please call the roll.

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Saltzman: Good job, as I said a minute ago, keep up these nice brief reports. They're very impressive. But good work, and look forward to the more thorough reports in the coming weeks. Thanks, commissioner Fritz, too. Aye.

Leonard: It is challenging to start a whole new process in a whole new bureau. Amanda, you have done a great job setting this up. I am impressed. I like what I hear so far and I look forward to hearing more. Thank you. Aye.

Fritz: Thanks to dante for his work over the last three months, and to his staff and the community. We're all part of this effort, and I appreciate the way my colleagues have embraced each one of our responsibilities to make this work. As I said in september, we cannot fail this time. We will not fail this time. And I appreciate everyone's dedication to making sure that this is the effort that actually gets us to achieving equity in Portland. Aye.

Fish: First I want to thank commissioner Fritz and the mayor, we would not be here today, we would not have an office of equity if amanda had not championed this. So i'm grateful for that. And director james, it's been a pleasure to get to know you. You're a breath of fresh air. In fact, I thought I knew you until I was at the cio dinner the other night and you told your story. You've been here less than 100 days, and you already gave the keynote at a very prominent community event. And speaking on behalf of the Housing family here, we're honored to have your office in our space. And we're honored, and we think there's great synergies that will happen when these two great bureaus work together day-to-day. So thank you for your report. And we look forward to the follow-up later next month. Aye. Report adopted. Thank you. Karla, would you read the next item, please.

Item 787.

Fish: Commissioner amanda Fritz.

Fritz: Thank you, president Fish. We are not only talk and planning and strategizing, we are implementing full speed ahead. And in particular we're implementing in partnership with the Portland commission on disability, this is the second ordinance that the commission has suggested, or requested that we bring forward in partnership with them. So i'm very proud to be the office which is partnering with the commission on disability and also the human rights commission. Thank you all for being here today, and thank you to carol studemund who is volunteering to provide captioning in council chambers. When you watch the city council at home on channel 30 the captioning is available. When you watch in city council chambers, it isn't yet, but Karla and the facility staff are working diligently on providing open captioning in city council Chambers, we're also working on providing a loop that allows hearing impaired people with cochlear implants to hear better in city council chambers. And we've made several other accommodations within the council chambers for people with mobility disabilities over the past year. Those are all very visible ways, or experiential way that the office of equity is moving forward with its equity agenda. Director dante james.

Dante James: Thank you, commissioner. Commissioners. Again, it's my pleasure to bring these members of the commission on disability before you to speak on a second resolution that we're bringing in a very short time that not only affects the communities with disability, but affects everyone in a positive approach, in a positive manner. And so we are here, my office is here to support this resolution, we'll be working in conjunction with the bureau of technology services and the public information officers to ensure this rolls out in the best and most efficient way possible. And so this is designed to be a plan to begin looking at how to implement this. And so in the coming months we will be working on the best and most effective way to do this, the most cost effective way to do this, and the best way for the communities that are in need of this service to do this. So that said, I would ask the members of the commission to introduce themselves and offer their thoughts on this resolution.

Jewls Harris: I'm jewls harris, vice Chair of the Portland commission on disability. First I want to applaud all the efforts again of the office of equity and human rights, and commissioner amanda

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Fritz, how much support the Portland commission on disability has had. It's interesting that it's been over 20 years since the passing of the americans with disabilities act in 1990. And everything is a process, as you said. And I think that this is part of the process that is long overdue. It is not right, nor ok to exclude anyone, to not be included feels really crummy, frankly. And I think this is a very appropriate step, and we look forward to working with the office of equity and human rights on implementation of this resolution.

