



CITY OF
PORTLAND, OREGON

**OFFICIAL
MINUTES**

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF NOVEMBER, 2011 AT 9:30 A.M.

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

Commissioner Leonard arrived at 9:50 a.m.

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

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

COMMUNICATIONS	Disposition:
1199 Request of Shedrick Jay Wilkins to address Council regarding the homeless and Occupied Portland (Communication)	PLACED ON FILE
1200 Request of Todd Olson with Oregon Move Our Money to address Council regarding the City's banking relationships with Wells Fargo and Bank of America (Communication)	PLACED ON FILE
1201 Request of Erica Askin to address Council regarding the Bureau of Transportation (Communication)	PLACED ON FILE
1202 Request of Farrell Richartz to address Council regarding proposed budget cuts to infrastructure services at the Bureau of Transportation (Communication)	PLACED ON FILE
1203 Request of Rev. Robert W. Krueger to address Council regarding proposed budget cuts and contracting-out of infrastructure services to CRCI (Communication)	PLACED ON FILE
TIMES CERTAIN	
1204 TIME CERTAIN: 9:30 AM – Declare intent to initiate local improvement district formation proceedings to construct street, multiuse path and stormwater improvements in the SE 33 rd Ave and Pardee St Local Improvement District (Previous Agenda 1044; Resolution introduced by Mayor Adams; C-10042)	RESCHEDULED TO DECEMBER 7, 2011 AT 10:00 AM TIME CERTAIN

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<p>1205 TIME CERTAIN: 10:00 AM – Tentatively deny the appeal of Cottonwood Capital Property Management LLC, Frank Fleck and Gary Gossett and uphold the Hearings Officer's decision with modifications to approve with conditions the application of Recology Oregon Material Recovery, Inc. for a conditional use to establish a waste-related use that accepts and processes food waste that is blended with yard debris, within a fully enclosed building at 6400 SE 101st Avenue (Findings; Previous Agenda 1146; LU 10-194818 CU AD)</p>	<p>RESCHEDULED TO NOVEMBER 30, 2011 AT 10:45 AM TIME CERTAIN</p>
<p>*1206 TIME CERTAIN: 10:05 AM – Grant a temporary, revocable permit to Comcast of Oregon II, Inc. to operate a Cable System (Ordinance introduced by Commissioner Saltzman) 15 minutes requested</p> <p>Motion to accept substitute Exhibit A: Moved by Mayor Adams and seconded by Commissioner Fritz. (Y-5)</p> <p>(Y-5)</p>	<p>185004 AS AMENDED</p>
<p style="text-align: center;">CONSENT AGENDA – NO DISCUSSION</p> <p style="text-align: center;">Mayor Sam Adams</p> <p>1207 Appoint Edwin Dean, Brandon Erickson, David Nilles and Blake Patsy to the Structural Engineering Advisory Committee for terms to expire August 31, 2014 and reappoint David Bugni and Christopher Thompson for terms to expire August 31, 2013 (Report)</p> <p>(Y-5)</p>	
<p style="text-align: center;">Bureau of Emergency Management</p> <p>*1208 Authorize application to the Federal Emergency Management Agency for a Pre-Disaster Mitigation grant in the amount of \$3,000,000 to seismically retrofit the Pittock Block in downtown Portland (Ordinance)</p> <p>(Y-5)</p>	<p>184990</p>
<p style="text-align: center;">Bureau of Police</p> <p>*1209 Accept and appropriate additional grant funding in the amount of \$3,500 from the Oregon Association Chiefs of Police for the 2011 DUII Traffic Safety and High Visibility Enforcement grant program for personnel overtime (Ordinance)</p> <p>(Y-5)</p>	<p>184991</p>
<p>*1210 Accept and appropriate additional grant funding in the amount of \$2,000 from the Oregon Association Chiefs of Police for the Three Flags Campaign/Safety Belt enforcement program for personnel overtime (Ordinance)</p> <p>(Y-5)</p>	<p>184992</p>
<p>*1211 Accept and appropriate additional grant funding in the amount of \$1,410 from the Oregon Department of Transportation, Transportation Safety Division for sworn personnel overtime in order to assist the Multnomah County DUII Intensive Supervision Program (Ordinance)</p> <p>(Y-5)</p>	<p>184993</p>

Bureau of Transportation		
*1212 Amend Intergovernmental Agreement with Multnomah County to provide roadway maintenance services west of the Willamette River (Ordinance; amend Contract No. 51062) (Y-5)		184994
1213 Designate a portion of City property owned in fee title located at 2700 SE Tacoma St as public right-of-way and assign it to the Bureau of Transportation (Second Reading Agenda 1177) (Y-5)		184995
1214 Designate two parcels of City property owned in fee title located at SE 99th Ave and SE 100th Ave as public right-of-way for road purposes and assign them to the Bureau of Transportation (Second Reading Agenda 1178) (Y-5)		184996
1215 Amend an Intergovernmental Agreement with the Oregon Department of Transportation to increase the amount of grant funding for pedestrian safety improvements at the intersection SE 82nd Ave and Francis (Second Reading Agenda 1179; amend Contract No. 30000599) (Y-5)		184997
Office of Management and Finance		
1216 Accept contract with 3 Kings Environmental, Inc. for the Stanton Yard Fuel Facility project as complete, authorize final payment and release of retainage (Report; Contract No. 30001449) (Y-5)		ACCEPTED
*1217 Authorize acquisition of property at 4747 E. Burnside from Multnomah County by the Bureau of Internal Business Services (Ordinance) (Y-5)		184998
*1218 Authorize a contract and provide for payment to furnish Electronic Benefit Administrative Services in support of active employee, retiree and COBRA participants and the Benefits Office within the Bureau of Human Resources (Ordinance) (Y-5)		184999
*1219 Ratify a Letter of Agreement with Operating Engineers Local 701 and Thomas Gogas authorizing the settlement of a grievance regarding wages and back pay (Ordinance) (Y-5)		185000
*1220 Ratify the implementation of the Bureau of Development Services' Chief Inspector premium pay for Senior Electrical Inspector employees who perform the duties of the Chief Electrical Inspector and for Senior Plumbing Inspector employees who perform the duties of the Chief Plumbing Inspector (Ordinance) (Y-5)		185001

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<p>1221 Create the classifications of Arborist I, Arborist II and Arborist IV and establish a compensation rate for those classifications and the classification of Arborist III (Ordinance)</p>	<p>PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Randy Leonard Position No. 4</p> <p style="text-align: center;">Water Bureau</p> <p>1222 Authorize the Water Bureau to execute grants for a pilot project to fund water efficiency projects for non-residential commercial accounts (Ordinance)</p>	<p>PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p> <p style="text-align: center;">Portland Parks & Recreation</p> <p>*1223 Authorize application to the Oregon Department of Education for a grant in the amount of \$15,000 to implement child wellness practices in afterschool programs (Ordinance) (Y-5)</p>	<p style="text-align: center;">185002</p>
<p style="text-align: center;">Commissioner Dan Saltzman Position No. 3</p> <p style="text-align: center;">Bureau of Environmental Services</p> <p>1224 Amend contract with PB Americas, Inc. for additional work and compensation for the Portsmouth Force Main Odor Control Project No. E08927 (Ordinance; amend Contract No. 30000641)</p>	<p>PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM</p>
<p>1225 Amend contract with Emery and Sons Construction, Inc., for additional work and compensation for the Fanno Basin Pump Station Force Main: Garden Home Section Project No. E09115 (Ordinance; amend Contract No. 30001207)</p>	<p>PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM</p>
<p>1226 Authorize the Bureau of Environmental Services to acquire certain easements and other real property interests necessary for construction of the Eastside Combined Sewer Overflow Communication and Control–Outfall 46 Project No. E10223 through the exercise of the City's Eminent Domain Authority (Ordinance)</p>	<p>PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM</p>
<p>1227 Amend contract with Emery and Sons Construction, Inc. for additional work and compensation for the Foster/Holgate Sewer Replacement Project No. E10014 (Second Reading 1192; amend Contract No. 30001292) (Y-5)</p>	<p style="text-align: center;">185003</p>

Office for Community Technology		
1228	Extend term of a franchise granted to 360networks (USA), inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 172864)	PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM
1229	Extend term of a franchise granted to Electric Lightwave, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 170283)	PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM
1230	Extend term of a franchise granted to McLeodUSA Telecommunications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175061)	PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM
1231	Extend term of a franchise granted to MCI Metro Access Transmission Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 169230)	PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM
1232	Extend term of a franchise granted to Metromedia Fiber Network Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175162)	PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM
1233	Extend term of a franchise granted to tw telecom of Oregon llc to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 171566)	PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM
1234	Extend term of a franchise granted to XO Communications Services, Inc. to build and operate telecommunication facilities within City streets (Ordinance; amend Ordinance No. 175062)	PASSED TO SECOND READING NOVEMBER 30, 2011 AT 9:30 AM
REGULAR AGENDA Mayor Sam Adams		
Office of Management and Finance		
*1235	Adopt budget adjustment recommendations and the Supplemental Budget for the FY 2011-12 Fall Supplemental Budget process and make budget adjustments in various funds (Ordinance) 15 minutes requested Motion to strike the words “on-going” from associated document, Transportation Budget Amendment Request, TR_018 – Decision Package #2, regarding funding for bike share program: Moved by Commissioner Saltzman and seconded by Commissioner Fritz. (Y-4; Leonard absent) (Y-5)	185006

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<p>*1236 Authorize an Agreement with Comcast of Illinois/Ohio/Oregon, LLC and Comcast of Oregon II, Inc. for Institutional Network Service (Ordinance) 10 minutes requested (Y-5)</p>	<p>185005</p>
<p style="text-align: center;">Commissioner Nick Fish Position No. 2</p> <p style="text-align: center;">Portland Housing Bureau</p> <p>1237 Amend the Tax Increment Financing Set Aside for Affordable Housing policy to ensure continued development, preservation and rehabilitation of housing affordable to households with incomes below 100% median family income (Second Reading 1198; amend Portland Policy Document HOU-1.04) (Y-5)</p>	<p>185007</p>

At 11:02 a.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 16TH DAY OF NOVEMBER, 2011 AT 2:00 P.M.

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

Commissioner Saltzman arrived at 2:03 p.m.

Commissioner Leonard arrived at 2:08 p.m.

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

<p>1238 TIME CERTAIN: 2:00 PM – Accept Report on Recommendations Regarding the Portland Police Bureau (Report introduced by Mayor Adams) 1 hour requested for items 1238 and 1239</p>	<p>Disposition: CONTINUED TO NOVEMBER 30, 2011 AT 2:00 PM TIME CERTAIN</p>
<p>1239 Establish the authority for the Citizen Review Committee to make policy recommendations directly to the Portland Police Bureau, increase the length of term served by Citizen Review Committee members and clarify procedures of the Citizen Review Committee in hearing appeals from community and bureau members (Ordinance introduced by Auditor Griffin-Valade; amend Code Chapter 3.21)</p>	<p>CONTINUED TO NOVEMBER 30, 2011 AT 2:00 PM TIME CERTAIN</p>

At 3:55 p.m., Council recessed.

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A RECESSED MEETING OF THE COUNCIL OF THE CITY OF PORTLAND, OREGON WAS HELD THIS 17TH DAY OF NOVEMBER, 2011 AT 2:00 P.M.

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

Commissioner Leonard arrived at 2:15 p.m.

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

<p>1240 TIME CERTAIN: 2:00 PM – Declare the City of Portland’s support for the renovation of Veterans Memorial Coliseum and authorize the City, Rip City Management, LLC, doing business as Portland Arena Management, successor in interest to Oregon Arena Corporation, and Portland Winter Hawks, Inc. to continue to negotiate a redevelopment agreement for such renovation (Resolution introduced by Mayor Adams) 1 hour requested for items 1240-1242</p> <p>(Y-4)</p>	<p>Disposition:</p> <p>36887</p>
<p>1241 Authorize sole source acquisition and execution of a redevelopment agreement and related agreements, the Redevelopment Agreement, with the Portland Winter Hawks, Inc. and Rip City Management, LLC, doing business as Portland Arena Management, successor-in-interest to Oregon Arena Corporation, for the renovation of Veterans Memorial Coliseum (Ordinance introduced by Mayor Adams)</p>	<p>REFERRED TO COMMISSIONER OF FINANCE AND ADMINISTRATION</p>
<p>*1242 Authorize Legal Services Agreement with Ball Janik LLP for outside counsel related to the Veteran's Memorial Coliseum (Ordinance introduced by Mayor Adams)</p> <p>(Y-4)</p>	<p>185008</p>

At 2:59 p.m., Council adjourned.

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By Karla Moore-Love
Clerk of the Council

Susan Parsons
Acting 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.

NOVEMBER 16, 2011 9:30 AM

Adams: Good morning everybody, welcome to the city council. Before we get going, just a few of the protocols for this chamber. You're welcome to have signs as long as you keep them down by your chest. That's at the request of the folks providing security here. There's no hooting or hollering. If you do like something you're welcome to do this, if you don't like something, you're welcome to do that. If you wish to speak, the testimony has to be focused on the item under consideration. There's a number people signed up for communications and on communications you can say whatever you want for three minutes and it's our job to listen, we don't respond as part of communications. We individually might respond later via email and that's why we collect your information. If you're authorized to lobby on behalf of an organization, you have to let us know and who you're lobbying for. Really glad you're here. [gavel pounded] Good morning today is Wednesday, November 16th, it's 9:30 a.m. And the city council will come to order, Karla, please call the roll. [roll call]

Adams: Quorum is present. We shall proceed beginning with communications. Please read the title for item number 1199.

Item 1199.

Adams: Mr. Wilkins, welcome, glad you're here.

Shedrick Jay Wilkins: My name is --

Adams: Please have a seat.

Wilkins: Oh, have a seat?

Adams: You just need to give us your name, we don't need your address and the clock in front of you will help you count down your three minutes.

Wilkins: Ok. I want to talk about the mission of mercy dental thing they have at the convention center. "the Oregonian" said that 3,000 people walked off. They serviced 1,000 people. If I wanted free dentistry, I don't want to catch pneumonia. In the summertime, in July they have at the memorial coliseum, a thing called downtown connection. It's the first Saturday after the fourth of July and I got a dental hygiene thing for free because I make less than \$12,000 a year. I think the city should put more effort into that. The climate is better and they also cover general doctors' appointments as well for people who are homeless. Not just dentistry. It was my thought, why not do it at the memorial coliseum and there's unused space there. I was there last year and I walked off. It was like an Obama rally. They did service 1,000 people and I think they pulled 1500 teeth and did a thousand fillings or something. But I'm saying I'm not going to stand in line. People who stood in line with the Red Cross for 12 hours and it's not a good idea -- for 12 hours. In July, you can walk in there at the memorial coliseum.

Adams: Thank you, sir. We appreciate it. Please read the title for item 1200.

Item 1200.

Adams: Mr. Olson. Hi, welcome.

Todd Olson: Good morning.

Adams: Glad you're here.

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Olson: Good morning, mayor Adams and city commissioners. Thank you for this opportunity to address you today.

Adams: Can you move the mic a little closer? There you go. We can hear you better.

Olson: How's that?

Adams: Perfect.

Olson: I'm Todd Olson, a resident of the city of Portland and the coordinator of a newly formed citizens' group called move our money Oregon. Our group was motivated to organize by the national move your money and occupy movements. We have one specific purpose. And that is to persuade you, our local government officials, metropolitan Portland and throughout Oregon, to bank locally. So far, we have received the support in our efforts from the working party families of Oregon and Oregon banks local and we're working with some occupy Portland activists as well. We're here to ask you to move the city's money out of Wall Street banks and into local banks and credit unions. According to an employee in the city treasurer's office I spoke with last week, the city does the majority of its banking with Wells Fargo and also has contracts with bank of America. That's my understanding from city employees. Billions of city tax dollars flow to the same unscrupulous Wall Street banks who wrecked the economy and devastated our communities. The same banks that dodged taxes and loopholes and offshore accounts and hinder small business growth and local economic developments, the same banks that have corrupted our democratic institutions by purchasing political influence and the same wall street banks who are ruthlessly foreclosing on the homes of our neighbors, families and friends. We ask you should the city continue to bank with Wells Fargo and bank of America when these banks obviously do not care about the people who live in our city. Our answer is no. The city should not. And we believe the city should bank locally, as much as possible. We request that you direct -- I'm not going to have time to finish this.

Adams: Go ahead. I would ask you to finish.

Olson: Ok. I don't have much farther to go. We request you direct appropriate city personnel to look for ways to move as much city money out of Wall Street banks and into local banks and credit unions and it makes sense for the city to do business with them. We also ask that you schedule public hearings to address the city's overall banking policies, and specifically, we ask that you consider adopting a responsible banking ordinance. May I continue?

Adams: Please.

Olson: Ok. Response banking ordinance -- and that you study the feasibility of creating a municipal bank. Responsible banking ordinances already exist in several cities and just two days ago, the Seattle unanimously passed a resolution that included a responsible banking ordinance. Such ordinances establish policies about how municipalities bank and invest with financial institutions. Credit unions and banks who provide the greatest benefit to the local economy are given preference in city banking relationships. Portland should do business with banks who demonstrate scruples and a commitment to local economic developments. The idea of municipal banks has been around for some time. North Dakota has a State bank that has served them well for 90 years. San Francisco is right now studying the creation of a municipal bank and it's become an issue in their contested mayor's race right now. By meeting its banking needs through a municipal bank, the city and other local governments could potentially save millions of dollars in fees paid to Wall Street and could benefit our regional economy through targeting local lending strategies. Mayor Adams and commissioners, banking is now a salient political issue. Where local governments choose to bank is a political and social act. The move your money and occupy movements have focused the country's attention on the obscene concentration of wealth and political influence enjoyed which a handful of Wall Street banks and the 1%. Millions of people

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moved \$4.5 billion out of Wall Street banks and into main street banks over the past few months. Excuse me.

Adams: Are you getting close?

Olson: A paragraph to go. Sorry.

Adams: Doing great.

Olson: Thank you for your patience.

Adams: Doing great.

Olson: Here in Portland, 10,000 of us assembled and marched in solidarity on October 6th despite the problems from Chapman and Lowndale parks it's misleading and despicable that some characterize occupy Portland as just the mentally ill, the drug addicted and homeless and disaffected who are understandably drawn to the encampments. These problems were not caused by the encampments but preceded them. Commissioners, we cannot afford to wait for state and federal government to address economic and social inequity that the 99% want changed. We must act locally and we should act now. The proposals outlined are relevant and reasonable and concrete ways you can address the gross inequity that brought 10,000 Oregonians to the streets of Portland six weeks ago. Thank you.

Adams: I would like to thank you for your testimony and to let you know, we have \$30 million in Umpqua bank, which is our largest placement. And \$22.1 million in wells Fargo and that's why you mentioned it in your testimony.

Olson: \$22.1 million?

Adams: Yes, and our largest is in -- 29.9 in Umpqua bank and it's the state's largest state charter bank and regarding Credit Unions, in 2013, federal house bill 3700 will take effect which will allow credit unions to provide -- become eligible for the -- from the state treasurer if they meet collateralization requirements to be able to offer insurance beyond the quarter million they're limited to right now. But -- so the city can -- could invest in other credit unions up to \$250,000 and after 2013, even further. But we'll look into your responsible banking suggestion and also, I've not heard of the municipal bank either, we'll look at that as well. Commissioner Fritz.

Fritz: Thank you, Mayor Adams. I've asked the office of management and finance to give us more information and I'll post it on my website later today and the Wells Fargo contract, we had a public hearing to discuss which bank to use with our checking account and there's information on that which I'll get out as well. It's a very worthy and important debate to be having and I appreciate you bringing it to us today.

Olson: Thank you very much.

Adams: If you can email the copies of the resolutions passed by other municipalities, that would be helpful.

Olson: I did provide a copy of Seattle's resolution.

Adams: Excellent.

Olson: Which is very comprehensive, a lot of good ideas.

Adams: Thank you for being here today.

Olson: Thank you very much.

Adams: You're welcome to stay and see more local government happen and we won't be offended if you have to leave. Please read the title for 1201.

Item 1201.

Adams: Hi, welcome.

Erica Askin: Good morning council. My name is Erica Askin, with laborers' local 483 which represents municipal employees in the city of Portland. I'm going to give a statement endorsed by the general membership last night. We declare an economic emergency in the city of Portland. We

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ask council to please do the same. We are the 900-member public employee union who maintain your infrastructure including gold medal parks and clean roads and bridges and safe water and the vibrant community centers. We support the public through our daily labor. Mayor Adams has asked our bureau of transportation to cut \$16.2 million in infrastructure of services that have been depleted over the last 10 years. At least 100 layoffs of full-time represented employees. A third of our union members in that bureau are expected. As a side note, the maximum request at parks and recreation, up to 49 layoffs of full-time represented employees are projected. Without us, our roads will crumble, our parks trashed. Our families will have no community centers to bring children and emergency crews will not quickly arrive at disasters and our neighbors will not get to their jobs or lead healthy lives. Without us the city suffers. Cuts of this size are an emergency. Behind the desks and shovels in trucks, standing at machines and wearing hard hats are people, which you know. High unemployment within our city requires us to provide for our children longer and take care of our extended families. Those few of us who have no families see a need to contribute to our neighbors. Our union membership is often in the forefront of civic participation. Whether at our churches, in neighborhood associations or even knocking on doors to provide support to our neighbors suffering during this economic crisis. Mayor Adams, city council, we need jobs. Not cuts. Layoffs of this proportion are an emergency. We also ask you to consider how massive layoffs will increase wealth inequality and depress labor standards in a community struggling with a lack of family wage jobs. We know our union is strong and strong unions set a pay standard that non-union employers in this region follow to stay competitive. Our union reduces inequalities by maintaining a healthy standard of living more for low and middle workers than for managers, white collar workers or bankers. We see the current strategy of hiring non union contractors, temporary and seasonable employees without just cause or without access to arbitration as a reckless strategy for council and our bureaus are also taking that reckless strategy and will cause more wage and health inequality in this city. Drastic reductions in labor standards are an emergency. Outside your doors thousands have gathered over the last month to expression discontent with the economic choices of our governments, which has overwhelmingly favored the wealthy over the majority of the constituents. We'll express the frustration of the 99% tomorrow in a national day of action that focuses on the failure of our leaders to create good jobs while at the same time pursuing job killing budget cuts. Knowing what is coming, we ask Portland to exercise leadership by example. We're mere days away from the recommendations of our Congressional super-committee which will likely include \$500 billion in cuts to Medicaid and Medicare. The bad decisions of congress make it imperative that our local officials lead wisely and lead working people into good jobs that serve the community and lead us out of desperate unemployment and into an empowered society where our constituents feel successful at the end of the day because they've provided for their families and positively contributed to their communities. During this emergency, leading is what we elected you to do. Laborers 483 asks you to declare a fiscal emergency and work with us to implement portions of the city's emergency transition services program that will mitigate the downturns negative effects on city employees. This emergency calls for you to put people to work in jobs that serve the public, not profits. Thank you for your consideration and again, this was endorsed by the general membership last night.

Adams: Thank you very much. Can you please read the title for communications item 1202.

Item 1202.

Adams: Good morning, welcome. Glad you're here.

Farrell Richartz: Mayor and council. My name is Farrell Richartz. I work in the street cleaning department. A little bit about street cleaning. The obvious part is we clean the streets and bike lanes and keep them clear of debris and during the leaf system, we keep the debris out of the

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environmental systems, the leaves are composted and it saves the city money. The green spaces around the city we mow. I noticed on today's agenda, there are three properties being added to the bureau of transportation. I had a chance to look at one on southeast Tacoma. It's a mow lot and it's my job to take care of that. We're having work added while discussing layoffs. Today, my department and many others will be responding to and helping to prevent localized flooding. There's a lot of leaves and rain. We're first responders during snow and ice events and we make it so that people can get to work and emergency services can get through. When I was thinking about talking to you all and what maintenance is, I thought if I just tell you what the departments are, that says a lot. Just some of the departments, sewer construction, sewer cleaning, sewer repair, street maintenance, which is paving, street cleaning, sidewalks, traffic, traffic electrical, structures which is bridges and overpasses. These things are not optional. They're not discretionary. This is what it means to be a city. I believe that cutting these services constitutes an emergency, for the citizens of Portland and the men and women who make their living providing these services. Thanks for your time.

Adams: Thank you and thank you all for your work. We appreciate it very much. Please read the title -- please read the title for item 1203.

Item 1203.

Adams: Good morning, reverend, welcome.

Rev. Robert W. Krueger: Good morning. I'm Robert Krueger. A retired catholic pastor at St. Francis Assisi Catholic Church and co-chair of Portland jobs with justice. As a religious and community leader, I'm concerned for the Portland metropolitan area, especially its people, workers and institutions. A healthy city with good services and low poverty rates and good schools and more complete health coverage and less crime, requires good family wage jobs and a high density of organized workers. It's important that city government which acts as employer in the name of the people be an example to community employers by setting high standards of worker justice, giving the kind of attention to its workforce that it does to building and maintaining a beautiful city. One special issue for us today is the use of very low-paid prison labor for city maintenance. The primary goal of the community justice system for offenders should be restorative justice. Restoring the relationships between the offenders and communities and preparing them for successful reentry to society. How is this goal and the human dignity of offenders promoted by using them to fill budget gaps? Does it not instead at less than a dollar an hour of pay make them a kind of wage slave? Some are calling them the new Jim Crow because of this disproportionately large numbers of black men used. Offenders displace free men and women from valuable work at family wages. This is also an example of profits over people of our economic system which ultimately exists for the service of people. To become dependent on prison labor will be to move toward holding offending citizens out of their communities rather than reintegrating them. The other special concern I have today is that the city is using private contract labor. I think to retain a more human and just working environment contracted labor should be held to a minimum. My experience with such privatization has been that another administrative layer of which the goal is profit making is placed between the representatives of the people and the workers that serve the public good. The new need for profit in this case competes with workers needs for a just wage. And those being served are distanced from the workers and tend to feel less responsibility for their just treatment and compensation. Am I done? Ok.

Adams: Thanks, father.

Krueger: Thank you very much.

Adams: All right. -- oh, commissioner Fish.

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Fish: Mayor, because we have so many of our employees represented by laborers 483 here today, I want to take a moment on behalf of Commissioner Leonard, and the mayor, and me, to express our deep appreciation for all of the employees, of the parks bureau, the water bureau, and the maintenance bureau, many of whom are members of laborers 483 who worked long hours over the weekend to help us remove, I think 80-truckloads of debris from Chapman and Lownsdale. I was in the park Mayor, with our parks team and they work long hours in difficult conditions but it's appropriate since we have so many of our employees here today to express our deep thanks for the work you did on short notice and I'm particularly grateful as the parks commissioner and Randy, I'm -- we did not have enough equipment, trucks and otherwise. And the water bureau stepped up and the maintenance bureau. So I want to publicly give a thanks, particularly to the people who did the hard work. And second, I just want to -- reverend Krueger made some very important points before us today. And I would welcome the opportunity to sit down with you, reverend -- wherever you are -- and continue the discussion. This is not the right forum to have a discussion about inmate labor. I know you have a strong view and a I want to hear it and this issue predates a lot of us on council, but I will tell you that one issue that often gets lost is that the inmates that choose to do these crews, earn time off from their sentences. They earn a small amount of compensation which they can use for any purpose. They earn some life skills. The Multnomah county sheriff says there's lower recidivism among the population involved. And I think you spoke very eloquently about reentry, the place where we've failed people who served time in my view is around reentry. A rising tide of people who are homeless, former prisoners and find that one mistake in their lives makes it difficult to get their lives back together. I would like to explore with you, sir, and with others, ways in which people who serve in these crews and provide public services also have a chance to compete for those good family-wage jobs when they come out in the bureaus they serve while they're in prison and that's a way we can draw a connection between their service and their future employment. But I also want to assure you that we would not as a council permit any inmate labor to displace an existing bargaining unit job and there are mechanisms where that can be challenged. And we'll not allow those folks to displace existing jobs. But they do supplement our workforce and we can have that debate but I want to focus on how during the reentry phase we can help people who have demonstrated they have the work habits and commitments to our city work find way to transition them into gainful employment with the city of Portland. So I appreciate your time.

Adams: Thank you.

Fritz: If I might just add, mayor, thank you. Commissioner Fish, when I checked with your staff yesterday on the issue of contract labor, I heard that on one particular contract, that I know you've been working on hard, over the past two years. The number of contract employees has decreased from over 100 to under 40. And I know this is something you and I have been working on over the time we've been in office; we recognize that we want family-wage jobs that are Portland public employees. And so again, I echo commissioner Fish's thanks to laborers 483, thank you for coming today and thank you for raising these important issues.

Adams: Thanks for your work every day. Be careful out there. That gets us to the consent agenda items. Anyone wish to pull any items from the consent agenda? Karla, please call the vote on the consent agenda.

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

Adams: Aye. [gavel pounded] consent agenda is approved. Can you please read the title for 1204 and -- yeah, 1204.

Item 1204.

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Adams: Unless objection, this is rescheduled to December 7th, 2011, 10:00 time certain. [gavel pounded] so done. Please read the title for item 1205.

Item 1205.

Adams: Unless objections, this is rescheduled to November 30th, 2011, a 10:45 a.m. Time certain. So done. [gavel pounded] please read the title for 1206 and 1236.

Item 1206 and Item 1236.

Adams: Commissioner Dan Saltzman.

Saltzman: Thank you Mayor. As the council knows, the current Comcast cable franchises are expiring by the end of the year. The Mount Hood cable regulatory commission and its staff on our behalf have conducted extensive negotiations of a renewed cable franchise agreement. Although this process has required two extensions of the current franchise, the negotiations have now concluded, Comcast has agreed to the terms of a renewed cable franchise which has been recommended to us by the Mount Hood regulatory commission. The franchise process required by our charter requires nearly four months to complete. I'm bringing forward the renewed comcast franchise in a form of a temporary revocable permit, that will bridge the period between the expiration of the current franchises and the effective date of the renewed franchise. Comcast and the Mount Hood cable regulatory commission agreed to all terms and provisions of both the permit and the renewed franchise, and Comcast has provided a separate letter to us agreeing to this procedure. The primary discussions of the Comcast renewal franchise should occur today in conjunction with consideration of the permit. I want to express my thanks to the mount hood cable regulatory commission and the office for communication technology for their success, I should say the office of the city attorney as well, for their success in concluding this important negotiation and for bringing forth a renewed cable franchise which preserves for another 10 years, community benefits that are commensurate with our existing cable franchises. I also want to express my thanks to Comcast for working closely with us on this process; we appreciate their commitment to our community. I would now like to ask Alan Alexander of the Mt. Hood Cable regulatory commission and Sanford Inouye of Comcast to come forward to provide their comments. The office for community technology Director, David Olson who represented the city is here to answer any questions that the council may have as well. Alan, we'll start with you.

Alan Alexander: Good morning, mayor and council members. My name is Alan Alexander, I'm one of your appointed members of the Mount Hood regulatory commission and also with me today is David Olson and Sanford Inouye. We are here to recommend that the city council approve this temporary permit providing substantially all of the franchise terms for renewed Comcast cable services agreement. Upon council approval of this will allow the city charter required franchising process to formally renew the cable franchise with Comcast for a 10-year term, as the charter required process takes up to four months to complete. This permit containing all the renewal terms is necessary to bridge the period between expiration of the current franchise from December 31st of this year and the effective date of the renewed franchise in early 2012. Comcast has provided a separate letter to the city requesting an agreeing to city issuance of a temporary permit to allow the charter franchising process to be concluded and acknowledging and accepting any risks inherent in this procedure. Once the formal charter franchise process is completed the renewed franchise will supersede the temporary one before you today. As to the merits of the renewed Comcast franchise, the MHCRC recommendation comes before you after extensive public input and negotiations with Comcast. The proposed franchise has been agreed to by Comcast and the MHCRC. As you may know, MHCRC is responsible for this negotiation on your behalf. The obligations of the franchise with Comcast must follow requirements of federal law, in addition MHCRC held a public hearing in September on proposed franchise public benefits. We began this process three years ago with

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the community needs ascertainment and conducted face-to-face negotiations with Comcast for nearly two years under the oversight of two commissioners and in that regard we would like to thank commissioner Amanda Fritz and her staff as well as commissioner Dan Saltzman and his staff for the support assistance in enabling us to continue this process. The process is now concluded and the MHCRC is forwarding its recommendations to you and the other five MHCRC jurisdictions for consideration. Before I move to the recommendations, I would also like to thank the entire city council for your patience and willingness to extend the current franchise not once, but twice in order to allow MHCRC and Comcast to conclude the franchise negotiations. We appreciate the continued support of the MHCRC by the city council. We believe because of your patience, the benefits for the community and the renewed franchise have been maintained and improved in a number of respects. As you may know, franchise negotiations were challenging for both MHCRC and Comcast. The cable television business environment has changed dramatically and is quite different from the industry that existed when the current franchises were agreed to in the '90s. Both parties struggled to agree to an updated franchise term, which considered Comcast business needs while preserving the significant public benefits and safeguards that our community depends on. The recommendation -- recommended franchise includes compromises from both MHCRC and Comcast. However, council members should be aware that the compromises were necessary to ensure the continuance of critical public benefits. And we believe that the resulting franchise is a fair bargain for all. I would like to briefly summarize some of the key areas of the franchise. The cable franchise fees will be collected under the same terms as the current agreement. These funds will continue to be a critical component of your general fund revenues at current and projected levels. The Comcast I-net will continue to provide high-speed broadband and discounted rates relied upon by about 285 schools and community colleges, libraries, public safety agencies and local governments throughout Multnomah County. This includes virtually every public school and library in the city and the county, an I-net upgrade and ongoing capital funding has been secured along with affordable rates and reliable performance guarantees. The renewal franchise continues to provide for channels, funding and related resources for Portland community media. The franchise also requires enhancements to keep changes in technology; these include a path to convert PCM's channels including this city council coverage to high definition format, local program listings including web based guides and set top boxes and availability of community programming free of charge and on demand.

Adams: Are there a lot of people clamoring for high definition of City council? [laughter] just asking.

Alexander: It's the future. We might require makeup and wardrobe for the future.

Fish: We might need makeup, whether required or not.

Alexander: O.K. so funding for the community access capital grant program has been retained and the renewal franchise and these annual grant support projects at -- that use the I-net, or community media to benefit our communities. A couple of examples of granted projects in the past, included enhanced high school learning in architecture engineering and construction at ace academy providing a secure connection for domestic violence victims to get restraining orders on-site at the gateway center for domestic violence and increased availability at Multnomah County libraries and public access for computers and internet, so that all people have access, helping to bridge that digital divide. So, in conclusion, the benefits under the proposed Comcast franchise which are fully set forth in a temporary permit are tangible, extensive and relied upon by the city, your partner jurisdictions and critical institutions throughout Multnomah County. We're proud that even with compromises on both sides these benefits have been retained and in some instances enhanced in the renewed franchise. None of this would have been possible without willing

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negotiators so we would like to thank and recognize our partners Comcast for their willingness to work with us to reach a conclusion that benefits both the company and our community for the next 10 years. The MHCRC respectfully requests that council approve the temporary revocable permit before you to bridge the period between expiration of the current cable franchise and the date when the renewed cable franchise becomes effective. We're here to answer any questions.

Saltzman: Thanks, Alan. Sanford.

Sanford Inouye: Thank you commissioner Saltzman. Good morning mayor Adams and commissioners. Sanford Inouye with Comcast. And it's great to see you all this morning. Thank you for the opportunity to present a few comments on behalf of Comcast. As Alan had mentioned, the renewal process had been a long one. It's a complicated issue with the cable franchise as we have it today. But it was complex but also challenging as well and I'd like to thank David and his team, the city council, MHCRC for your support and also for the cooperation and diligence in moving forward with the renewed franchise. Alan mentioned compromises, and David mentioned compromises in the past. It's a package we'll be happy with going forward. We've had a wonderful experience with the city of Portland, a positive partnership and we look forward to working with the city for many years to come, more than 10 years, hopefully. As far as background for the company, I'd like to share some information with you that may be old news to you, but for our viewers looking in today or probably listening later, I'd like to share some information regarding Comcast and our involvement in the community, if I may. Comcast has a presence in not only Portland, but in southwest Washington and Oregon. We have over 2,000 employees in our market.

We have about 600 employees that are local for our customer services at the call center and all service centers and we continue to make investments not only in the cable system but in our facilities as well. As some of you may know, we just opened a brand new service center on Northeast sandy, which is state of the art for hands on interaction customer experience. We are very proud of the model and hopefully in the future be able to launch more customer service centers like that one at Northeast Sandy boulevard. It's a great experience for customers and it's more efficient and it's an investment as well with the facilities and employees that will provide the most excellent customer services for our customers. Financially as you may know, annually we provide through our customers, our valued customers, approximately \$8 million to the city in franchise fees and we'll continue to do that in the renewed franchise on an annual basis. We provide eight public education and government access channels for use within the Portland area. Last but not least, we've been a big community partner with many organizations in the Portland area and we're very proud of that relationship and partnerships with those organizations. Annually we contribute in total, in cash and in kind, more than \$2 million every year. Those vital services are important to our customers and citizens within Portland and the region and we look forward to continuing that partnership with the organizations and again, thank you for your support, your cooperation and we look forward to working with the city again in many, many years to come.

Adams: Thank you.

Saltzman: Questions?

Adams: All right. Thank you very much. Is anyone signed up to testify or wishes to testify on this matter?

Moore-Love: No one else signed up.

Adams: All right. This is an emergency so Karla, can you please call the roll.

Moore-Love: 1206. Leonard – Oh I'm sorry, I'm sorry mayor, we have a substitute exhibit a. I think I said it was a replacement, but it is a substitute.

Adams: I move the substitute.

Fritz: Second.

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Adams: It's been moved and seconded. Any discussion on the motion? Karla, can you please call the vote on the motion to substitute.

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

Adams: Aye. [gavel pounded] substitute has been approved. Can you please call the vote on emergency ordinance substituted 1206.

Leonard: As I was saying, thank you very much for your work. Aye.

Fritz: As commissioner Alexander mentioned, I was the lead off pitcher in this long game. Although it's not a game, it's so important to the whole city that we come to this agreement and commissioner Saltzman and his staff has done a great job of closing this episode. Because it's an ongoing relationship that we have with Comcast and I appreciate your reminder how many good family wage jobs you provide. I was very impressed when I visited the call center and I heard about the job training that you do for people starting out their careers and I also appreciate all of the good things that I see you doing in the community. I was very honored at the Native American youth and family center dinner last week to sit with a group from Comcast and I see you, Sanford, at many community events that you don't have to be at but your there because you care about our community and your part of our community and that's important. I'm very grateful to David Olson and your amazing team at the office for community technology, former known as the office of Cable Communications and Franchise Management, which took me six months to learn how to say that when I was first was assigned the bureau. It was actually one of the interesting things about becoming a Portland city commissioner, that I didn't know about this beforehand but thanks to your diligence and your training I rapidly became a very big fan and thank you for the Mount Hood regulatory commission. Who are our citizen experts and who have provided amazing oversight and input into this process. That's greatly appreciated and Ben Walters in the city attorney's office, has been absolutely stalwart and we all appreciate his work. And Tim Crail in my office and Brendan Finn in commissioner Saltzman's have teamed on this so it's been a partnership. And when we do get offices reassigned, that offers the opportunity for all of us to have input. I think we need to mention also that the broadband strategic plan which we passed a couple months ago, that again Comcast and the Mount Hood regulatory commission have a lot of input in. So this is an exciting and money making bureau and it's - the partnership with Comcast is one example of how we're all looking to get good family wage jobs and community benefits and to make this work for all of the citizens and taxpayers of Portland. So thank you for your work. Aye.

Fish: Well, thank you, commissioner Saltzman, for your leadership and for bringing this home. Thank you to the office for community technology, David and your team and thanks to Comcast, Sanford and I just celebrated an important 25th anniversary. 25 years ago, we both graduated from northeastern university school of law. The amazing thing is, we didn't know each other. The law school has a co-op system and if you're on different co-ops, you wouldn't meet half your class, so we never met and somehow our lives, our careers took these interesting turns. We both ended up in Portland. But we do appreciate all of the work you do in our community. aye.

Saltzman: Well, I want to thank again, Comcast, I want to thank the Mount Hood cable regulatory commission. And also the staff of well, both Ben Walters with the city attorney's office, David Olson, office for community technology and Julia Melcheck also with the office and many others who have worked hard to get us to where we are today, which is we're on the verge of a new 10-year franchise that provides important public benefits and enhanced services which we'll be looking forward to. Thanks to all. Aye.

Adams: Thank you for your long time efforts on promoting smart technology, equitable technology, not only as part of your profession, but your civic volunteer, your civic involvement. I appreciate it very much. I agree with the words said. You are everywhere. So I thought that -- I

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spend a lot of time after regular work hours and you do as well. It's greatly appreciated. Mr. Olson, thanks to you and your team for your ongoing work to keep us at the cutting edge as much as we possibly can. Aye. So approved. And then the one --

Inouye: Thank you.

Adams: Lets do 1236. We'll just vote on that. It's just an appendix kind of thing.

Leonard: Aye.

Fritz: And I also want to thank mark, the new head honcho at Comcast for being part of our community. Aye.