Steven Brown (through interpreter): Good afternoon, i'm going to read my notes to help me remember what I would like to say. My name is steve brown, i'm the commissioner for the Portland commission for disabilities, and I want to share my story about what the resolution -- I support the resolution. I want to thank you, commissioner Fritz, for your support. And thank commissioner james for your support as well. And i'm glad to be here. I hope that you all are supportive of this resolution and i'll share my story. So as a deaf person, of course I can't hear, and I can't talk, but I can read. So closed captioning saves my life, truly it does. So because I can't hear, I need to know what is going on, and closed captioning, being available does help that, but one of the problems is accessibility to captioning online. When you're watching the television, it kind of -- it can be a slow process. So online is quicker, so I hope that you guys can help relieve that barrier and provide access online, captioning online. So this morning an example, I was watching supreme court, they decided that health care is to be implemented, and it is constitutional, so it's a great accomplishment, i'm really happy that president obama has started to implement that. But this morning while he was speaking, I was looking at the internet on my iPhone, and there was no closed captioning. So I missed the whole thing. I wasn't able to experience the excitement, you know, that everyone else was. And so a few hours later, this afternoon, I read the transcript online from the white house. Their website. And it was a different experience. I wanted to see the facial expressions that went along with what president obama said, the emotions that were attached to what he was actually saying. So, you know, that's a challenge for us, for me. Closed captioning is very important. It's not just for the tv. That's kind of outdated technology nowadays. We want quick access to information. Here in Portland, I worked in the city several -- a few years ago and I took a training, and there were videotapes without closed captioning. And it was one of the trainings was about sexual harassment policies, I had no idea what was saying, and I was given a transcript. So it's not really the same experience at all. Me reading a transcript and then signing that I understood what was said in the video. So I would like Portland to provide captioning for educational workshops and trainings. And also for emergency reasons, I was -- I would like you to provide captioning for emergency broadcasts so that we can have access to that information. So that's just a few examples, and I want to thank you for giving me the opportunity to speak, and I really look forward to working with you, and if you have any questions I'll go ahead and take those now.

Fish: Questions from the council members?

Fritz: Commissioner, I love your example.

Brown (through interpreter): Thank you.

Fish: Do we have other testimony?

Fritz: Not invited testimony. There may be others who signed up.

Moore: We have six people who signed up.

Fish: Thank you all very much.

Fritz: Thank you.

Moore: The first three please come up.

Fish: Good afternoon, gentlemen. Each of you will have three minutes, and all we need is your name for the record and sir, would you like to kick us off?

John Waldo: I'm john waldo.

Fish: Go ahead.

Waldo: I live at 2345 quimby in Portland, and i'm one of the approximately 50,000 Portlanders with a hearing loss of such a degree that it materially interferes with my ability to understand what's

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being said. I'm also a lawyer, and my legal practice concentrates on ensuring that the promises of state and federal disability laws actually are carried out and practiced. Even though I live in Portland, I don't practice in Oregon. I practice in Washington and California. The reason I don't practice here is that fortunately I haven't had to. People in Oregon have been so gracious and understanding our needs and our issues, and have gone out of their way to try to accommodate those problems. This resolution indicates to me that the city of Portland is certainly very much on track to do the same thing. As the resolution recognizes, the Americans with Disabilities Act title 2 requires government entities like the city of Portland to make all of their programs, services, and activities accessible to people with sensory disabilities. Captioning is certainly the best way to do that, along with some of the other measures that Commissioner Fritz has pointed out, but captioning is kind of the one that blankets the waterfront and will cover those of us no matter what our degree of hearing loss is concerned. I suppose in the best of all possible worlds we wave the magic wand and automatically everything you do and put on the internet would be captioned automatically. But we know that in real life, both time and money are infinite supply and therefore we have to prioritize what to do first and what to do later. The University of Oregon worked out a very interesting approach that I would commend the city of Portland to consider. That is, you look at the things that are big deals, council meetings, that sort of thing, and the case of the university, football and basketball games, automatically caption those. Other things, though, you caption on request. I think that that might be a useful approach, that if you budgeted a certain sum of money to do captioning in a given year, don't dedicate all to specific things, but leave a certain pool of money out there so if requests come along for other things, you never find yourself in a position where you have to say no. One thing I like to remind myself is that 40 years ago, nobody thought about providing wheelchair access. It just didn't happen. Now nobody thinks about it, it just happens automatically. We are in this situation where we're beginning to think about providing access for people with hearing impairment. I'm hoping that it won't take us 40 years before we stop thinking about it and just do it. Given this resolution, it's obvious to me that you all are on the right track and I thank you very much for that.

Fish: Thank you, sir. Welcome.

*****: He's indicating you should go next.

Michael Marino: Michael Marino. On the surface, the matter of being a good thing to do, being charitable to some extent, though there's a cost involved, that it helps people that can't hear, it gets deeper than that. The next level of depth is that people who have the right to know what you're saying because you're in the government. Ors 192 might not spell that out, but that's in the same spirit, that the people of the -- the common citizens should be able to know what is being said by their representatives. A level deeper than that if we go there, a lot of people who are disabled in some way, partially deaf as I am, or people who are disabled in other ways, can't do a full-time job anymore perhaps, but they do if they can, and if they are so inclined, continue to volunteer for their community. Including them in conversations and discussions and presentations by using real time captioning for, in the case of people who are deaf or hard of hearing, is one way you enable a large number of people who are intending to help the community by volunteering, to do just that. That means there's a return, what you -- however much money this costs, it comes back to you in the form of people that you will be enabling to do the volunteer work they would like to do. As an example of the only thing that comes to mind, there was -- the city council, not the individuals here, I think some of your predecessors gave a legislator -- a legislator an award for a bill that she -- that was after she retired from the senate, Avel Gordly, and the bill that was for what she got an award was one that removes the remaining white supremacist language from the Oregon constitution. One thing that I noticed in the Tribune -- the Tribune article about it was it didn't mention where she got it. I wrote the first draft. Although many of the ideas I might work on might be of no value or of little value, sometimes they do get taken up and they do turn out to be a success.