Fish: Aye.

Saltzman: Aye.

Adams: Aye. So approved. [gavel pounded] we're going to take a three-minute break -- five-minute break. It is now 10:23. [recess] [gavel pounded]

At 10:23 a.m., Council recessed.

At 10:28 a.m., Council reconvened.

Adams: [gavel pounded] All right. Karla. We have regular agenda -- can you please read the title for non-emergency ordinance regular -- no, sorry for emergency ordinance item 1235. Emergency ordinance.

Item 1235.

Adams: Hi, good morning.

Andrew Scott, Office of Management and Finance: Good morning.

Adams: Andrew, how are you?

Andrew Scott: I'm fine. How are you?

Adams: Good.

Scott: I'm Andrew Scott, financial planning manager. Today we're here to consider the fall bump.

I will remind you we had a work session on this on November 1st, so I won't go into a lot of details since we covered most of the detail there. Changes from that work session that council had discussed that are included in this bump that was filed. There is a new number for the bureau of development services distressed property enforcement program and that number is \$271,736 out of general fund contingency and parks operation and maintenance was also added into the bump, at \$96,932. Those were the only general fund changes. Just to give a quick summary then of where we ended up in terms of general fund contingency. That was a discussion during the work session, we started this fiscal year with \$1.4 million in unrestricted general fund contingency. Our ending balance from last year and then certain recovery actions that we're taking in this bump are adding about \$375,000 to the contingency. The bump actions in total cost about \$1.1 million and so the net reduction to the contingency, the contingency after all the actions take place will be about \$695,406 for the rest of year. I'm sorry, the net reduction in contingencies is \$695 million. The new available contingency total will be \$638,972. The other thing that the bump does is two budget notes, one, council is accepting the report and recommendations of the CIP review taskforce again we talked about that at the work session and the second budget note, council accepting the update on the sustainment planning for various public safety revitalization projects, that's exhibit number six. I'm happy to answer any questions.

Adams: Alright, let's take public testimony. And there might be questions afterwards. According to Oregon State budget law, Oregon revised statutes 294.480 I open a hearing on the fiscal year 2011-2012 fall supplemental budget. Is there any member of the public who wishes to testify?

Adams: Mr. O'Callaghan. Welcome back.

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Michael O'Callaghan: Thank you. My name is Michael O'Callaghan, and my question is -- is there anything in that supplemental budget to create a place where those 7,000 people that are living without shelter can have shelter?

Adams: In the cities budget? Yeah, there's millions.

O'Callaghan: There's millions?

Adams: Uh-huh.

O'Callaghan: I see 5,000 to 7,000 people out on street almost every night and you are telling me there's millions that is going to solve this problem? I don't believe you.

Adams: I didn't think you would.

O'Callaghan: Well I think that you're -- I would like to see the numbers that you're talking about.

Adams: Last week the city council reviewed, just in one funding stream alone, an investment in homeless and affordable housing services of --

Fish: I think annually mayor we have about a \$13.5 million budget for homelessness and homeless services or which about two-thirds of that is local dollars and Michael, I'd be happy to get you the break downs.

O'Callaghan: Well I think we have a language problem here. You're referring to homeless I am referring to shelterless; it's a very different standard.

Fish: Our homeless services includes our emergency shelters, our winter shelters, our outreach workers and others and that's separate from our rental housing production.

O'Callaghan: Certainly, it should be, but I see people come by our place every day seeking shelter and our place is full. We have 70 people. We need at least 10 more of these. People are on the street. People are getting soaking wet. I have communicated this to this council innumerable times and I get absolutely no response from any of you. And I consider you to be extremely disrespectful to the people that are sleeping outside and Dan Saltzman, your bureau of building is trying to run us off our lot and dislodge 70 people who are living down there in peaceful harmony. I find that repugnant to human dignity.

Adams: Thank you for your testimony.

O'Callaghan: And in addition, Sam, I notice the three testimonies given under persons to be heard went over three minutes and you failed to interrupt any one of them. You have interrupted me any time I go over three minutes and I have seen this in chamber, applause multiple times, but you refuse the audience to do applause when you wish to. I find that arbitrary and capricious. But thank you for your time. I appreciate that.

Adams: I'm happy to give you more time.

O'Callaghan: All I'm speaking about is the prior times when I've been before this council and spoken and you've stopped me at three minutes every time. That's what I'm talking about. Thank you.

Adams: So -- thank you. It depends on the agenda and the day and how many people have signed up. That's the judgment I have to use in managing the -- managing this room. All right --

Saltzman: I have a question. I see bureau of transportation folks here. Could you come to the table?

Adams: Welcome back. Out of retirement. We're glad you're here. John Risk, financial director -

John Risk, Bureau of Transportation: Interim.

Adams: Interim.

Risk: Make that real clear, interim. For the record, John Risk, interim finance director for the bureau of transportation.

Saltzman: So my question concerns the decision package where the transportation department is taking vacancies and program budgets equal to about \$600,000 and redistributing it for certain

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projects and the one I'm curious about is the bike share study. Because I know we had a lot of discussion when we awarded the \$2 million in federal money for the capital of the bike share and we're going to have a - there was quite a discussion about no city general transportation revenues or general fund going to subsidize operations of the bike share program.

Risk: Yeah.

Saltzman: And so I'm curious, there's a statement that says the bike share program will provide staff support for issuing the rfp and assisting with the startup of a bike sharing program. So it goes on to say the staff assistance will complete the rfp process and identify and evaluate potential locations and provide for ongoing management of the system. So I guess ongoing management of the system to me sounds like we're using very precious general transportation revenues which, you know, underscored by this morning's public testimony to - with the bike share program and I thought we had an explicit discussion there would be no ongoing gas, general transportation revenue or general fund for the bike share program, that we would provide the capital only.

Tom Miller, Director, Bureau of Transportation: Thank you, commissioner, for the record, tom miller, director of the bureau of transportation. We appreciate the chance to clarify that particular choice of words. You're absolutely right. There will be no ongoing operating support from bureau resources for bike share. We're crystal clear about that. And clear about council direction and the choice of words needs attention and again, we appreciate you flagging this and we want to reassure you there will be no ongoing operating support.

Saltzman: So are we using this money to create a position?

Miller: No.

Saltzman: Is this a person --

Miller: No, the \$100,000 is in place - we're requesting \$100,000 in the current fiscal year on a one-time basis to simply launch the program. Get the rfp written, get it out the door to secure the private partnership necessary to advance the program and that's it. One time.

Saltzman: It's not ongoing?

Miller: Not ongoing.

Saltzman: Am I allowed to strike the words ongoing from this?

Adams: Absolutely.

Miller: I have no qualms with that at all.

Saltzman: I would move to strike the words "ongoing."

Miller: Happy to.

Fritz: Second.

Saltzman: Well I have - it's transportation decision package number two. Tr018.

Adams: Moved and seconded. Any other discussion. Karla can you please call the vote on the motion?

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

Adams: [gavel pounded] so approved.

Miller: Thank you.

Adams: Thank you.

Fritz: A further question on that, though. I didn't remember there was a local match required in the allocation of that money from the federal government in that project. Why are we not using the federal transportation dollars to do that \$100,000 rfp?

Miller: I'm not sure I understand your question, but what I know is that council has approved a recommendation that ultimately metro will consider and, of course, we hope approve, for \$2 million in federal money to launch the program and so that's - that is our local match, if you will. Its federal money but we're using that as local match to seed the private sector partnership.

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Adams: I think there's just -- let me try to clarify. So, that's a certain amount of money. And we're going to do an rfq for private money. The private money provides the match to the federal money.

Fritz: Thank you, that's helpful. So when we get the federal money from metro, will that \$100,000 go back into the transportation budget for other uses?

Miller: We hope that -- first of all I should say we hope that we don't need to use \$100,000 in total. We hope that we can spend something less than that. Frankly I think the \$100,000 is a conservative number, conservative in terms of magnitude of need. I hope that we can spend something less than that, for the reasons commissioner Saltzman cited and based on what you heard from our labor friend there's morning. The \$100,000 is the intended allocation for staff resources needed today to, again write the rfp and launch the program and so forth. So anything that -- anything less than \$100,000 would go back to general transportation resources.

Fritz: Ok. You're not hiring anybody to do this?

Miller: No.

Fritz: Why do you need \$100,000? Don't you have the people who are there working anyway?

Miller: We do have the people and I could name the names but yeah, they're existing staff but we don't have - their time is not -- all of their time is budgeted against a particular project and this is a project that you know needs a cost center, if you will, right?

Adams: So we bill -- most of the bureaus I have, the bigger bureaus, you bill your employees' time to a particular project and they work, one person can work on one to a dozen projects and so they keep track of their hours and that's how they get paid. That's how we keep track of -- that's how I think the law requires us.

Miller: Right, there's a cost center and so, you know Dan Bauer, in this case, he's my lead project manager, he will allocate the portion of his time that he spends working on bike share will be allocated to this particular cost center.

Fritz: So what cost center will be credited with the time he won't be spending on something else?

Miller: He just has a --

Risk: It's a portfolio project that he works on so it -

Fritz: Right, but he's on salary on staff.

Adams: We still have to --

Fritz: I don't understand why it takes an extra 100 thousand, why it's not just reallocated from the projects that he otherwise would have been working on.

Miller: Well it's a -

Adams: We're not using other -- we're not using other projects to subsidize his time on this project. Does that answer the question?

Fritz: Not really. Because then what -- he was already planning to bill time to other projects, what are those other projects that now will have more money available to do something else?

Adams: We'll have to get back to you on that.

Risk: I personally don't know what other projects he's currently working on. I personally don't know that. He didn't get back to me.

Fritz: And then, returning to my previous line of questions, once we get the federal money, will that \$100,000 or whatever it is that his time is spent on, go back into those other projects? Will we get that -- will that be deducted from the \$2 million that's allocated to the bike rental --

Adams: Yes.

Fritz: - as a cost that's already been incurred?

Adams: Once we get the federal money and we get the match, and this is why there is no amount of money because it's going to take us a while to both get the match and go out there and raise the

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money and do the rfp, so this is startup. This is basically startup funds in order for us to qualify for actually getting the check from the federal government. We basically have to go fund -- we have to go generate interest and then hopefully have competition for interest to want to partner with us and the partnership money, the private money or nonprofit money is what we use to fulfill the federal match and if you're the bureau director, it -- you also - you can also view it the way director Miller does, but this is sort of -- allows us the headroom and somewhere to -- startup money to qualify to make sure that we don't just get the authorization but we actually get the qualification for the federal match and that's going to take a lot of resources and fund-raising and otherwise, and then run a competitive process.

Fritz: Thank you, this is helpful. When we get the \$2 million from the federal government, that this money, the startup money, the \$100,000, will that go back to the general fund or will it go to the transportation fund?

Adams: It stays. So this is --

Fritz: Or are we actually investing general fund money in order to get that -

Risk: It's not general fund dollars. It's general transportation dollars.

Adams: This is a very -- this is a very --

Risk: Oh, I'm sorry --

Adams: It's a similar conceptual approach how we've been successful thus far in clean energy works. Where we put in some -- we put in some of, in that case, error money that could have been spent on a variety of things to do the staff work to then position ourselves to do everything else.

Fritz: And this is a piece of the Fall bump, where we're moving from buckets within transportation.

Risk: Right.

Fritz: Thank you very much. That's very helpful. And I appreciate your patience.

Adams: I appreciate the conversation.

Fritz: I have one more issue. And I raised this at the work session. It's not a transportation issue. I appreciate it.

Adams: Go sit down. (laughter)

Fritz: I raised this at the work session. I haven't had any other conversations but I just want to try again and this is on the pilot project for having cameras in police cars, which we're allocating \$165,188 for a 10-vehicle pilot. I appreciate the mayor's commitment to fulfilling his promise to do this and I certainly think that government should keep their promises. The extenuating circumstances when sometimes we can't or shouldn't do things in the timeline that we previously promised and spending \$165,000 on a pilot project for equipment now when we don't know how we're going to be able to fund the -- buying equipment for all of the cars should this pilot prove successful doesn't seem prudent to me. Because this is a technology, this is not going to jobs and this is not going to increase public safety. This is a project to buy cameras to pilot. If we can't fund the full rollout of those cameras within next year or so, we all know that technology changes a lot and it's likely that there will be new cameras on the market in a couple of years that might be even better or even the ones we pilot now might be obsolete. So I question why we are spending precious general fund resources on a one-time expenditure on equipment rather than saving that and putting it towards our deficit for next year and funding police officer positions.

Adams: Fair question. My belief is that -- well, the cameras are going to be focused on those officers -- not exclusively, but focused on those officers that have a job responsibility, job focus around traffic enforcement. And we have had, and this has been on the community's request list for four years, five years, it speaks directly to, and might not be evident because we didn't -- we maybe need to describe it better, but this speaks directly to issues and concerns around equity of traffic

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stops and profiling and he said, she said, she said, he said, kind of stuff that happens. It will allow for not just the capture of video, it will allow for with the equipment the capture of the conversation that happens at the side of the car. It's -- it's pilot in the sense that if it proves to be effective, we would do more, I think, there is a cost savings here in terms of things through ipr, complaints, service bureau complaints or worse. But it's not the kind of cost efficiency that we're going to be able to capture and apply somewhere else. And I totally, I get that point. But this speaks to some pretty core issues that I -- and reasonable people can disagree but I think it is pretty important.

Leonard: So I want to make sure we clarify one technical aspect of the argument commissioner Fritz made. It is not prudent or sound fiscal policy to use one-time dollars to hire police officers that are an ongoing responsibility. So, this cannot be characterized as either we use it for this project or we hire police officers. Because one-time dollars expire at the end of the fiscal year and then you have police officers that you've hired that have to be laid off.

Fritz: Well actually, to speak to that question, we did hire a new position for the second graffiti position which was with one-time dollars and it's still in the one time on going special appropriations --

Leonard: Do you know how we're going to fund that next year.

Fritz: No we don't, that's my point.

Leonard: That's my point.

Fritz: So that we should be saving this \$165,000 so that we have that money to fund it that position for one more year. If we have a choice of one of the other, and the fact of the matter is, we don't have as much money as we need for all of the things we want to buy next year.

Adams: But if we - part of reason it's a pilot -- and I appreciate the discussion -- is if we see on the cars, that have video, fewer complaints, we know that is saving money. If we see fewer lawsuits filed, if we see -- and all that goes with that. We're not going to be able to take those savings from the rest of the system and apply it somewhere but those are real savings in the system.

Fritz: I totally agree with the merits of what you want to do and the principles for doing it --

Adams: Because it's on technology, I mean, it's -- it is the most, according to our policy, closest to our policies that you spend one-time resources on things that have lasting value. It's not like this will have lasting value. I think the life cycle of this is four, or five years.

Fritz: I'm concerned that we're piloting something on technology when technology changes so rapidly that, that particular model may not be the one that we -- that's available when we have the money to roll it out for all of the officers.

Adams: Fair enough, but at what point do we decide it is. Because that argument was also used -- not by you, but that argument was also used by previous leaders in the bureau in the past -- so what point do we sort of kick and say this is the point we're comfortable with the technology?

Fritz: It's not so much being comfortable with technology; it's being comfortable that we're going to be able to buy all of the cameras we need within the next five years. My reading of the projection for the next five years is that we don't know how soon we're going to be climbing out of the recession.

Adams: Maybe the best way to handle this is if you'd make a motion to strike and then we'll see if there - where the council is and -- I think we've aired out the discussion rather well. Would you like to move?

Fritz: You've read my mind. I move that we remove the \$165,188 for the vehicle pilot of the police cameras.

Adams: Is there a second? Motion fails.

Fritz: Thank you. [gavel pounded]

Adams: Fair enough? That's democracy. Other discussion? Karla, would you please call the vote.

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Leonard: Aye.

Fritz: With that vote having put on the record my objection to that particular item, I will support this emergency ordinance. I am concerned that we're spending a large proportion of our contingency and I'm very concerned about next year's budget as I know we all are and so this is the beginning of an extended conversation. Mayor I greatly appreciate your willingness to air that out and the discussion. aye.

Fish: Aye.

Saltzman: Thanks to everybody for your hard work. Aye.

Adams: That you everybody for your hard work and for the council engagement as well and also the citizens' budget committee, we appreciate all of that. I do want to note that the cuts to the bureau of transportation due to the fact that the forecasted revenues from the state are not coming through, is very serious, it's serious because we have made commitments to things like the Sellwood bridge that we need to -- we will and need to fulfill. But that compresses and other things can compress other parts of the budget. So the current project list for the bureau of transportation was based on the forecasted revenues, which were the state had made forecasts that I thought were pretty dour to begin with but the recession has stretched on and, therefore, gas, general transportation revenues from the state are down and, therefore, we have to cut. And they're very difficult cuts so I want to thank the director Miller and the pbob team for being creative in trying to approach this. I want to reiterate that I've said in this council chambers at a work session that the \$16 million over two years, I described it in the annual amount of \$1 million, this year, for sidewalks in east Portland and southwest Portland, that would not be cut. That we did not feel there was adequate agreement in southwest for what to spend the money on. The number one item on their list that was submitted to us by some of the committees was capitol highway, which would have consumed the entire \$8 million. There was not -- we felt sufficient agreement in southwest to just go forward with all \$8 million in capitol highway. And so we missed the construction deadline. And that money then gets moved to the next fiscal year. But I've said repeatedly to them personally when I met with them and during our budget work session that, that money is being saved, protected, it will not be cut. I don't know how else to say it. For those of you that remember some of the more controversial -- my negotiations, our negotiations with Multnomah county, that came from tough negotiations that \$60 million savings came from tough negotiations on getting savings on the Sellwood bridge. So I just wanted to connect a few dots before I voted as it relates to transportation. It's -- these are very serious cuts but there are certain things we are protecting. Aye. [gavel pounded] thank you very much for your work. Really appreciate it. That gets us to 1237. Can you please read the title and call the vote.

Item 1237.

Adams: Commissioner Nick Fish. Oh I'm sorry. Karla.

Leonard: Aye.

Fritz: Congratulations, commissioner Fish.

Adams: I hear housing --

Fritz: Thanks to the advisory committee and the housing bureau as well as commissioner Fish for the diligent work on this very complex issue. I do understand the concerns raised by the league of women voters. I think that the details of the proposal adequately address those concerns, as far as I'm concerned. These percentages are set unless later changed by council and they are refined for each urban renewal district and I particularly appreciate that the central east side recognizes that a significant portion of this area is zoned industrial limiting the affordable housing opportunities and I remain very committed to the central eastside remaining an industrial sanctuary. And the remainder of the urban renewal areas have specific targets based on historic spending and

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opportunities available, being very respectful of the local communities' concerns regarding the kinds of affordable housing assistance. So, thank you very much, commissioner Fish. Aye.

Fish: In 2006, prior to my service on this council, the housing advocates worked with then – city commissioners, Leonard and Adams and others to craft a 30% set aside and in this particular issue, I'm reminded of what commissioner Leonard often says when we talk about light rail or other things where he takes us back historically and says, you know once upon a time, these were very controversial issues that people had a wide range of views on. Today, the 30% set aside is no longer controversial because it's been successful. In the first five years under this program, we've invested \$152 million in affordable homes for people throughout our community and in the aggregate, we've invested 33% of the dollars generated in urban renewal districts exceeding the 30% floor. Those developments include projects like Bud Clark commons, into which we invested over \$29 million, veterans housing in south waterfront, Block 49, our 11-by-13 campaign where we've been preserving affordable housing downtown. Even projects in Lents like the new homes that we heard about the other day from our friends at Habitat, received contributions of tif to make that happen. A lot of people in our community that were priced out of the market, today have a safe and decent place to call home because this resource was available. There's many people to thank, I would like to particularly thank the stakeholder committee that we pulled together made up of advocates, folks within city government including representatives from mayor Adams' office, pdc, the Portland housing bureau and others, the Portland business alliance and other interested parties. They were charged with the assignment that council gave them in 2006 when the council in adopting this set aside, said in the fifth year, we are to do a review and make recommendations for any changes. And the core of their work is that they came to the consensus that we need to reaffirm our city's commitment to this tool going forward. We made technical changes which reflect the new relationship between the Portland housing bureau and pdc. As you'll recall this was first conceived when all the housing was done by the Portland development commission, that's now been separated out. Some core pieces, though, of the 30% set aside have been reaffirmed. A 30% minimum calculated as an aggregates city wide minimum. Targets within districts which are above and below 30% based on historical circumstances and income guidelines which once again reaffirm our commitment to meeting the needs of folks who are the most hit by current economy and the most likely to be cut out of the marketplace, which is people at the very bottom of the income ladder. A lot of work went into this, mayor, and I appreciate the time that folks in your office and pdc took for us to get it right. As we look forward, this tool is going to be vital in meeting the unmet housing needs of our people but I want to just close with a cautionary note. We are looking this year at pretty substantial cuts to our discretionary federal dollars, that's CDBG and home. We expect to see cuts at the state level and the county level. We have all begun an exercise of identifying cut packages of 4%, 6%, and 8% in general fund dependant bureaus and this is a very challenging time to be talking about cuts in our housing because we're simultaneously seeing a rising tide of need and I think for many Portlanders, the events of the last 38 days in Chapman and Lownsdale brought them face to face with something that's often out of sight out of mind. People camp throughout our city under bridges and natural areas and in places where they are invisible. But over 38 days, many people camped in our own backyard and Portland got to see the significant challenge that we face every day in housing people, particularly chronically homeless people who are experiencing mental illness and drug and alcohol addiction. We have a lot of work to do and yet this tool that we're reaffirming today, and that has been so successful is about to hit a cliff and it will substantially be reduced over the next five years. And that's not because of any nefarious part of this system; it is in part because of the success we've had. We've front loaded a lot of dollars and we're also sun setting districts. So as we celebrate the first five years and as I thank my

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colleagues for their leadership, in conceiving and supporting this throughout the years. And we acknowledge all the people whose lives have been positively impacted, I think we also need to recognize that tif as a core component of our housing strategy is going to be a diminishing resource and that will require us in the years ahead to think of a replacement if we're going to continue the momentum of building and preserving affordable homes for all of our people. I want to thank Margaret Van Vliet, who first undertook this project and Traci Manning who brought it home. All my team members at the Portland housing bureau, particularly Daniel Ledezma and Kate Allan and others and especially my colleagues for their stalwart support of our work. Aye.

Saltzman: Aye.

Adams: Again, thank you, commissioner Fish for a great report, very thorough very transparent and your continuing leadership. Aye. [gavel pounded] so approved. All right. We're adjourned until 2:00 p.m.

At 11:02 a.m., Council recessed.

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Closed Caption File of Portland City Council Meeting

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

Key: ***** means unidentified speaker.

NOVEMBER 16, 2011 2:00 PM

Adams: (gavel) Portland city council will come back to order from our break. Today is 2:00 p.m. sorry, it is 2:00 p.m. today is Wednesday, November 16th. Karla, would you please call the roll?
[roll call]

Adams: A quorum is present. We have two items to consider this afternoon. Both time certain. Can you please read the title for item number 1238.

Item 1238.

Adams: And then, for the - just in case testimony goes and speaks to both, why don't you also read the title, although separate, for nonemergency ordinance item number 1239?

Item 1239.

Adams: If we could have the members of the Portland police bureau that will be speaking to this go ahead and come forward, while I make some introductory remarks. The item under -- item number 1238, no votes will be taken on it today, nor on 1239. These are first on 1238, and I believe 1239, this is the first of three hearings on these items. There's a lot to go over here, and they're issues of great public interest, so we wanted to take the time to have the three hearings. These are recommendations regarding the continued improvement of the Portland police bureau and the auditor's independent police review division, since becoming commissioner in May of 2010, I've worked closely with Chief Mike Reece and the professional officers who protect our public safety and work to continuously improve the services that the Portland police bureau provides to our community. Over the past three years three groups have spent -- three community-based groups have spent considerable time and effort crafting recommendations to improve operations and improve the public trust and relationship in the Portland police bureau's complete handling and internal discipline processes, including the citizen review committee through its park report and structure review work groups, the Albina ministerial alliance and the police oversight stakeholders committee. When the third of a series of reports was presented to the city council last year I made a commitment to Portlanders that we would closely analyze and release responses to the recommendations. Today we are presenting that response to those recommendations, as I mentioned we're hearing these two interrelated items together for the ease of providing an opportunity for testimony on both at the same time. And now I'd like to invite Chief Mike Reece up to present the draft report recommendations regarding the police bureau.

Chief Mike Reese, Portland Police Bureau: Thank you mayor and commissioners. I've got lieutenant Chris Davis from our professional standards division with me, Chris helped craft the document that you're looking at and can answer any specific questions you have to it. I just wanted to thank you for hearing this report and I know that over the last several years the police bureau has been working with our community partners in reviewing proposed recommendations as they relate to the police bureau's training, tactics, and policies. Many of the recommendations received came out of tragic incidents involving our officers and community members. These incidents have been critically reviewed through our internal processes and as in any critical incident there has been lessons learned. We have released many of the investigations to the public in an effort to be completely transparent. We have listened to the concerns from the community

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and acted on most of their recommendations. We have implemented recommendations to maintain the integrity and transparency of our agency. As of February 2011, the director of ipr shall be called to the scene of any officer-involved shooting or death in custody. We are also looking at emerging technology in the area of personal and vehicle video cameras for use by our members. This technology has the ability to change policing as it will provide critical evidence for criminal prosecutions as well as supportive evidence for conduct allegations by officers or by the community. As recommended, the internal review process has been strengthened. And our officers have developed a better understanding of the complaint and discipline process through outreach efforts by independent police review and our professional standards division. I believe these changes will reinforce the cultural shift that's ongoing in our department. Many recommendations focused on the need for better training of our officers. I believe training to be one of the most important components in a learning organization. By developing better tactics through training scenarios in the areas of decision making and de-escalation, we will have officers better prepared for the day-to-day decisions they must make. The bureau will continue to involve community members in developing our training and our policies. By establishing a dedicated training facility, one of the items that we've had prior discussion with you about, our officers will receive the best training available, our officers in the community deserve nothing less. Thank you very much.

Adams: Sir, would you like to add –

Chris Davis, Portland Police Bureau: No thank you.

Adams: All right. Initial council discussion? We wanted to reserve the bulk of the time for public comment, so I appreciate the brevity of your introductory comments. Alright. Thank you, gentlemen.

Reese: Thank you very much.

Adams: Auditor Griffin-Valade.

Adams: Welcome back.

LaVonne Griffin-Valade: Thank you very much. Good afternoon mayor Adams and commissioners. LaVonne Griffin-Valade, Portland city auditor, with me today is Mary-Beth Baptista, who is the director of the auditor's independent police review division as well as Constantin Severe, who is the assistant director of ipr. So I have had the privilege of being the Portland city auditor going on three years now. And in that time period I hope I have demonstrated my sincere commitment to a viable and effective system for the civilian oversight of police. While the commitment as a city auditor is important and our community and in the system created long before I got here, there are three crucial elements that must be in place for its success. Number one, the independence and impartiality of this office. Number two, dedicated professionals in both the auditors independent police review division and the police bureau. With the goal of building and maintaining a functioning, credible, and accountable police force. Number three, an engaged and questioning public and an engaged and questioning council. Over the course of the last 20 months, the civilian oversight of police has been strengthened considerably. So let me remind you of how, if I may. The ipr director or a designee is an active participant in administrative investigations of police bureau members. Ipr can challenge findings and can send cases back for further investigation. Also, the ipr director or a designee is a voting member of the police review board which recommends discipline to the police chief and police commissioner. The ipr director or designee attends the scene of officer involved shootings and in custody death events. This is significant for the public, it's the first time a civilian observer has been present at the initial investigation of these events to ensure that protocol is followed and to bring greater transparency. Ipr can now subpoena individuals and records, deemed to be appropriate for investigations or for

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the outside expert reviews of closed investigations of officer involved shootings and in-custody deaths. Ipr's outreach to community groups and partners in improving police oversight has expanded considerably. A couple of examples include the fact that complaint investigators have accompanied Irene Konev, our outreach coordinator, to community meetings to take complaints from individuals in a more familiar and comfortable setting. Also the most recent recruitment for new crc members brought in 30 applications from a broad spectrum of the community. Other changes; the police bureau now reports to the public twice a year on the outcomes of police review board decisions. Also ipr continues to contract with outside experts for reviews of officer-involved shootings and in-custody deaths. The next report is due out in a few months. Although I must tell you the consultant had planned to complete the report sooner, but two cases were added to the initial scope of this review because of their relevance to the current primary issues and review, one was added at the request of cop watch and the other case was added because it closed subsequent to initial scope determination for this particular report. So we think the upcoming report will be powerful and meaningful to the community because a primary focus is police encounters with mentally ill individuals. Ipr continues to provide crc with extensive support and to remind you, crc is the citizen review committee that advises the Auditor and IPR. Ipr continues to provide crc with extensive support, the analyst on staff assists a number of crc work groups with data collection, the outreach coordinator assists the outreach work group and works with crc members on a variety of projects. Ipr managers assist multiple work groups. Two administrative staff, one being the crc's designated point person at ipr, assists crc members on an ongoing basis. I have also committed to hiring an outside review of system changes in 2012 depending of course on budget constraints. So as to our purpose here today, we have reviewed and considered the various reports and recommendations submitted to the city from the citizen review committee that 2010 stakeholder committee and the Albina ministerial alliance. We agree with many of the recommendations, in fact, much of what is recommended was already current practice or has since been adopted as practice without the necessity of a code change. Mary Beth Baptista will highlight those particular changes in a moment. The ordinance and code changes before you today reflect community and/or crc recommendations that we agree with. But they require a vote of council as opposed to the number of changes that we made that did not require a code change. So the three basic changes that we are asking for in this ordinance and code change include these; expanding crc's authority to make policy recommendations directly to the police bureau, extending the term of service for crc members from two years to three years, and clarifying procedures of the crc when hearing appeals. So with that, I will thank you and turn the discussion over to Mary-Beth.

Mary-Beth Baptista: Thank you. I've been asked to do here this afternoon is to talk about those recommendations that have been specifically made by those various reports and community groups, and discuss what our response to them are. The power -- thank you. So we have -- as the auditor has just discussed, the auditor and the leadership of ipr have reviewed recommendations from reports and those reports being the police oversight stakeholder committee final report from September of 2010, the citizen review committee report on the structure of the independent police review, a memo from the citizen review committee regarding their priorities, that they would like to advance to the city council for changes, and the Albina ministerial alliance. I think what's important to highlight here is that although there have been as has been reported hundreds of recommendations, many of those would not require a code change. And in the stakeholder committee there was 41 recommendations. 31 of those were directed at ipr, the auditor or ipr, but only 19 of those would have required a change in the city code, and 16 of those 41 are already - already were our current authority or practice. Recommendations from the stakeholder committee that do require code changes that are before you today as the auditor has just mentioned to give crc

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authority and permission to make policy recommendations directly to the bureau, police bureau, increase the length of terms for crc members from two years to three years, and clarify the authority to present directly to city council and this should say, in an appeal, and clarify appeal procedures of the crc. Now, there are many recommendations in the stakeholder committee report that we have already accepted or implemented through -- at ipr. And some of those are that we ensure that ipr has and exercises the power to conduct and participate in investigations from time zero of specified serious incidents including police shootings, deaths in custody or other serious injury accidents. As the chief and the auditor have mentioned there - in the past six months, the standard operating procedure of calling an ipr director or designee to the scene is in place and in fact the assistant director, Constantin Severe, has gone out on two, one in an officer involved shooting and one in an in-custody death. Require that ipr investigate or actively participate in the investigations of all complaints of those of the rank of captain or higher, that is now the ipr policy. I am currently involved in that, in cases such -- I can't go into them obviously because of confidentiality, but I assure you that there is an ipr director or assistant director that is actively involved, not just assigned, but sits in on the interviews of someone who is a captain or higher. Formalize or mandate what is current practice, not to use mediation in serious use of force cases. We will --

The protocol committee of the citizen review committee is in hiatus but when it comes back which I imagine at the first of the year, we will revise our mediation policy to be more in keeping with best practice and not use mediation in serious use of force cases. Ensure that crc may hold hearings on all appeals requested without delay. The auditor and I are committed sure we make -- require reporting on reasons for long investigations, the director's report now that I release every month to the citizen review committee details what the stage of all officer involved shootings investigations are and we also will report and answer questions on any cases that have significant delays past our benchmarks. And order another expert review of ipr-crc in 2012, we've just heard the auditor to commit to that. From the structure review of the ipr report released in June of 2010, that report included 59 recommendations, of those 59 only eight would require a city code change, 13 of those are duplicate, they were -- the police oversight stakeholder committee took 13 of those in their report and 46 of the 59 have been approved by the auditor and/or have been initiated, they're ongoing or they've been completed by ipr. Of those, that require a code change, we've gone through those, it's the same three that are duplicate response, both groups have recommended the same three. Recommendations from the crc work group report that have been accepted and implemented that didn't require a code change, explain the ipr's involvement in the internal affairs investigations, review the duties and responsibilities of the appeals process advisor to fulfill its requirement to advise complainants and strengthen input for its role. Assistant director Severe has worked with the citizen review appeals committee over several months they have just finished a protocol change that has significantly enhanced the role of the appeals process advisor and the auditor approved that last month. Determine if an outside agency should be permitted and/or provided to be an advocate on behalf of complainants at an appeal. We have been working on this for over a year. We advise complainants at the point of which we're offering them an appeal, they can have an advocate from the national lawyers guild help them through the process as well as the apa. So we alert them of that support early in the process and then we alert the national lawyers guild and we try to connect those two together, if they would like to have that assistance. We monitor and report to the crc cases that have not been appealed but illustrate questionable police responses or possible policy supervision or training failures. Just a few months ago police chief Reece invited the crc, open the files to a recent case that got a lot of headlines due to civil litigation, crc members reviewed that file, had a public hearing that discussed exactly that.

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Questionable police responses policy and supervision and training failures as well as investigation failures. Establish a deadline for processing complaints and clarifying ambiguities in case and timelines, ipr has released a report about the timeliness of investigations. And we are making substantial changes to our database to ensure that we have more timely case handling, ensure funding for crc training, we had a member go to the national oversight of law enforcement training just last -- this fall, and we also put on a, the police bureau put on a nine-part series for the citizen review members as well as the police review board citizen members, to train those folks. Crc priority is recommended to city council, the crc approved nine priorities to recommend. Of those nine priorities, seven were directed at the auditor and ipr, six required a change to the city code, and one is governed by public records law. Again, it's the same three changes, every group has made the same three recommendations and we have agreed to those. The Albina ministerial alliance recommendations that came from September of 2011, those that pertain to police oversight and ipr, there were seven of those, two required changes to the city code, four are current authority, and there is one that has partial agreement from the auditor and ipr director. The recommendations that we have implemented and that is our current authority is that ipr and crc must have the authority, staff, and funding to comprehensively review allegations of racial, sexual, social economic class, ethnic and other harassment of the public by the Portland police. Due to the changes that have been made to the city code in March of 2010, ipr has complete access to all cases of administrative investigations no matter what level of misconduct it is, no matter what the topic is. And if a citizen is involved no matter who initiates the case, whether it's the bureau or ipr, if there is a citizen involved, that citizen whether they filed a complaint or not, has the right to appeal that and therefore the crc will hear it. So that is the sample of the recommendations that were made and that we have completed that wouldn't require a code change, And we wanted to make sure that you knew that there's plenty of things that have gone on and recommendations that have been accept and work that we've done that you won't see highlighted in the code change, but have certainly made significant shift and great strides in oversight. Thank you.

Adams: Discussion with council?

Saltzman: What was the one recommendation from the Albina ministerial alliance? That you said there was partial agreement?

Baptista: Let me get out my -- the partial agreement was that ipr and crc should review and change policies relating to the use of lethal force. Our current authority and practice is that we review the closed investigations and the ipr hires a qualified expert to review those closed investigations. The part of disagreement is its ipr's role to make recommendation and crc's role to -- after you vote on this hopefully, will also be crc's role to make recommendations directly to the police bureau to change policy, however, policy decisions are the responsibility of the chief of police.

Adams: Are there initial discussion? Thank you very much. We now will turn it over to public testimony.

Baptista: Oh, I'm sorry. We have invited the chair of the citizen review committee, Jamie Troy to speak.

Adams: Absolutely. Mr. Chair? Please come forward. Welcome. Glad you're here.

Jamie Troy: Good afternoon Mayor, council members, members of the public. I'd like to -- my name is Jamie Troy, I'm chair of the Citizen review committee, appointed by council 2009 I believe, January 2009. I started my learning curve on this lovely oversight process, and I'm here to make a few comments on the recommendations before council today. I'd like to preface those comments by telling you I'm not currently functioning well; I'm under the influence of cold medicine. So, if you throw me too many hard questions I may fumble with them. In conversations with mayor Adams related to the stakeholder recommendations, that came before council through a

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collaborative process of many different interested community members, the crc was tasked with outlining a list of priorities, because I think there was a feeling from certain members of the council that there were simply too many recommendations going on all at once and it was difficult to know how to fare through those. So the citizen review committee worked together to come up with a list of recommendations and we prepared and circulated something that's titled a draft memo on crc priorities recommended to city council. Incase anyone is looking for final memo, we never got to that. The draft memo is all that you have. In large part priority five, in that memo, had space for us to volunteer language for an ordinance change as we were not quick on the draw with that Miss Baptista and other members of her staff proposed language which we find to be very helpful to the process, it does clarify current practice going on for appeals at the citizen review committee, including the case file review which is sort of a pre-appeal process that we have to make sure the review is complete, the investigation is thorough and members don't have additional questions. I point out to the council that I think that has been a very worthwhile addition to the oversight process, we had a meeting, I believe last week, where we conducted a case file review, we asked for some additional investigation from the bureau recommended that they talk to some more civilian witnesses, and the attorney representing the complainant and word has come back to us now that they are indeed reopening that investigation and plan to do further questioning of civilian witnesses before it's ready for an appeal. So I think it's not -- I think it's a good addition to the process to make sure that we don't have people coming for an appeal that is not ripe for review. By and large I think that ipr and crc have a good working relationship. I think that in the past crc has been criticized for being too passive and not taking an active role in the citizen oversight of police and in my tenure on the committee I've certainly tried to overcome that impression. There was an expert hired by council or ipr or someone, to overview the process, who conducted a report in January of 2008. Eileen Luna-Firebaugh, i'm sure council is familiar with her, and she had comments that were less than flattering about crc and its passivity. I don't think the system would be working effectively if everyone in the system agreed to how it should function. And it is fair to say that ipr and crc have areas of agreement and have areas of disagreement. And we have had a full opportunity to vet those in private discussions and public meetings. We have had a fair opportunity to discuss them in meetings with members of the public, something that is very much a priority for the committee and something that we are tasked to do by the council when you appoint us to hear community concerns about police oversight. And so the one area of concern of the nine that I really wanted to point out to council and implore to you reconsider and something that mayor Adams knows that I feel strongly about is the standard of review imposed upon the citizen review committee when we are hearing appeals. The appeals are appeals by typically civilian members who believe they have been aggrieved by some conduct that's taken place with a police official, a member of the Portland police bureau, and if they are dissatisfied with the response from the bureau, they have the right to file an appeal and request that the citizen review committee revisit that decision. As council knows there are nine of us. It takes a majority vote for any of the police recommendations to be challenged by the citizen review committee, so I think there are checks and balances within the system that require five of nine of us at a minimum or I guess a quorum, so four of three, four of seven of us at a minimum to challenge any of the bureau's recommendations and at that, I want to note to the council that that in itself is only a recommendation that goes to the police to reconsider whether or not a bureau member violated bureau policy or whether or not the bureau member should have been give a debriefing after found perhaps not to have violated bureau policy, but not to have handled themselves as well as they could have. The current standard of review is the reasonable person standard, and that is a quite deferential standard. And I don't think there's any real question as to whether that's a deferential standard. When we had a committee

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meeting last week, sorry, I feel like it was last week. I hope it was last week. It was this month. And I asked city attorney Linda Meng whether or not she considered that to be deferential standard, she agreed it was. The proposal that has come forward is to modify that standard of review from the reasonable person standard to a preponderance of the evidence standard. I think that is -- there could be a different way to phrase that. It could be that we're looking at de novo review versus reasonable person standard, because we're talking about an appellate process versus a trial process. And I think that when we've had discussions with certain members of the council, including Mayor Adams, about this standard of review, there's a concern that we are going to be muddling the decision making process and muddling accountability, and that I want the council to understand is not the committee's goal in making this recommendation. We have been tasked with ensuring that there's effective citizen oversight of the Portland police bureau. I think that many members of the police bureau do an excellent job executing their duties, and they get commendations for that, and I've interacted with many police bureau members who do an excellent job, and I think very highly of them. Unfortunately, there are other members of the bureau who do not behave as well, and I think there needs to be an effective process by which civilians can bring forward their complaints against the bureau. There is not in my estimation and listening to public input, there is not complete agreement among the members of the public that the police are effectively policing themselves. And there is some confidence in the fact that you have enough bite of that apple, you have a way to have citizens oversee that and determine whether or not police bureau policy was violated. We think, as the members of the citizen review committee, that the deferential standard currently codified under the ordinance is inappropriate, that it is not necessary, that it does not muddle decision making, and we would encourage the council to discuss that among yourselves, to discuss it with your attorneys, if there are concerns that using a preponderance of the evidence standard is the inappropriate term, the committee would welcome another term, but the bottom line is that the committee views this -- what we perceive to be an overly differential standard as not necessary and lessens the effectiveness of citizen oversight in the police oversight system in Portland. Thank you for taking my comments. I'd be happy to answer any questions if the council has any.