Fish: Thank you very much for your testimony. Welcome.

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David Viers: My name is david viers. I've been involved with the hard of hearing and deaf communities within the state of Oregon for probably over 30 -- over 25 years. Right now i'm representing -- i'm on the hearing loss association of Portland's chapter, the state association of hearing loss association of Oregon, and i'm currently the president of the Oregon communication access program. That last organization is focused primarily upon advocating for captioning to be provided, so I have a history in that area, and a keen interest in it, and I want to commend this organization for bringing forth this resolution and I hope it passes. The only concern I have with regard to that is that it's looking at the cost rather than actually saying, let's go ahead and do it. But I understand sometimes we have to do first things first, and addressing the most efficient way to do something is a first step. So with that, thank you very much.

Fritz: Thank you. Just to clarify on that, the resolution directs the staff to come back by september with an actual, this is how we're going to do it, including evaluating the cost, but definitely the intent is that we're going to do this.

Viers: Fantastic. Thank you.

Fish: Thanks very much. Karla, please call the next three.

Fish: Mr. Johnson is here? Promise has left and midge already testified.

Fritz: Welcome, commissioner johnson.

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

Fish: You have three minutes.

Nicholas Johnson: My name is commissioner nicholas johnson from the Portland commission on disability. I represent the commission in that way that I feel that the caption is necessary in our day and age since we are advancing so much in technology, there's no reason for anybody to be left behind in this day and age. With the crucial changes that our country nation, and political streams are taking, elections rise and fall on very few votes. And considering this is an election year, it behooves us to be able to observe and take in all the information that is going that will help our nation rise together and move forward. However, there are some that wish to keep us behind, so it is up to us that have this vision to keep maintaining a forward momentum to be able to ascertain all the information, all the political waffling from some individuals, and all the bad publicity and bad records of others that affect us in our communities, that affect our schools, that affect us on the job, and so we need to have this open caption information so that we can make wise decisions in placing those that have the vision that some of you have maintained and are pioneering, you are spearheading. We need this. But we can only assist if we have update and real time information. And to tell you the truth, people with disabilities do make up 16% of the Portlanders population. But however, we also make up 14% of the registered voters. And with that being said, we have the opportunity right now with the best information it has that you provide, we can help and assist in carrying our city and these resolutions forward. I hope, I hope that this takes root in your hearts and in your ears, because what you do today will affect Portlanders for years to come. Thank you very much.

Fish: Thank you, commissioner. Amanda Fritz? Council discussion? Final word?

Fritz: Thank you to everybody who has come here. As was mentioned earlier, we will be bringing more action items in the coming months, including in two weeks' time on july 11th. And in the meantime, i'm very proud to be proposing this plan -- coming back in very short order with specifics on how we can make sure that everybody has access to the information. I want to note that this resolution was being prepared long before last week's u.s. Supreme court decision that requiring netflix to provide captioning. And in fact, there's a couple of times I personally have appreciated it, the university of Oregon football program was mentioned, I love it that I can look behind me to the big screen and find out who scored rather than having to ask one of my sons who it was who scored. It was unfortunate the u.s. Olympic trials was not considered important enough to caption. But again, this is a growing process, and we do hope that we get to the point to where it's done automatically, that we don't have to put so much effort into it. We're not there yet. It's a great

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example of action that the office of equity and Human rights is doing, that make a difference today, tomorrow, and into the future.

Fish: This is a resolution. We'll take it to a vote. Karla, please call the roll.

Saltzman: Again, thank you commissioner Fritz for leading this effort and it's a good thing. Aye.

Leonard: I look forward to getting the report back and supporting it. I appreciate this work commissioner Fritz has done bringing it here. Aye.

Fritz: Thank you colleagues for your support in this effort. Thank you to the office staff, director James, and the entire community for the great partnership that we have on this work. Aye.

Fish: Great work. And thanks to the citizens who took time out of their busy lives to join us and provide such eloquent testimony in support of this resolution. Aye. [gavel pounded] matter passes, and we are adjourned.

At 2:54 p.m., Council adjourned.