Fritz: I know you put in an enormous amount of time on the citizen review committee. I just wanted to thank you for your leadership as well as for the other members who worked on this project.

Troy: Thank you.

Adams: I'd like to second that. I appreciate your willingness to take this on and the enthusiasm and time that you've brought to it.

Troy: Thank you.

Adams: We'll now turn to the sign-up sheet, in the order that people signed up.

Moore-Love: We have 19 people who signed up.

Adams: So while they're getting together, I'll just go over the protocols of the chamber. We work hard to have -- I work hard to manage the proceedings so that every point of view feels comfortable stepping forward, signing up, and having their say. So, a few things to maintain that sort of fair playing field. There's no clapping, hooting, hollering, there's no noise, burping, to signify anything. If you like something you're welcome to put your hands up, if you don't like something you're welcome to give the thumbs down. You can also, the variation on that is thumbs up and thumbs down, point is, we do not -- we want people of all views to feel comfortable coming up to provide testimony. If you are registered lobbyist or if you are certified or are lobbying on behalf of an organization under local law, you need to disclose that. Everyone gets three minutes for organizations that have a long-time track record or individuals that have a long-time involvement

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with this issue, it is the chair's prerogative to grant more time and I will do that as necessary. And you can approach me afterwards if you think that I should have given you more time. But, it's 3 minutes for everybody. The clock is on that big hunk of wood, it will count down from 3. We only want your first and last name, we do not want your address, we do not want your phone number, just your first and last name. Thank you all for being here. Sir. Oh, I'm sorry sir, you get 10 minutes.

Dan Handelman: Thank you very much Mayor Adams, I appreciate that. I am Dan Handelman with Portland Cop Watch, I am also on the steering committee of the Albina ministerial alliance coalition for justice and police reform. Portland Cop Watch has analyzed many of the mayor, chief, and auditor's responses to over 100 recommendations about changing the police oversight system. And 51 proposals for improving police policies. Some of the community demands date back to 2001 and earlier, amazingly even though there are over 150 recommendations for changes in improvement, the Auditor's proposal contained only six changes in the ipr ordinance. Only three of which were based on community concerns. The mayor and chief claim to agree with 35 of the 51 policy recommendations, though as with the police oversight issues they misinterpret or fail to address parts of the recommendations. A major theme of this agreement is the police bureau's insistence they need flexibility to use various kinds of force including multiple taser cycles, unleashing police dogs simultaneously with other force options, and firing beanbag guns from less than 10 feet. Here's an analogy. While many people oppose the existence of pornography, society's agreed to tolerate a certain amount of it, as long as it does not involve children. What community members are asking, we don't want any police violence. But if they're going to use it there has to be limits. The city insists that ipr and crc were, in the Mayor's words, established to increase the transparency and fairness of the bureau's complaint handling and discipline processes, not to supplant those processes or relieve the bureau of their responsibility of holding its own members accountable. We believe the civilian oversight system was set up to supplement the bureau's processes, not merely to increase transparency and/or to review internal affairs investigations. People do not trust a system where police investigate other police. No matter how good it might be it is fundamentally never going to gain community trust until the system is fixed. Regarding the police oversight stake holder group which met from May to September last year under the auspices of commissioner Randy Leonard, and included the auditor ipr director and the chief, the mayor and chief disagree with 19 of 41 recommendations, and agreed with just 14. The auditor disagreed with 13 recommendations while agreeing with 16. Among most significant disagreements is over, as you just heard, the crc standard of review. The city insists that the deferential reasonable person standard which calls on crc to support the bureau commander even if they disagree with their findings must remain in place and that using preponderance of the evidence would quote, muddle lines of accountability. However, change in the standard to judge whether or not crc believes an officer was within policy does not take away the commissioner in chief's final decision making on the finding and any disciplinary action, as the chair just pointed out to you. Also, the Auditor's proposed changes – he told me I had ten minutes. (laughter)

Adams: He has ten minutes.

Handelman: Also, the Auditor's proposed changes do not fix the catch 22 currently built into the system. The current code allows crc to hear new evidence at its appeal hearings, but not compel testimony. Then it allows city council to compel testimony, but not to hear new evidence. The IPR director has stated she disagrees with the city attorney about the meaning of the language giving crc power to hear new evidence. Council should take the chance to clarify this issue and by which I mean explicitly state crc's right to hear new evidence and either give crc power to compel testimony or give the council ability to hear new evidence. Portland cop watch strongly objects to

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the insertion of the conference committee into the appeals process. Adding this unnecessary step of having the bureau come back to crc when they disagree with a proposed finding add to the length of the process that already takes two or four years. It also takes away from the strength of the ipr ordinance giving city council a final say on these misconduct cases. In short, the council should also pledge to change collective bargaining agreements to allow ipr to compel officer testimony, so they can conduct independent investigations and gain community trust. Support the auditor's efforts for independent legal council to avoid conflicts of interest with the city attorney. Broaden the ability of complainants to file appeals with the CRC, since CRC is just now holding its first hearing in one and a half years. Direct the bureau to adopt the national standard of four categories of findings and a meaningful term for non-disciplinary complaints. Take further steps to increase the transparency of the process with regard to accessing document and allowing public attendance at meetings on bureau policies, increase the size of crc to encourage more diversity of race, gender and ethnicity, and direct ipr to take surveys from complainants to better understand what they want from the oversight system. There are other issues we address in our full written testimony. When ipr was created in 2001, the public was told it would be assessed one year later. That assessment finally came in January 2008. Then Commissioner Leonard, Auditor Griffin-Valade and Director Baptista made changes to the ipr ordinance behind closed doors that were passed in March of 2010. The stakeholder group was created to ensure the changes of the crc and further changes to ipr would have community input. To say the least, it is disappointing after a four-month process by the stakeholder group, 10 years waiting for improvements of ipr and crc, input from the AMA coalition, multiple reports from the crc itself, and one year waiting to enact the stakeholders 41 suggestions for change and only six changes being proposed to the ipr ordinance today. As to bureau policies we strongly urge the council to take these actions. And again, I understand they don't -- they aren't necessarily going to go in the ipr ordinance, but the council could direct these things of the bureau. Impose restrictions on unreasonable uses of force such as multiple taser cycles, especially simultaneous application from multiple officers, and releasing police dogs, using tasers, shot guns or batons on mortally wounded subjects. Support the idea of an independent prosecutor for police shootings, and deadly force cases because there's never been an indictment for an officer's on duty use of force. Encourage the use of an independent medical examiner, to conduct autopsies after police shootings to avoid apparent bias of the medical examiners office. Have the police review board examine all cases where an injured suspect is transported to the hospital not only when they're admitted into the hospital, directly involved community members in forming training protocols and in light of recent events, reexamine the concept an officer's mere presence is a low level of force, so therefore the appearance of officers in riot gear on horseback with batons and threatening the use of chemical agents should not be referred to as peaceful or restrained. Again, there are multiple other issues we have addressed in our longer document. One of the issues that, with the extra time I'd like to add, the ama coalition was talking about having officers interviewed within 48 hours after a police shooting. And it's been stated by city officials that the police contract, the police association contract prohibits that and says they have to have 48 hours' warning, except I have read that contract and the section that addresses that explicitly excludes shooting cases and cases where there might be criminal conduct. It says accept in those cases they will give them 48 hours notice. So, therefore I would think that means they can interview them more quickly. I also there - one of the issues that is only partially addressed by the auditor's changes is whether or not citizen review committee can send back cases for further investigation when they get them at an appeals hearing. It's not explicit in the ordinance; it's been used in protocol for years. It was added in under the -- what the chair referred to as the case file review section but it is not in the appeals section right now. As of now there's

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still no proposal to assure that the crc can send back cases for investigation or for that matter to ask that the allegations got re-categorized. And that's been a problem a few times where they got all the way through the process and they discovered the allegations didn't match what the citizen asked in the 1st place. So those are just a few of the things that should be added to the ordinance in addition to the other things that I mentioned. I'm also glad to hear there may be another external review because it sounds as though the ipr and the police bureau are deciding which of the communities demands have been met, and I think in many cases they're not exactly what we're asking for, and some cases I think processes were put in place before we had a chance to finish discussing them and I do welcome an outside review. And just in terms of the timing of the -- of putting this ordinance forward, I had a couple theories about why maybe some of them are partially true, some of them are all true, I don't know, the mayor has told us it was in advance of the department of justice coming back with recommendations of their own, I don't think that's going to be happening for another six months personally. So I don't think that's what it is. I know that the auditor needs to have the three-year terms put in place before the new members get sworn in February, but that's kind of a couple of months away still. But I'm thinking that maybe the -- one motivating factor might be the fact that the Frashour arbitration is still on going and that you know that this chamber will be packed if officer Frashour gets put back on the police force. But we do appreciate that he was fired. But if the arbitrator overturns it we're going to have to change more policies and procedures. So we urge council to take more time to do more work rather than accepting this detailed but inadequate report and adopting the Auditor's minimal proposed ordinance changes, with so many recommendations. We wish you would have given us more time to analyze stuff, but we do thank you for your time.

Adams: Well, to be clear, you have you all the way up until December 8th.

Handelman: Great.

Adams: Yea. So you have four weeks of active analysis and I look forward to sitting down with you and others and talking through some of your feedback. No, I had - if you recall, you took me to task for missing my deadline of last January so here we are in November, I'm late, but that's the reason. We have had a number of conversations, a good transition to our next speaker with the Albina Ministerial Alliance, that I have found to be very useful and very productive, and I want to have these kinds of check-ins, I want the city to have these kind of check ins more frequently. We shouldn't have recommendations unanswered going back to 2001. So, those are some of the reasons -- not the Frashour arbitration, whatever comes out of that we will respond to, we're defending our position in the Frashour arbitration. Sir, given your background on this issue, I guess you get two weeks. (laughter) How much time would you like?

Doctor Leroy Haynes: Just a few extra minutes sir.

Adams: O.K.

Haynes: I am the Reverend Doctor Leroy Haines, the chairperson of the Albina Ministerial Alliance Coalition for Justice and Police Reform. To our distinguished Mayor Sam Adams and the illustrious members of the city council, the Albina Ministerial Alliance Coalition for Justice and Police Reform is thankful for the progress that has been made and responding to our recommendations for changes and police policy and training and independent review of complaints and investigations. We believe that mayor Adams and Chief Reece have made a good first step in helping to change the Portland police bureau and build a better relationship with the community. However, we believe that many of the essential transformative elements to produce qualitative change and long-term change are still left on the table. The Albina Ministerial Alliance Coalition for Justice and Police Reform is still pushing for its five goals and we've made progress in some of them. One, a federal investigation for the -- by the justice department that includes criminal and

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civil rights violations as well as a federal audit of patterns and practices of the Portland police bureau. We thank the city officials for joining in the calling for the investigation but we felt there was a need to have an audit that will be more inclusive of all patterns and practices within the Portland police following the killing of Aaron Campbell in early 2010. Secondly, we believe that strengthening the independent police review division and citizen review committee with the goal of adding power to compare testimony and with councilman Leonard and many others and Saltzman that participated in that, we thank you for that – but we still need to go a lot further and -- we must understand that the citizens will never accept the police reviewing themselves without an independent agency that they feel that they have a sense of competence and a sense of trust in. Third a full review of the bureau excessive force and deadly force policy and training with a diverse citizen participation for the purpose of making recommendation of changes in policy and training. We have made some adequate progress in this with our meetings with the mayor and Chief Reece, but we still have further issues to go on this particular point. For the Oregon state legislature narrowing of the language of the state statute for the deadly force used by the police officers, we believe that we hope that one day we'll get the support of the city commissioner and promoting that the changes that are needed and the state stature that will help change the use of deadly force. Fifth, we believe that we need to go further than ipr or citizen review that we need to establish a special prosecutor for the police and excessive force and deadly force case. It's not enough to just have review if we do not have any certain accountability whether criminal or civic to take place. So these are elements we believe that we along with the great progress we've made to go on. Finally, we have a great opportunity in this city to change the cultural and the practices of the Portland police bureau that have created mistrust among the various communities and our citizens. We have a great historic opportunity to create an innovative model of community policing that will produce accountability and community trust. Let us not waste this historical timing and moment. It may be years before it ever comes back again. Let us take advantage of this opportunity to produce the necessary changes that are needed. Thank you very much.

Adams: Thank you.

Fritz: Doctor Haynes, have you submitted that in writing?

Haynes: Yes, I will do that.

Fritz: Thank you so much, that is very helpful.

Adams: Thank you sir. Hi. Welcome. Oh –

Ashlee Albies: I should actually defer to Ms. Aiona. Do you want to go first?

Debbie Aiona: Oh, I don't, you can go first if you want to.

Albies: I actually probably need only about three minutes.

Adams: Three minutes.

Albies: My name is Ashlee Albies I'm co-chair of the Portland chapter of national lawyer's guild and I'm also a steering committee member of the Albina ministerial commission coalition for justice and police reform. I was also a member of the work -- the stakeholder committee that was convened after the 2010 changes to the ordinance and that stakeholder committee group was convened with the express purpose to recommend additional changes and we were told -- we were asked to support the 2010 changes and told we would have a voice in the stakeholder committee. And so a lot of groups and community members supported the changes in the 2010. With the expectation that there would be stakeholder recommendations would be seriously considered. At this point in 2000 as well the members of the national lawyer's guild participated under Mayor Katz to produce the report calling for an independent board with subpoena power and the right to recommend discipline including reviews of deaths in custody. We understand the ipr has the ability to sit in on in-custody deaths but we're advocating for there to be more independence and

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the ipr itself can conduct independent investigations and should be granted the resources to actually perform an independent investigation rather than just being able to sit in and ask certain questions while iad conducts the investigations. During the stakeholder group I mentioned in 2010, many of the participants accepted many compromises to arrive at the 41 recommendations and were seriously committed to that process and compromise. So to have only three of those recommendations be what are up in the proposed ordinance change is disappointing. In addition, I wanted to add too at the outset, when I arrived to testify here today at 2:00, the front door of city hall was locked and I was directed to go around the back. The back door was also locked and I was only let in because I was with Dr. Haines and somebody had recognized him and let us in. To me that's a tremendous problem and as I look around the council chambers today, I believe there would be more people who would be here to participate and discuss this tremendously important topic today and there might be more than 19 people signed up to testify today if those front doors had not been locked. They may have been unlocked a short time later but how many people were turned away that were then denied access to this very important public hearing? I want to echo cop watch's sentiment and Dr. Haines' sentiments as well about the important changes that must be made and support the crc's discussion and request that the overly deferential standard of reasonable person be changed to preponderance of the evidence. In addition we think any independent investigatory body needs the power to compel testimony and we have -- the city takes the position that it is mandatory bargaining subject to mandatory bargaining but we think it's permissive and in fact that there is case law that suggests that. And we would urge the city to look again at whether it's permissive or mandatory to compel officer cooperation because this is a very important part of having independent investigation power. Thank you.

Adams: Thank you. Hi.

Debbie Aiona: Hi.

Adams: And you will get five.

Aiona: Thank you.

Adams: You're welcome.

Aiona: I'm Debbie Aiona, representing the league of women voters of Portland. First we'd like to thank the mayor, chief, and auditor for their responses to the many recommendations for improvements to our oversight system. Given the large volume, though, we appreciate that there are going to be two more hearings, but would have preferred to see them -- things split up into subject areas to make for a more probably constructive discussion. The league submitted a detailed letter and I'll highlight a few of the issues included in it. Public involvement. The league agrees the chief Reece and the mayor that I quote, thoughtful citizen involvement and public safety is a key component of community policing, particularly when it comes to improving police accountability, end quote. Making appropriate task forces open to public observation would promote thoughtful citizen involvement by giving the public access to the detailed information presented and discussed at those task force meetings. This would result in more informed feedback and likely improve the quality of bureau reports and recommendations. Providing drafts of bureau policy changes to the crc for review would provide another opportunity for thoughtful citizen involvement. The crc members have extensive knowledge of current policies and their implementation and can provide valuable advice to the bureau. Crc meetings are open to the public so community members also would have the opportunity to comment. If time were an issue, consultation with the crc chair would be an appropriate substitute. Appeal hearings. In addition to providing complainants an avenue for appealing findings in a misconduct case to a trained and informed committee, the hearings contribute to transparency and public understanding of the workings of the bureau and ipr. They also highlight problematic policies that may benefit from

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revision. We support the crc's number 1 priority to change the standard of review from reasonable person to preponderance of the evidence or some other less deferential standard. The crc does more than review the quality of investigations. It considers the investigative files and other information brought forward at the hearing, reviews the officers' actions, and the related policy directives, and either agrees with or challenges the findings issued by the officer's supervisor. Those who monitor for the crc on a regular basis and most importantly the crc, finds the current standard unworkable. The city attorney and crc leadership should continue the dialogue they started at the last crc meeting. Common ground may exist but it will take thoughtful exploration of the nuances of the system and the law to reach a satisfactory conclusion. The dearth of appeals in the last year should lead to serious consideration of increasing opportunities for appeals and instituting the public evaluation by the crc of problematic closed cases. This would allow the objectives of transparency and policy improvement to continue even when fully investigated complaints are not appealed. Complaint process. Possible findings in misconduct cases should return to those commonly used in other agencies. The findings were changed several years ago without consultation with the crc or the public. The currently used unproven finding eliminates the distinction between unfound and insufficient evidence and has resulted in confusion at appeals hearings. The complaint process would be less onerous if the complainant -- for the complainant if ipr provided a copy of the police report. Currently it must be purchased from the bureau and this can be intimidating for some. There are issues with public records laws but the bureau and ipr should try to implement this. Government gets a bad name when it makes processes more complicated than they need to be. Finally, nationally recognized experts inspired a number of the recommendations forwarded by the community and not supported by the city. Examples include limiting taser use, revision of the medical treatment directive to require provision of medical aid as soon as possible, renegotiating the union contract to allow contemporaneous interviewing of officers after a shooting, and prohibition of the supervising r.u. Commander serving as a voting member of the police review board. We urge you to pay particular attention to these and other recommendations inspired by outside experts supported by the community and the crc and reconsider your conclusions. Thank you again for your attention to this issue.

Adams: Thanks for your testimony. Thank you all. We really appreciate it. Alright. Mr Fidanque welcome back.

David Fidanque: Thank you. David Fidanque, executive director of the aclu of Oregon. I -- as mr. Mayor and commissioners I assume you're all aware that our former legislative director Andrea Meyer was part of the stakeholder group and I believe we endorsed all of the findings and recommendations of the stakeholder group. I just want to focus on two, and I also want to join the comments that were made by the previous four folks who testified. The purpose of this crc and the ipr process is to increase public confidence, not just public confidence in the system for reviewing complaints against police officers. But also to improve police policies and practices so they better reflect the values of this community. And that is the piece that the crc has been having the most difficulty with in my experience. It has wanted a larger role on these policy issues because so many times in instances of allegations of police misconduct, the policies involved are so broad and grant so much discretion to individual officers and so little practical guidance that there is no violation of policy. It is the policies themselves that are the problem. And while the auditor and the director of ipr recommending to you today in this ordinance that, that role be made more explicit, we want to underscore that for you all. Because the practices of adopting policy in the Portland police bureau have not been transparent. They have been extremely opaque. And have had far less public involvement and public input than we believe they should. To get the best policies in place that will provide officers the guidance that they want and need in doing their job

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day-to-day, to know that their actions reflect the values of this community. The other issue I wanted to underscore is this issue of the standard of evidence in appeals before the crc. The recommendation by the stakeholder committee and by others including the crc itself, to change that standard to preponderance of the evidence was made by consensus of the stakeholder committee. You have seen it and there was not consensus on all of their recommendations. But that was one where no one disagreed. And I think you've already heard today that the current standard is extremely weak, and as a practical matter, just causes confusion for both the crc and members of the public that come before the crc as an independent body looking for an independent view of the evidence that has been uncovered. And that's all I have to say. Thank you all very much.

Adams: Thanks Mr. Fidanque. Hi, welcome.

Elmira Rodriguez: Hello, good afternoon. My name is Elmira Rodriguez, this last Saturday evening while acting as a peacekeeper for the occufest that happened, I was assaulted by an officer Bryant. While I went to collect my emotions after the assault I went to seek out the individual who assaulted me and get his name. I found him on the steps of the justice center and he turned his back to me once he saw me and refused to give me his name. A group of approximately four officers encircled my abuser and also turned their backs to me and ignored my request for his name. Since I found I was not going to get anywhere with these gentleman, I went to seek out a supervisor and I found Lieutenant Chris Davis. Who after five minutes of discussion with Officer Bryan convinced him and forced him to give me his name and his employee ID number. With this I felt like I had an avenue to pursue to hold this abuser accountable. But shortly after I left their presence and before I was out of earshot and eyesight lieutenant Davis turned to Officer Bryan and embraced the man and jokingly told him he's got to stop making trouble. I left that feeling extremely defeated, and knowing that I have no recourse when I am abused by an officer. And I'm here today to tell you that the public all over feels this way. We feel we have no way to hold the gentleman who abuses us accountable while they're acting as police officers. That is the only thing I need to say today. Thank you.

Adams: Well, I encourage you to file a complaint.

Rodriguez: Well, they jokingly told me, while they had their backs to me that I should file a complaint and I told them that I needed the officer's name to be able to do that.

Adams: I understand that part. At the end of your testimony I am encouraging you to file a complaint.

Rodriguez: O.K. thank you.

Adams: Sir.

Moses W. Rosen: Hello. My name is Moses Rosen, I'm a member of everyday people, I was seated at the table at the community stakeholders meetings. And I am a founding member of occupy Portland. In the ordinance the council finds, and I agree with the city. The city believes that an effective police force requires the community's trust and confidence. Does the police have this trust and confidence? I say the answer is unequivocally no. And if don't believe me, ask 81-year-old Jack Monjon who was abused and arrested for doing nothing more than standing on the sidewalk. The city feels that – or the auditor and the ipr director find that this ordinance and the update that's being reviewed today is an important step in increasing the public's confidence and police accountability, and I would agree with that. It is one important step and we have about 3 more miles to go. For context, it should be noted that on September 1st, 2010, city council enacted changes to the independent police review ordinance. These changes significantly increased the amount of community oversight and complaint handling and discipline process. Earlier that year we had a brutal murder at the hands of a police officer. In November that officer was fired and because of the actions of the police officers association, that murderer is up to get his job back and

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back pay. I'm just going to skip to the end here, cut to the chase. Mayor Adams, you said in an introductory memorandum letter to the commissioners and the auditor that you emphasize that the submission of this report does not signify an end to our commitment to continuous improvement. Chief Reece and I are committed to maintaining and improving the ppb's relationship with community groups, oversight organizations, stakeholders to ensure that the ppb is public safety agency that represents the values of Portland. I would ask for 30 more seconds.

Adams: Sure.

Rosen: Thank you. I think that the brutal beating of Justin Bridges on Sunday morning is an opportunity for the city to hold itself accountable and for the police department to hold itself accountable. This is a high profile use of force, and it deserves much attention. Justin Bridges is still in a wheelchair, he's spent a couple days in the hospital and if you look at the videos which everybody can see on YouTube, he was completely compliant. This needs to change and not a year from now.

Adams: Thank you. Hi, welcome.

Alisa Kerwood: Hi. My name is Alisa Kerwood. I am one of your many disabled people. I have cerebral palsy so it takes me a little more time for me to say what I'm -- what I've got to say. Ok. Here's a question for you, Mayor Adams. Why the billy clubs that were used Saturday -- Saturday, Sunday, or Monday morning. Sunday morning, thank you. That were used in the park because most of those people were not armed. One more thing, but it's kind of like when somebody brings a gun to a fist fight. That's all I have to say.

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

Rosen: Thank you.

Adams: Hi. Welcome. Glad you're here.

Sally Joughin: Sally Joughin from Portland. I was honored to be a part of the stakeholder committee representing one of the organizations. Because I thought I might be able to help speak for other citizens and help make some improvements. We had over a dozen meetings including many special meetings that I chose to attend where we clarified language and meanings so that the general meetings would be easier to understand. And as you know, we came up with a long list of over 150 recommendations for improvements through a very thorough democratic process, and I am -- I was surprised to learn later that only a small number of these recommendations were acceptable, particularly to some individuals who were at the general meetings and chose not to fully participate in the discussions but later they didn't favor quite a few of these recommendations.

So it has made me wonder, you know, why I spent all those hours and all those meetings to craft the recommendations thinking that the majority of them would be accepted, and seems that that's not the case at least so far. The people of Portland expect citizen oversight and I don't think the transparency and review are enough to gain the citizen trust that everybody says that they want. And although yes, police should be investigating themselves, that should not be the only oversight that happens again. The public just doesn't accept that. Particularly when violence occurs. So I made a sign, it is from occupy. It says you can't evict an idea whose time has come, so you know, it's not -- it's related to what has been happening recently, but I think it's very relevant to this police improvement process because I really feel that the time has come, I've been hearing complaints from the public here and the city that I lived in before I moved here a few years ago, the public just doesn't accept it if there isn't any citizen voice and citizen review of what the police are doing no matter how good a police force you have. The public has to be involved and especially when violence occurs. But really all the time the public should be involved. Thank you.

Adams: Thank you very much. Appreciate your testimony. Hi. Welcome.

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Suzanne Hayden: Good afternoon Mayor Adams and city council members. I'm Suzanne Hayden, the executive director of the Citizen's Crime Commission. And I'm also a long-time Portland resident. I'd like to thank all the organizations and individuals who have engaged in this important discussion involving public safety and I'd like to limit my comments and offer support today for just one of the specific recommendations in the report. And that is support for scenario based training capabilities for the Portland police bureau and in particular support of the required political community and financial dedication for a regional training facility. I've worked with police officers my entire professional career as a Multnomah county district attorney and over the years district attorneys including myself have trained with the Portland police bureau officers in multiple locations, including camp Rilea which is on the coast, camp Kuratli in Barton, the Clackamas county sheriff's facility, the justice center, camp Withycombe and two school buildings that were no longer in use just to name a few. The logistical nightmare and inefficient use of resources pose a serious concern. However, until I attended the community academy that was put on by the Portland police bureau, I was not fully aware of the negative impact on the actual quality of training such far flung and inadequate locations have on our men and women who are police officers. During this academy we participated in scenario training at camp Withycombe and -- which is no longer available for the police bureau to use. And scenario training approximates the real life situations that officers are encountering on the streets every day. And it uses, effectively uses, driving crisis, intervention training, techniques, defensive tactics and firearms. The Portland police bureau is the largest police agency in the state and we have the most population density and the highest calls for service, but we have no dedicated location for officers to simultaneously and effectively use all these disciplines. So as we are aware, encounters with police and citizens that go badly, the number one focus is on failures and trainings and tactics, and we as a community need to support public safety and the dedicated men and women who serve on our police bureau with the necessary resources and facilities to provide the critical training that they need. Thank you very much for your leadership in this matter.

Adams: Thank you. Sir?

Jim Linkous: Mayor Adams and council, I'm Jim Linkous, I'm here also to speak on behalf of the consideration of the training facility. I'm currently vice-president and general manager of IO west and also serve on the crime commission, which is really focused on public safety advocacy. And I also serve on the executive board of the software association of Oregon which represents about 450 of Oregon's top software technologies, businesses, not only here in Portland but also in the state of Oregon. My relationship with the Portland police bureau began really about 3½ years ago with the tragic death of my very close friend Portland police officer Mark Zylawy also known as Z-man, who served the citizens of Portland specifically out in north Portland for his - most of his career, I think he was out there for about 14 years. I also went through the citizen academy about two years ago and they had a very interesting and knowledgeable training. Which really significantly highlighted my awareness for the need of high quality training for our police officers.

As we participated, that we were instructed in various disciplines such as the shooting and defense tactics and also quite a bit on less than lethal force options. Really what brought it home was my experience in the training scenarios; we approached a women in a mental crisis with a knife holding to it her throat and also to a domestic violence scenario. Even though we knew it was a simulation, my eyes were truly opened to the many types of unpredictable potentially life threatening situations that our law enforcement professionals may encounter each and every day when they go out on the street. It was valuable to work through them, debrief afterwards and then to realize it's imperative that officers have the best possible training that we can provide. Why build a training facility? I think the number one reason is today they have no place to train. Susan

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shared camp Withycombe is gone now, so our officers are forced to go all around town and basically do what they can do where they can go, but it's really not adequate for the job we're asking them to do. Furthermore they're required by state law to have x number of hours, I don't know what the exact number is, but I think it's 30 plus hours of training a year for ongoing. With 400,000 citizen contacts annually, by the Portland police bureau, half those being 9-1-1 calls, again I think it's very important that they get trained in tactics and just policies in general to be able to train in an area that is more efficient. The other fact is Oregon out of 18,000 law enforcement agencies in the United States today is the 30th largest, and we don't have a training facility again. It's amazing a city of this size but also an agency the size of the city of Portland has -- is very very underserved on that. Why does the business community recommend building a dedicated training facility? Really to support the public safety professionals in making Portland a safe environment to live, to work, to visit, and also to raise our families. A training is critical to not only officer safety but also to community safety as we've heard over and over, and the last but not least is really around efficiencies and cost consolidations. As a business person it just doesn't make a lot of sense to travel all over and not have an area that's dedicated to training. So thank you very much for your consideration.

Adams: Thank you. Sir?

Bryan Parman: Good afternoon Mr. Mayor, members of council. My name is Bryan Parman, I'm currently the captain of the training division for the Portland police bureau. I'm also the association president of the Portland police commanding officers association and lastly a long-time resident of the city of Portland. I want to talk today about the training facility first and then the report in general. Many of the recommendations in this report can point back to a need for improving the quality of the training that we give to our officers, as outlined by Mrs. Hayden and Mr. Linkous. We had several barriers to providing effective and meaningful training to our officers. I have a top-notch training staff at my disposal and they are able to put together incredible training but all the training we currently develop is limited in scope by the facilities that we can lease, rent, squat in, if you will, we have -- this approach has forced us to fracture our programs and focus more on delivering skills than to really focus on critical thinking. By combining all of our skills into a dedicated facility which we could control and change and modify as the needs of our organization change, we'll be able to deliver effective and meaningful scenario-based training that really will help us get at the core of effective police service, and that's critical thinking under extreme circumstances in an environment that we can control. So I would strongly recommend that council consider moving forward and continuing to try to locate a training facility for the police bureau. In general, as far as the rest of the report, we believe that the report outlines measurable steps which have been taken by the police bureau to increase transparency and improve the quality of civilian oversight. As the managers that I represent, we're all supportive of the changes implemented by the police bureau, and we believe that all the steps that have already been taken are all steps in the right direction. However, given the number of changes already implemented, we recommend that council consider taking time to evaluate the effectiveness of these steps before pursuing additional change within the police bureau. Thank you very much for your time.

Adams: Thank you all. Appreciate your testimony.

Adams: Welcome, thanks for waiting. We have our fourth person? Ms. Browning do you want to come forward please, there's an extra seat? Sir, would you like to begin?

Daniel Forbes: Yes. Thank you to the mayor and the council, and excuse my cold. My name is Daniel Forbes, I've published widely in many publications, you've heard of, and caused congressional hearings with my work. And testified before the u.s. house and the senate pitted against white house officials. I say that only because what I'm about to say is based on personal

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observation. I'd like to talk about what I witnessed as Saturday turned to Sunday regarding the dangerous use of mounted police. It became apparent that the police bureau's first objective was to try to push thousands of demonstrators out of main street. Southwest main. Slowly inexorably five or six mounted police, their number absurdly inadequate to try to move a crowd of thousands, pushed and probed to no avail. Dozens of horse might have achieved the objective, but not five or six. Again and again mounted officers abused dumb animals, reeling, probing, pushing, at one point for some reason even trying to make the poor animals back tail first into the crowd. Maybe that was the only way to bend the horses to their will, to keep the horses from seeing what they were being asked to do. Then someone on occupied's side of the line threw a bottle, what looked like an empty plastic bottle, but perhaps it was not, at a very small flare type item. The crowd offered him up to the police for arrest, proving itself indeed a nonviolent movement. But my point here today, what if a horse fell? Maybe broke a leg and had to be destroyed like on the spot like at a racetrack? Would an officer unbuckle his sidearm in front of all those cameras and do the deed? And from the other point of view, what if an occupier fell? This was a very intense scene. 5,000 people "the Oregonian" estimates. What if a horse reeled, kicked demonstrators in the face, then bolted towards us as a terrified crowd suddenly trampled those behind? I interviewed a 31-year-old marine, a vet by the name of Aaron Collier, he said the crowd was so thick he was in the front, quote, "I could not have backed up had I wanted to." This is -- this was a heck of a nice little game of chicken, this little cavalry display. I'm almost done. Whether to achieve something or just a dangerous exercise in intimidation. Collier added the only thing he felt he could do is place his hands upon the enormous animal clad in metal shoes that was thrusting against him. Still the horses kept coming, but eventually the occupation held. I think that this policy, I saw horses outside on main street as I came here today. This needs to be considered again.

Adams: Thank you. Thank you for your testimony. Ma'am.

Rochelle Silver: Good afternoon my name is Rochelle Silver, I am a current member of the citizen review committee, serving for almost three years now. This afternoon I'd like to talk to you about one item that is not in the report coming forward as a recommendation, but that you've heard about several times today and that's the standard of review that the citizen review committee currently is working under. As you know, that standard of review is the reasonable person standard, and we, all nine of us are unanimous in our wish that you consider changing that to preponderance of evidence. The reason for that is simply the reasonable person's standard does not work, it is not reasonable, and it is not accomplishing what civilian review is intended for. And I can give you an example, a current example. There is an appeal before us now. We had a case file review meeting last week at which time we, the crc members, asked for a photograph that was not present in the internal affairs file. The internal affairs department agreed to get that photograph for us and in getting that we'll be interviewing several more witnesses that they did not interview the first time. That changes all the information that is then coming to our committee. But if we use the reasonable person standard, what we are doing is charged with deciding whether the commander made a reasonable person decision in coming up with his or her findings given the information he or she had at the time. But since we have new and different information, that standard seems -- excuse me -- ridiculous. I would strongly encourage you, please, to consider changing that standard. Thank you.

Fritz: May I ask a question.

Adams: Yes.

Fritz: Rochelle is my liaison for the crc, and I really appreciate your frequent briefings, so I would appreciate your opinion on the record as far as what is your response to those who say that

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changing it to the preponderance of the evidence would mean that the crc would become a new separate review body trying the case over again?

Silver: Well, to be honest with you, commissioner, it is that. Because when the appellant and the officers and the union and witnesses come before us during the appeal hearing, information that may have not been -- wasn't at all heard in the original investigation or is said differently or described differently, makes the case different. And given that we hear that information, we can't pretend we didn't hear that information. And our job is to decide whether the officer or officers involved were within or not within policy, given the information that we hear and read and see. And that is sometimes -- and I must say frequently -- different than the information that the commander had at the time that they made their decision.

Fritz: So what you and others are saying, is that yes, you should be able to be a second review body?

Silver: I believe, yes.

Fritz: Thank you.

Adams: Thank you for your testimony. Hi, thanks for waiting.

Laurie Benoit: Hello my name is Laurie Benoit. I have lived in Portland and went to buckman school and other schools in the state, graduated, I have a bachelor's degree in management, I'm an occupy Portland person. I agree with the first gentleman about the horses. They were also used at Jamison square where I was arrested during a peaceful protest there. And I can tell you that the police have been extremely violent. I was injured at that park and after I was taken into custody on October 30th, and it's -- what the police are doing to us is it's unconscionable. They're terrorizing us and torturing us. There was a 16-year-old and his sister, a 17-year-old, who were in the same van I was and I watched how -- what they did to him and he was saying he was a minor and saying he was a 16 year old and the things they did to him and said to him should never be done to anybody, much less, you know, a 16-year-old. Somebody, you know, who kept telling him, that he was only a minor. And the things that they had to -- that they did to us, when they terrorized us as well as the things they said should never be done to anybody and I think that Portland has a bad reputation for their police force. I had never seen it first hand, I had never been arrested or never been in a jail until that particular day and I'm very sad to say it was not a good situation. It's the only time in my life I thought I was going to die. And it's -- it's bad.

Fritz: Thank you for your testimony. Have you filed a complaint?

Benoit: I have not.

Fritz: There's folks who can help you.

Benoit: Thank you.

Adams: Ms. Browning?

TJ Browning: Thank you. Good afternoon, I'm not going to go through what I've done. It will take all my three minutes and then some. But 20 years ago when I got started in this arena, I made a trip to northwestern, I had read a publication by Warner Pederson, who was at the time with the Justice Department, advocating civilian re-boards. And it was kind of a new animal at the time and so I went and talked to him. And he was very generous with his time. His job at the justice department was to go into cities where the police departments had been taken over by the Justice Department and his #1 job was to restore trust between the bureau and the community they served. He told me, in no uncertain terms, his most potent tool he had to do that was a civilian review board. Now he didn't go into with me about what types or how to set them up, but he knew if you're going to bring trust to the bureau, a civilian review board was the most effective way of doing it. Now, move ahead several years, we got rid of piac, which was an auditing system and started marching toward the civilian review board and primarily on the basis that we are a

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community policing agency. We all walk the – we all talk the talk we're all very proud that we're a community policing agency. But one of the four major components of a community policing agency is accountability and it's considered a cornerstone no matter how you research it. We need an effective system that's trusted. As long as the police investigate their police, it's not going to be trusted and I'm not saying anything bad against our bureau. It's human nature to protect those we surround ourselves with. We all understand human nature and to expect them to go contrary to human nature is not something that the normal person on the street would agree with. Secondly, the reasonable person standard, I don't think it will muddle the lines at all. I think it will actually sharpen the lines and make everybody's understanding of the situation a lot clearer. You know, we can all agree in this room on one thing and that's what we all want a professional police force. The police want to be treated as professionals and considered professionals. You all want to have a police force that's professional as do the citizens. We owe it to the police bureau to have a system in place that can be trusted by the public and we owe it to the public to give them a system they can trust. It is a win-win situation. Please, look at those recommendations. But the review of -- a standard of review and the police investigating the police are two of the major things I think really need to be addressed.

Adams: Thank you. Thank you for your testimony.

Moore-Love: And also we had two people who didn't get to sign up who asked to speak.

Adams: Uh-huh.

Moore-Love: O.K. You can come on up.

Adams: Anyone else? We have one final chair. Ma'am, please begin.

Sylvia Zingerser: I'm Sylvia. I am a member of national alliance on mental illness for Multnomah County and I also sit on the crisis intervention training advisory board representing NAMI Multnomah. And I'd like to speak personally as well as for NAMI. I do support reverend Haynes with the AMA and Dan Handelman and I think there's been a lot of testimony that's been very clear and well thought out. It's been interesting to hear that the police department has people here recommending a training facility. I would say probably that's probably needed. I would support that. The other thing that I would support and would hope everybody would consider along with that is a quality assurance program that would help measure how the police department is conducting their work. And they would be able to find the systems problems that are not working. It's not meant to be policing them selves. And I think that commissioner Fritz understands how quality assurance, so if you need to know more about that, she could probably explain that to you. Thank you for this opportunity. And that's -- let's be a new Portland and change the paradigm and do community policing and look to do things differently and be supportive of the police as well as the community and get back to some real community policing. Thank you.

Adams: Thanks for your testimony.

Zingerser: You're welcome.

Adams: Hi, welcome.

Eric Rothman: Hello. My name is Eric Rothman, and I'm member of the national lawyer's guild, I'm on the Portland chapter policy board and I'm also on the national executive committee representing Oregon and Idaho and I would like to follow up on a few things that Ashlee Albies did not get to. So, the citizen oversight process, albeit marginally improved, on account of the new ordinance, remains fatally flawed. There are no independent investigations. There is inadequate review of the reviewers, as opposed to a fact-finding process in the crc. But what I wanted to emphasize, is that the ipr cannot compel officers to cooperate with the ipr's investigations. Now, the collective bargaining process still limits the ipr's authority to compel officer cooperation. The

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city has asserted that granting ipr authority to compel officer testimony is a mandatory bargain subject, however, the Oregon courts have not yet decided this issue. Oregon's employee relations board determines whether bargaining subjects are mandatory or permissive by weighing the management prerogatives against the employee interests. Last year, the erb decided that the Eugene police employees association versus the city of Eugene which came close to, but didn't reach the issue of whether granting an auditor authority to conduct investigatory interviews is a permissive or a mandatory subject. The board chose concurrent in the Eugene police employee's association and prior erb cases indicate that this subject would likely be permissive, and that is a subject the city may bargain about. It is very important that the city not be making public policy in the context of a collective bargaining agreement with the police union. It's simply not transparent to work it this way. Now, a point that Ms. Albies touched on that I'd like to reiterate but in the context of the lack of transparency is the overwhelming number of community recommendations ignored in the process of sort of winnowing down these recommendations. It essentially amounts to the city ignoring the voice of the people without at least a greater explanation as to why these recommendations fall off the table and when the city looks at the voice of the people and narrows that with less of an eye toward explaining why, the people take to the streets is -- you could argue that occupy Portland suggests that, but I think a better parallel, because the occupy is a national movement and that this is an outgrowth of, would be the JTTF protests in response to the revisiting the JTTF resolution we saw earlier this spring. Finally, as Ms. Albies suggested, locking the doors to city hall during this meeting reflects the city's recalcitrance to face the public on this matter and we have an opportunity, as many folks have said, to move forward with transparency and I'd like to add my voice to that pile. Thank you for the opportunity.

Fritz: If I could just comment on that. The mayor and I barely got inside of city hall and the reason for that was not that we don't want the public in here. It was the demonstration going on outside and it's an interesting conflict of different freedoms of speeches that the demonstration was going on in the streets and beside the streets meant it was more difficult for other citizens to get inside into this extremely important hearing. It's not that we didn't want people here. There's other things going on and that I hope that everyone is considering everybody else's civil rights as we move forward figuring out the next steps for occupy and for our whole community. I hope particularly tomorrow morning, I'm going to take advantage of being on television right now to let citizens know if they're trying to get to work or daycare tomorrow, the steel bridge is likely to not be as functional as it usually is. And so buses, light rail and others will be disrupted and I've had emails from cab drivers who said they had to turn off the -- they choose to turn of the meter because they're stuck in traffic because of people exercising their lawful rights to free speech and free assembly. So I just want us all to consider that each of our behavior has impacts on others' rights as well and so I'm not saying that anyone or other particularly trumps. But I do want you to know that it was not, our hope was that we would have had more folks being able to get to this hearing, so that they could give us their input. We also, as the mayor has said, we're not voting on this today we are not even voting on it next week. So there's going to be other opportunities for a public hearing and certainly for public testimony. This is a very complicated issue and there are many, many details within both of the ordinances today. So those are not things you can really express very well in three minutes. I've probably spent three minutes here trying to explain all of this so we do welcome citizens spending more time and giving us more details in writing. And we'll certainly consider that. But thank you for making the point.

Rothman: Thank you for the explanation.

Adams: What was ignored?

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Rothman: Ignored is the shorthand that Ashlee used when she whispered to me. But we note that the stakeholders came and presented a passel of recommendations, 150, I think, and those have been winnowed down, some with more explanation than others and that's really what I was trying to voice.

Adams: O.K. Hi, welcome.

Edith Gillis: Hello, I'm Edith Gillis and yesterday when I came, there were no protesters blocking the way. There were security guards blocking the way. There was only one door open at a time. The security guard kept at least five or ten minutes to prevent me from coming in to deliver a proposed ordinance. There were many ways to stop me from coming in and police outside have being intimidating is one of those. I don't buy the excuse to prevent folks from participating and I hope you encourage folks to participate, or you will lose legitimacy. The reason I came, is because one of the quickest, cheapest, safest, easiest and most credible ways in which you can have more trust and credibility and stay in office and have tax dollars is that you simply have on every police officer, and particularly, every officer, no matter what agency, whether a military or private contractor, whether their from another country, any -- anyone wearing riot gear in the city limits must abide by the following or not be allowed to participate, and would be subject to immediate arrest. And at a loss of pay or benefit and their employer or contractor would not get paid and would be subject to not being hired again. For example, on the chest and on the back, three inches high, one quarter inch thick lines, white fluorescent, their number and their name. Top of their helmet, over their forehead, not blocking the views, back of their head, their number. On their back, three inches, with ne quarter inch lines, on their shoulder, upper arms way from the upper arm guard, in plain view, again, their number and their last name. On the boot at different angles, the number. Three inches from the end of the baton, or the club, would be their i.d. number. At the bottom of the shield would be their last name and i.d. number. This would not impede the police safety. It would not impede the safety of the civilians who are trying to demonstrate their responsibilities under the constitution. It would not allow the kind of situation where this dear woman had to find out who was the criminal attacking her. It would not put in danger the police who are trying to be good cops and are being subject to bribery or harassment or extortion or endangerment because they would tell the truth. They don't have to necessarily tell on each other or be excluded from telling on each other because the numbers would be fluorescent, they would be clear, they would be visible to security cameras and others and anyone who did not have that would be removed or be subject. A baton raised above the crowd as I saw many times Sunday afternoon could be identified as who was the criminal attacking someone.

Adams: Thanks for your testimony. I appreciate it. Sir?

Andrew Crosby: Thank you. My name is Andrew Crosby and I have general comments not technical comments about the different reports that were submitted. I'm a lifelong Oregonian I moved my family to Portland about a year ago, from Bend. And I'm really loving the city. And one of the qualities that comes forward in my experience of the city is it has a softness and inclusivity about it that's unique among cities around the united states and it seems that the community here tries to recognize and involve all different constituents, the homeless are us. Occupiers are us. It's not sort of the city powers versus those with less power and less voice and that fosters a creativity and a sense of community and a sense of functionality which really makes this place a wonderful city to live in. And the rest of the cities around the country and around the world seem to be heading toward more of a police state model. With very over-powered police forces that seem to be gearing up against some impending threat. More power, more armor more weaponry, and, you know, Portland sort of sits at a juncture, it seems right now, with the symbolism of the occupy movement bringing this out, that there will be change in this community -

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- this community is trying to change right now, as is our whole national community and as it does that, there's going to be restlessness, people will be turning out in the streets and I can guarantee you just by what I see, there's going to be more of that, it's just going to be the way of the world for a while here and so we have a choice as to whether we view what's happening as us or as something that we have to defend against. And my view is, it seems like the view and the tone of the city is that when we show up for peaceful protests, that's us out there. Right? When we're somebody who is crossing a line that maybe we shouldn't, that's us too. And as us, that empowers the police force, it seems we need to decide how and when we want that police force to act. Do we want it to taser us? If yes, under what circumstances. Do we want it to ride horses and wear armor and shields and carry batons into a peaceful assembly? If so, what are the conditions of that? The only way that you can get to an intelligent framework for what those conditions are around how we police ourselves as a community is by having very serious, credible, detailed citizen input which this committee has provided, the crc, and then you take the time to listen to and incorporate into your findings. So I would echo a lot of the good sense recommendations that I've heard here today. It seems like there are quite a few on the table that perhaps the auditor dismissed. It seems like maybe there's a sense that they were summarily or casually dismissed. So I would encourage you please take your time, take a look at those, do everything you can at this juncture to ensure that our police force is everyone's police force. Right? And that's good for police as well. It really is. Thank you.

Adams: I appreciate your comments. Thank you all for your testimony. All right, so that is our first hearing, on these two items. We pick this up again on -- whatever date I said. The second hearing, that's the third hearing.

Moore-Love: November 30th.

Adams: November 30th.

Moore-Love: At 2:00 p.m.

Adams: At 2:00 p.m. All right, we're in recess. [gavel pounded]

At 3:55 p.m., Council adjourned.

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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.

NOVEMBER 17, 2011 2:00 PM

Adams: Good afternoon everybody, welcome to the chambers of the Portland city council. Before we take roll and gavel ourselves in, just a few standard protocols, standard announcements. If you want to testify, please sign up on the sign-up sheet. That is out on the table out front. After invited testimony, we will be calling folks in the order that they signed up. If you are a lobbyist, which is defined under local law as representing a business or an organization authorized to speak on their behalf, and you are speaking on their behalf, then you just need to let us know that up front. We just want your name, other than that we just want your name, or if you're a lobbyist just your name and who you are representing. If you're not a lobbyist and you just give us your name, first and last name, we do not want your address, we do not want your cell phone number, we do not want anything but your name. The three minutes for public testimony, there's a clock in front of that hunk of wood, it will count down from three minutes. There's no hooting, there's no hollering, there's no clapping, there's no burping. If you like something and you feel the need to express yourself, you can do this. And if you don't like something, you can express yourself with that. So, with that Sue, how are you?

Parsons: I'm just fine, thank you.

Adams: Have you been out and about this afternoon?

Parsons: I've been kind of tied up in the office, actually.

Adams: You've been occupied in the office? (laughter) The workload. Could you please call the roll.

Adams: [gavel pounded] A quorum is present, we shall proceed. We have three related items, all Thursday -- for the Thursday 2:00 November 17th time certain. Can you read the title for all three?

Item 1240, Item 1241, and Item 1242.

Adams: I'm very pleased today to present for council consideration and for public hearing a term sheet agreed to by key stakeholders to enhance and renew veterans memorial coliseum, and as we do that, to also preserve its history. Veteran's memorial coliseum is the heart and soul of the rose quarter and the city of Portland, the Portland development commission along with the Winterhawks and the Blazers have over the past two years with great input and advice from a stakeholder advisory committee all leads to today. The funding available for the project is currently projected to be 30.5 million dollars, which includes more than 17 million dollars in public money, about \$250,000 will be generated from the project to be used for race 2% for art set aside for artwork related to the enhancement, refurbishment and restoration of Veteran's memorials. More than 7.5 million dollars of the resources, and these resources that I'm mentioning now are from the Oregon convention center urban renewal area, have been set aside to meet the affordable housing goals within the ora. Among the items anticipated to be included in the veterans memorial coliseum improvements, and it is still a draft list, because as we move into further engineering and design we will know more what precisely what the costs of some of this stuff are, but these are some of the high on the wish list items. Seat replacement, improved ada seating, national hockey sized ice rink, remodeled concession stand including ada accessible counters, updated lighting, and ada complaint interior doors, restored landscaping and enhanced memorials, as I mentioned, in the memorial

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gardens, a complete roof replacement, upgraded emergency lighting system, and building wide fire alarm system. The project will pursue a lead gold certification and will be subject to all of pdc's work force training, hiring, equity, and apprenticeship programs. Improvements to the Veteran's Memorial Coliseum and Memorial Gardens will expand opportunities for community use of the facility, they will provide a celebrated gathering place for events and activities while promoting our creativity, livability, and diversity. And despite what some might think, this is helping to preserve and improve what is in reality in the Pacific Northwest one of the most used public buildings around. So with that, I would like to recognize the chair of the Portland development commission, who has worked very long hours on this while I've had other things to do. It also happens to be an area of expertise, and I want to thank you for your great leadership and work in bringing this back to us.

Scott Andrews: Thank you, mayor. Good afternoon, Mayor Adams and commissioners. I -- we are here today, I'm Scott Andrews, chair of the Portland development commission, and I'm project sponsor for the redevelopment of the veterans memorial coliseum. We are here today, and I have Jack Graham from omf, Doug Piper from the Winterhawks and Chris Oxley from the Portland arena management, we're here today to update you on the status of the veteran's memorial coliseum and to discuss the development of a nonbinding term sheet between the city of Portland, Portland arena management, and the Portland Winterhawks. I want to start by talking about why we're investing in the Veteran's memorial coliseum. Over the last three to four years, there has been significant discussion around what should and could happen with the vmc. After a long public process, that looked at all of the possibilities, the mandate was received from the community and from city council that efforts should be made to preserve this historic building. In turn, these efforts will trigger results that move well beyond preservation. First, the creation of a more vibrant vmc that will catalyze future rose quarter development and grow the tax base. When I say that this project will be catalytic, I mean it will have deeply energizing effects on multiple fronts. From an economic development standpoint, investing in the Veteran's memorial coliseum, a city-owned asset, solidifies the future for this facility and sets the stage for potential private sector development within the rose quarter. As long as there's a question mark on the use of this site, it's going to be very difficult for any developer to know what a successful rose quarter development might look like. From a planning standpoint, this project is integral in the rose quarter plan which in turn will be incorporated into the central city 2035 plan. From a sustainable standpoint, the preservation of this historic building anchors it within an innovative district energy plan. And finally, from a community investment standpoint, this project underscores the important role that the vmc plays and will continue to play for all Portlanders. Second, enhancements to the coliseum are expected to provide additional community access to gathering space, recreation, and cultural opportunities that will support neighborhood livability and attract new businesses to create new jobs. And finally, renovations and improvements to the vmc will enhance the convention center setting and environment within the urban renewal area and help present the best of Portland to visitors, there by extending convention stays, return visits, and business recruitment to the region. As noted on the attached term sheet the project budget is estimated to be \$30.5 million. As the mayor told you, the city will provide \$17.1 million through tax increment financing, the Portland Winterhawks are proposing to provide \$10 million, and the project will receive about \$3.4 million net from historic tax credits. I'd like to again remind you that we're able to issue this additional debt to reach the maximum indebtedness without private placement of the bonds. Our dedication of the extra funding to vmc has the added result of additional set-aside resources in the Oregon convention center ura for housing. The tiff set-aside is approximately \$7.5 million and can be used any time going forward. I also want to point out that tiff resources were always contemplated for the use in

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the rose quarter. At this point other remaining occ funding is focused on the rest of the urban renewal district for business development. From a project perspective, the project team has worked hard to strike a balance between capital repairs and operational enhancements. The proposed project reflects that balance as well as the recommendations from a two-year outreach effort with the public and the rose quarter stakeholder advisory committee. Exhibit a in the term sheet provides a summary of the anticipated improvements and the mayor summarized those. We have assigned architect and engineering contract in place, and the design team is hard at work on schematic design documents. The rose quarter advisory committee and general public will review the schematic design progress at a meeting scheduled for Wednesday, November 30th. Once the schematic design drawings are complete we plan to present the project to the Portland commission on disability for ada and disabilities review. Omf will convene a subcommittee on ada for this review with options for follow-up as the design continues. In addition to an improved and enhanced coliseum, this project will result in a significant revamp of the Veteran's memorial garden. From the outset of this project, the team has worked to ensure that the memorial aspect of veterans memorial coliseum remain front and center. There's been extensive involvement and input from local veterans groups. The regional arts and cultural council, 2% for art, will be utilized on the memorial aspects of the building and we had early participation from the racc in helping to formulate the vision for the Memorial Gardens enhancement project. The vmc plays a significant role in the local community. It currently serves more than 400,000 visitors per year, and we anticipate that number will increase with the upgrades to the multifunctional meeting rooms, a community skating program, and the retention of a vital community gathering place with increased efficiency and operational flexibility. When construction commences, the project will use pdc's aggressive mwesb contracting work force training and hiring and prevailing wage policies. These policies will guide our work in both the design and the construction of the project. And in addition, the project will pursue a lead gold rating. On a parallel sustainability track, the shared thermal energy system rfq winning team, 4x and mckinstry is currently involved in exploring the next steps in the implementation of an eco-district strategy for the rose quarter. We're close to signing an mou on this effort. Before I turn this over to Jack, I want to note we intend to bring a sole source exemption to the city council in the next few weeks that would enable Portland arena management to hold a construction contract. We believe pam is uniquely qualified to manage this effort, since they're the exclusive operator of the vmc, have experience doing this work, and will do the project management without collecting a fee, will have the deep familiarity with the building and its operations, and have the ability to deliver a large portion of the project improvements under a vendor direct delivery which is lower cost than having a general contractor do it. With that I'd like to turn it over to Jack.

Jack Graham, Director, Office of Management and Finance: Thank you, Scott. Good afternoon Mayor and city commissioners, I'm jack graham, I am the chief administrative officer and director of the office of management of finance. I would like to make some very brief comments regarding the term sheet that you have before you today for your consideration. First, overall, I believe this project benefits the city of Portland. The veteran memorial coliseum is a major city-owned facility that will receive over \$30 million in investments from private and tax increment financing. This investment will greatly reduce the city's capital liability exposure and help ensure that the coliseum remains an asset to the city. The parties to the term sheet acknowledge the city cannot agree to bear a cost overrun that will increase risk to the general fund. The term sheet also requires that the general contractor provides a guaranteed maximum price for construction costs which will also reduce the possibility that the project will run over budget. In addition to the guaranteed maximum price, the term sheet includes a large contingency of 20% into

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construction which will reduce the likelihood that the project will exceed budget due to unanticipated cost overrun. It should be noted that no general fund dollars are being committed to the renovation of the coliseum and we do not anticipate that the city will issue any spectator fund or general fund debt for this project. The city may, however, play a role in the bridge financing for historic tax credit resources. But at this point it is uncertain as to how that role might be structured.

The bridge financing issue will be addressed as part of the redevelopment agreement which will require your approval. In closing I would like to say that I believe this turn sheet would be a good starting point in negotiation of the redevelopment agreement. Thank you.

Andrews: So Mr. Piper from the Winterhawks and Mr. Oxley from the Portland arena management wanted to make brief statements, and then we'll be ready to answer any questions you might have.

Doug Piper: Thank you. Good afternoon, I'm Doug piper, president of the Portland Winterhawks hockey club. As an addendum to pdc chair Andrew's testimony, the Portland Winterhawks are pleased to be among the parties that have reached this important milestone in presenting the veterans memorial coliseum redevelopment term sheet to the city council today. The Winterhawks remain committed to support the city's efforts to revitalize Veteran's memorial coliseum by playing the dual roles of primary tenant and private equity investor. We're very pleased and impressed with the effort and energy put forth on this project by the city, pam, and pdc and although this has not been a highly publicized process, I assure you that all parties have been working very diligently behind the scenes to meet our aggressive time lines. As it's been our mission from the beginning the Winterhawks are proud to be in a position to contribute to the rebuilding of this nationally registered historic landmark. Like Jeld-Wen field we believe Veteran's memorial coliseum has the potential to be a phenomenal public space that will well serve hundreds of thousands of regional residents from hockey fans, to high school sports enthusiasts, to concert lovers, to our veteran's community. Allow us to take this opportunity to thank city council for providing the support needed to complete the restoration of Veteran's memorial coliseum.

Adams: Thank you, Mr. Piper, and thank you and your management team and your owner for bringing to even greater life the Winterhawks and the fan experience and you've been a great partner on this and we appreciate it.

Piper: Thank you very much.

Chris Oxley: Good afternoon, Mayor Adams, commissioners, once again, my name is Chris Oxley, I'm the general manager for the rose quarter here representing pam, if it's O.K. I won't mention all of our dba's and successors in interest, that's a -- outlined earlier. I'm here primarily to provide support to this group, chair Andrews has outlined in great detail where we stand as of today. For me I think it's important to publicly compliment the groups that have been involved and have gotten us this far and the Winterhawks, omf, pdc, and the veteran's community. I'm personally excited to play a part in this project, and in the very near future be able to deliver back to the stakeholder advisory committee some outcomes over the -- from the past few years. So that's an important element for us, and we're looking forward to that opportunity. We do have an aggressive schedule ahead of us, one we believe we absolutely can meet, and I wanted to express our continued commitment to this project and moving this forward as expeditiously as we can to meet the deadlines coming and deliver the Winterhawks and the rest of our users, a building that we can all be proud of in the very near future. So with that I'm primarily here to answer questions and provide any feedback to council. Thank you.

Fish: I have a question just really to refresh my recollection on the term sheet, paragraph 8. It talks about community benefits and enhanced community usage. And the clause states that the public will continue to have access to the plaza space outside the mc for community events, access to

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meeting rooms inside vmc and access to vmc for ice skating. I understand the skating piece, but could someone remind me what is the current level of public access to the plaza and to the -- I guess we call it ground floor or basement floor space?

Oxley: I would be happy to. Specific to the plaza, which is significant community use, I don't think there's a weekend that goes by throughout the summer that that isn't active and alive. Just going back through probably this last summer, it hosted fight for diabetes walk, the down syndrome buddy walk, stroll-a-thon for vets, march of Dimes walk has been there for as long as I've been there, and that's starting to be quite some time. Making strides for breast cancer walk, girl scout bridging walk, the uses for that space are significant. And we'd like to create more opportunity, a lot of those happen particularly in the summer, we'd like to see some additional opportunities throughout the year for use of that space. As it relates to the coliseum itself, we have a thriving high school hockey program going on already, much like what the hawks are doing at their skating facility whenever there's ice available, we've got hockey teams using it as much as we possibly can. We want to expand those opportunities, particularly in the daytime. This last year the coliseum was used for the first time by the cascade aids. Had a wonderful -- amazing, amazing event. That really brought the coliseum to life. I think for us it's just creating an environment within the coliseum through this project to re-legitimize the space in some form or fashion with regards to the public. And if we can get it to a level in which we can all be very proud of, I think it's going to open up more opportunity for people to see it as a vibrant usable and open space.

Fish: If I could Mayor, just two follow ups. I've been to some events inside the coliseum that had to do with high school sports and high school graduation. Does the reconfiguration that's being contemplated here allow for those events to continue? I know they do high school dance competitions, other sporting events, and then it's a Portland public schools does its graduations there. Would that still be accessible?

Oxley: Absolutely. Tom Welter has been a long-term partner and user of the facility, OSAA wrestling tournament is a wonderful event for us that brings people from all over the state and brings a lot of folks to Portland. The dance and drill competition, their cheerleading competition, we'll do nine to 10 straight days of high school graduations in June. Absolutely, you know -

Fish: The only difference is now the seats will be a little more comfortable.

Oxley: The seats will be a little bit more comfortable, and we would like to think the entirety of the building will be something that's a little more accessible. But those are -- my philosophy going into this, and quite frankly I've been trying to drive this home from day one, is that we do no harm particularly to the users that have been consistent and loyal to the building for as long as I can remember. We wouldn't want to do anything that compromises that.

Fish: And Chris could you remind me, how do we permit, how does the space in front of the Veteran's Memorial Coliseum get permitted, and I'm talking about the plaza area, the partially covered, the area in front facing north?

Oxley: There's a program in place through omf that they can request use of that space at no fee. And that's something we would continue generally they're going to be responsible for their direct costs involved of utilizing the space. The same can be said for the exhibit hall and some of the meeting rooms. We've continued to make those available.

Fritz: When we renamed it we had the ceremony there, and I've never stood looking out from the coliseum before because I'm always focused on getting inside, and it was really beautiful. That's a wonderful space. So I'm really glad to hear that's available. My only question is, is there going to be a dedicated office space for the veterans inside the coliseum?

Oxley: It's been contemplated as more of a meeting space, an available meeting space. Those meeting rooms in the coliseum have always been available to the veterans. We'd like to create

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once again a better environment for them as well to have the desire to have more meetings and opportunities to commune within the coliseum. It's one of the conversations being had as it relates to the meeting rooms, that we can dedicate something that is advantageous for them from size and accessibility within the building.

Fritz: Yea, that would be something that I'd like to see. Whether it's a service center to help veterans get service or something that is open five at least or seven days a week that's their space, I think that would be really nice.

Oxley: Understood.

Adams: Thank you, gentlemen. I'm going to save Mr. Stacy to last, because we have four chairs. You may return to your seats. But the next four please come forward, if we could have Brian Libby, Judith Mowry, Joseph Readdy and Stuart Emmonds.

Adams: Hi. Welcome. Glad you're here. Mr. Libby.

Brian Libby: Thank you. My name is Brian Libby, I'm here on behalf of the grass-roots volunteer organization called the friends of memorial coliseum. I appreciate the opportunity to speak here, by the way. I'm also in a certain respect here on behalf of three organizations that have expressed their support for the restoration of memorial coliseum. The national trust for historic preservation, the American institute of architects, and the U.S. Green building council. And if it's ok to say so, I'm also here on behalf of my grandfather, who is not able to be here but is a world war ii vet who landed at the beaches of Normandy and wanted to express his support as well for the building. I make my living as a journalist and have spent the last 10 years or so in Portland, mostly covering architecture and visual art for a variety of publications. And the memorial coliseum is the one situation where I felt it necessary to step beyond my normal role as an impartial journalist because I grew up honestly because I grew up in Portland and in Oregon going to this building and then as I became involved in architecture, developing a passion for it is kind of the epitome of the world war ii generation's contribution to architecture, and I just wanted to come here and emphasize among other things, that it's a unique building not just in Portland, but in the united states and the World. As best I can tell, the coliseum is the only building in the world, the only arena in the world with a 360-degree glass view to the outside. It is also a veteran's memorial of course, but from my architectural perspective I wanted to express the idea that the entire building and not just the veteran's memorial is a tribute to veterans and that the design of it expresses a kind of openness that is supposed to symbolize hope after world war ii. And that's why it's more than a basketball arena and it's more than a concert hall. Even though there's great as a lot of these good people have talked about, there is great economic reasons and a lot of substantial reasons in a more bona fide economic way to restore the building, but I guess my perspective here is to maybe emphasize kind of a broader cultural idea that great cities preserve and protect their greatest cultural treasures whether it's a painting, or a park, or a piece of architecture, and when they don't, it becomes a kind of unfortunate black mark, be it Penn station in New York city or any number of other cases. So this restoration of the building in my mind is an expression of Portland's values in a variety of ways. Economically, yes, again, but also culturally. So obviously there's a lot of work to be done in the rose quarter, and it's not a frivolous thing to spend an amount like \$30 million, but I just would like to humbly thank the council for what they've done so far to shepherd the building and really encourage the idea that its restoration on top of all the economic and sustainable reasons is also an expression of Portland's values as a pioneering city that finds the way -- finds as way to do things the right way. So thank you.

Fritz: Brian thank you so much for your work bringing to my education that the importance of the coliseum and would you please say a personal thank you to your grandfather, I wouldn't be alive if it wasn't for what he and others did in Normandy.

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Libby: Thank you.

Adams: Here here. Ms. Mowry.

Judith Mowry, Office of Neighborhood Involvement: Thank you, hello commissioners, Mayor my name is Judith Mowry, and I work with the office of neighborhood involvement. And I was asked to talk about a conversation that we've been having for the past two years that I've had the pleasure and honor of facilitating between the Elliott neighborhood association and Pam. It began as a conversation about a potential good neighbor agreement between the Elliott neighborhood association and Pam looking at issues like litter, parking, and really the impacts from laser games, mostly. Over the last two years we've expanded the conversation to really start talking about it as a partnership agreement. There's so much going on there, in the interest of the Elliott neighborhood association, the interest and sometimes the anxieties, there's so much going on there, and they fear sometimes it's going to be forgotten this is a neighborhood. And -- but we've gone from issues of litter and parking into conversations about connectivity, sustainability, parking, and livability, mitigation, mitigating the impacts on livability, but more than that, enhancing the opportunities to enhance the livability. Talking about things like what the community agreement benefits look like, it's been a really rich conversation and I think Pam has been a great partner in this. Angela Kremmer and Mark Warwick have worked very hard from the Elliott neighborhood association, and really looking at community connectors. And I think I was very moved by what you said, and the word restoration really rings with me as most people know, but I think there's really an opportunity to reconnect the community there. That's what I keep hearing from people. So we've been having a conversation that looks at identifying common interests, but even more than that, exploring what may appear to be conflicting interests and I think one of the things that's been great about the conversation is we found that underneath that there are often a lot of common interests and different ways to think about it. I would also like to thank particularly I have to thank Justin for his work from Pam, because he has been very helpful in connecting in a lot of the meetings he has updated the Elliott neighbors on all these other projects. And as I said, there's a feeling that there is just so much going on in that area, and the Elliott neighborhood association feels like a very overstretched volunteer group, and I think this conversation has been very positive around reconnecting people to a sense of history as a neighborhood in that area.

Adams: Thanks for your work very much. Appreciate it. And Mr. Readdy, I want to -- before you start I just want to remind folks that the stakeholder advisory committee has worked tirelessly going through details of what has been tried in the past and failed, and really helped me and others understand that past failures to renew and renovate, rejuvenate, and bring to it its full potential for the entire portion of this neighborhood really were blocked by a lack of decision on the future of Memorial Coliseum. So veteran's Memorial Coliseum. So I want the council to be reminded that Mr. Readdy is representing a group of 28 or so stakeholders that have done a fantastic job. So thank you.

Joseph Readdy: Thank you. Thank you commissioners, thank you Mayor. I have no great sentimental attachment to this building. Before this whole issue arose, my primary memories of this building were five miserable days spent downstairs in the exhibit hall struggling through my architectural registration exams and no Blazer victory or Winterhawks win has ever made up for that. (laughter) But when the issue of demolition came up, it just didn't make sense to me to contemplate demolition without first establishing what the value of the building was. So I spoke up, demanding that, asking for that, and I got my wish. And I got appointed to the stakeholder advisory committee. So my participation over the last two years has demonstrated that this building does have value, it contributes economically, socially, culturally to the exchange and energy of the city, it has a large number of constituents, it has a large number of uses, it has

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tremendous potential, it also has a very long list of deferred maintenance items that this bill before you today represents the first step. So I hope you'll take that first step today. Thank you.

Adams: Mr. Emmonds.

Stuart Emmonds: Thank you mayor and commissioners. I'm Stuart Emmonds, cofounder of Friends of Memorial Coliseum with Brian. And the friends have had much to do with saving the coliseum. We helped get it historically registered and we have been kind of tireless advocates for a restoration of the coliseum. We have a nationally historic landmark now and it embodies a moment in our history where the future was embraced and it's really a key piece of Portland history now. It's just simply an architectural masterpiece on an international scale. And when it gets rejuvenated and lit up, it will become obvious. I'm excited that we're going to create jobs and starting in January and on into, if James will get the drawings done in time, in July, we'll have many new jobs for Portland. I'm excited about 7.5 million dollars going to housing. And I'm also -- I think it's great that money will not be taken out of the mlk and interstate corridors, and it will be really focused on this area. We've always seen a rejuvenated coliseum; this internationally recognized masterpiece as the nucleus for the rebirth of the rose quarter. And I can see articles in national periodicals and I think we're going to be able to really market this building for the benefit of the entire area. I hope when my son graduates in June they open the curtain up, because when the curtain is open in this arena, it is one of the top arenas I've ever been in. It is just extraordinary. The daylight coming in, and the form of the bowl. The concourse has the best view of downtown Portland, and it is a great event space. So I hope mayor and commissioners we can do some parties at the rejuvenated memorial coliseum, because it's really a great place to gather our community.

And then third thing. Lets see, the third thing --

*****: [inaudible] epa [laughter]

Emmonds: EPA The third thing. I remember Mike. I remember my third thing. So hopefully I love trees, but maybe we can take a few of the trees down around the coliseum, because I can see people driving into the city on the banfield or walking on tom mccall park or the river, or whatever, and coming down i-5 or within the neighborhood on the neighborhood streets walking, driving, biking, and seeing this glowing and maybe we have dynamic lighting within the coliseum, there are all sorts of opportunities where we can light the bowl. And this can really be a beacon for our city and for -- and we'll say, that is our tribute to our veterans. Thank you.

Adams: Thank you all very much. Appreciate it. That is a good segue to introduce our last invited testifier, but the most important, Tony Stacy, who is also a member of the stakeholder advisory committee representing veterans on this, and many other issues.

Tony Stacy: Mayor, commissioners, thank you for allowing me to sit here today. I have two different outlooks of the veteran's memorial coliseum. Not first -- or most important, but from the sports advocacy end of it, the veteran's memorial coliseum has a very strong tradition and history when it comes to sports in Portland. There's been a championship, there's been many children, many families, many community members that have passed through those doors on the veterans side I speak for the veterans community as part of the other communities when the veterans say they're very appreciative of what you have done so far in the renaming and rededication of the building, but most importantly recognizing the veteran's community as partners in this project has awakened quite a few veteran's that have been sitting on the sidelines waiting to see what happens.

Because of the Portland Winterhawks, aeg, the Portland trail blazers, and most importantly, the Portland development commission, I have seen a paradigm shift on the thinking of how veteran's look at the veteran's memorial coliseum. When we discussed it two years ago, the veteran's community thought the project was going to go forth. Now it has. We're looking forward to being a financial partner as far as the veteran's memorial gardens, we have commitments from members

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of our veteran's community for monies that will be put in for the refurbishing refit of the memorial gardens, and we have some ideas of some events and projects that can take place at the veterans memorial coliseum that will help fund the continual use of the memorial gardens and the veterans memorial coliseum. There's been a lot of hard work that's been done. I'd like to thank all the staff from the mayor and commissioner's offices, I'd like to thank the staff from pdc, particularly Kevin Brake, who always takes my phone calls and emails, and I'd like to thank the staff of aeg and the Winterhawks who have opened their doors and invited the veteran's community in to participate in their events. This is a historical day for many. I'd like to say thank you again on behalf of the veteran's community, they're watching, and they're ready to stand up when you need them. Thank you.

Adams: Thank you sir, very much. We really appreciate it. All right, we'll now we'll open it up to public testimony.

Adams: Mr. Perkins, welcome back.

Brad Perkins: O.K. Mayor Adams, and commissioners, thanks for allowing me to speak. I am part of the panel having to do with Sullivan's Gulch trail, for its improvement and vision. But also I'm a part of the urban renewal area committee for occ, Oregon convention center. It seems like this is going to pass and I don't want to cause any rain on the parade, but I just hope that this building is as successful as possible. There are a few questions I have regarding issues of cost versus return on investment, I hope that the Winterhawks increase their crowd numbers so that there's a great more out pouring of dough that comes into the building and it becomes a success. I really do, because I used to have a company in preservation myself, I know the importance of historic buildings and preserving them. I just wish our urac committee had more participation in this, because we would have had the opportunity to speak and drain down on the numbers a bit more. One of the ways in which we can make this more successful is to have more critical mass, in other words, more people coming down to that area. During the whole process of review of this building, there wasn't enough in regards to a master plan of the area, especially between Interstate Boulevard and the river. And being on the Sullivan's Gulch corridor trail committee, and also the fact the Willamette greenway people have received money for that improvement as well, it's logical to say that there will be a great need to plan inside that area for both bicycles and new rail. If we're going to have any connection to the river, we've got to move the old tracks, union pacific tracks over and include a possible station for commuter rail to Vancouver, Washington. Vancouver, Washington, which would be part of the same system to Vancouver, bc, part of a high-speed rail system. So we need to look at the possibilities of improving the infrastructure, increasing the possibility of a great hub down there that's already begun with streetcar and light rail. And bikeways hopefully, that it could be a dynamite location to bring in tens of thousands of people per day every day of the year and become a tourism and transportation center for the whole region. And I hope that we are able to delegate some money for that purpose, the north-northeast quadrant study doesn't seem to have that as a high priority. The highest priority for that group is improvements of i-5, widen it for greater access to the garden. Which is fine, but we must also plan for alternative modes of transportation as well in that area. And help improve success of the coliseum as well. Thank you for your time.

Adams: Thank you sir. Alright, unless there are additional council questions, Sue, would you please start calling the votes.

Leonard: I have appreciated the work mayor Adams has conducted in facilitating the place that we are at, and I think that the project as presented is sound and makes sense. Just for the record, I want to make clear that for me, the memorial coliseum - I grew up in inner northeast Portland, I went to my first concert at the memorial coliseum, I graduated - the Beach Boys 1964, graduated

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from high school there in 1970, I have very many deep connections to the memorial coliseum. With all due respect to my friends in the architectural community, I've also been privileged to travel the world and I've been inside the Sistine chapel, I've been inside Saint Peter's basilica in the Vatican, I have been to and inside Westminster Abby, those are truly architectural masterpieces. In my humble view the coliseum is not an architectural masterpiece. It certainly is a building that is where it's at, and we need to accept that it is where it's at and it needs to be used to its highest and fullest potential and my vote today is for that reason, not that I consider it an example of the highest and best architecture. In many ways I have said in many venues since I've been here and I think in some ways it does a disservice as a memorial to veterans. I was there when the coliseum opened; it's hard to find the memorial. I would have preferred to have it designed where the memorial was out more open to the public so people could look at it and see it for what it is. The example I've always used is if you took somebody such as my grandchildren who is 12 years old and sitting in front of the coliseum and asked him what does that represent, and he'd say, that's where we go see the Winterhawks grandpa, or, that's where the blazers used to play. Not, that it's a memorial to veteran's. So I don't mean to diminish the action that we're taking today, but I do feel compelled for as long as I've been in this debate and as hard as I've tried to make sure that site was used for its highest and best use, with all due respect to all the partners, I don't think happens today. But that's a battle that happened, and I didn't succeed at. But I do think that given that we have the coliseum and it is what it is, it requires to have the investments made that are being made, and it needs to be used in a way that maximizes the utility for Portlanders to interact within it. As I said, my grandson and I do go to Winterhawks games. I enjoy going to the coliseum to watch the games. I really like going and watching them in the rose garden. And I hope the experience that occurs after this investment in the coliseum reflects the experience that happened at the former pge park now Jeld-Wen field. It is a remarkable transformation that occurred in that venue as well, and I can tell you my experience watching Portland state Vikings games there is exponentially greater for myself and Cole, and my wife than it was prior to the investments. So I can only hope that this approaches that kind of transformation when the project is completed. So it is out of respect to the work that the mayor's done, with what it is that we have to work with that I am pleased to be able to support this resolution. Aye.

Fritz: Well, beauty is in the eye of the beholder. And I actually do, having come from a European country with those great historic landmarks, it's a different kind, but I think it's really beautiful. And I appreciate that gracious speech commissioner Leonard, because that is recognizing that we have made the decision to move forward with it and that it now requires an investment of funds to maintain the city's property and to make very good use of it. Since the spectator fund no longer has the funds for the improvements because that fund was used for Jeld-Wen park improvements, this creative financing and this investment of public money for the building is necessary, and I think it is good economic development investment to create a more vibrant coliseum and indeed part of a vibrant rose quarter. The point was well made we need to make the entire quarter work better, and be more in use 24/7. This is one piece of that and I think it will revitalize and give more energy to the coliseum. And indeed bring it to its finest use, which is as a veteran's memorial coliseum. And I think that those who gave their lives in the great wars and others, will be glad to know the community will be coming into this space with their name to enjoy the freedoms that we have here in America. I appreciate that the Winterhawks are dedicating such a huge investment in making sure they remain part of our community, and appreciate that community spirit and the blazers, Portland arena management doing -- continuing to do the management so it is managed in the holistic manner makes sense to me. I appreciate that the 2% for art will be dedicated to enhancing the coliseum and the veteran's memorial, etc., and I also appreciate the renewed commitment to

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work with the Elliott neighborhood association. That was a very commendable and different part of today's discussion that I don't remember having heard in many other projects at this stage, that there's been such an urge to reach out to the neighborhood and recognize that this building sits in a neighborhood which has experienced a lot of changes over the last 100 years. So thank you mayor Adams for leading this. This has been a challenging balance between a lot of community involvement and your leadership in saying which way to move forward, chair Andrews, thank you so much for your leadership on this and your expertise shines in this. And I'm really looking forward to getting done in good order, I am looking forward to those good jobs that are going to be going in for our community right now with the local folks working hard to renovate our beautiful coliseum. Aye.

Fish: Originally the only issue I was going to raise was I still have despite all the briefings I still don't understand the icing rule. In light of one of the comments here, I feel a modest rebuttal is required. So the Portland parks and recreation a couple weeks ago received a gold medal as the top park system in the country. And it was an award which recognized 160 years of investment in public spaces. And as we all know, the first public spaces that the city acquired were acquired from two gentlemen named Lonsdale and Chapman in 1852. And 160 years later we have a system that is the envy of the country. And it's been because primarily Portland residents have been willing to invest in great public spaces. And so today we have a forest park, a wildlife corridor on the west side, we have a tom McCall waterfront park. We have a Pittock mansion which we didn't build but we now have the privilege of maintaining. So we have a tradition of investing in great public spaces for the benefit of our community. And as Brian Libby was talking, I just did a quick list of a number of spaces that to me are those cultural treasures which help define our community. I think of the halprin sequence, perhaps the greatest work in the 20th century of landscape design. I think of tom McCall waterfront park, which is unparalleled as a riverfront park. I think of pioneer courthouse square, which once upon a time as Mike Lindberg reminds me, passed on a 3-2 vote of the council. I think of this city hall, which underwent a substantial renovation not long ago and one of the people sitting up here was criticized at the time for aspects of that, but now is a crown jewel of downtown. I think of the train station. I think of bud Clark commons which was recently I believe the mayor was at an event where it received the highest award for architecture in this past year. And those are all public buildings and public spaces, and all of them have either gone through or are in the process of going through substantial renovations to make sure that future generations can enjoy them. As Amanda said, these things are in the eye of the beholder and I've never tried to cast my vote on whether I cared more for baseball or hockey, or whether I thought this building was more beautiful than this building. But I will say personally when Brian said the great cities preserve and protect their cultural treasures; I would have to say that's true of great American cities and great cities of the world. And these are our cultural treasures. These are our equivalent of the great spaces. And long before I came out here, I remember watching the view from a helicopter of the memorial coliseum before a basketball game and I always associated that coliseum with Portland. I think one thing we've learned today is apparently you can be 12 years old and allowed unaccompanied by an adult into a beach boys concert. I would hope that doesn't reflect the current practices of the operators of this facility. [laughter]

Adams: He said he wasn't with his parents. I don't know that he said he was unaccompanied.

Fish: Next time a 12-year-old shows up for an adult concert we should direct them across the street to Disney on ice. But the beauty of a democracy is we can have different views on this, and I have enormous respect for Randy's view on this, and the good fight he waged, and I have great regard for what the mayor is trying to accomplish here, and he's been criticized for not being ambitious enough, or being too limited in the vision, or -- it reminds me of the emails I'm getting on occupy

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Portland and probably at some point, we have to acknowledge we found some kind of happy medium. But the most important thing is, we have been told for some time, please act. Move forward. This today's action allows us to move forward. And I think it is a -- I look forward to the day when memorial coliseum, which has been disinvested in for all too long, is returned to its glory. Because from my point of view, it's an iconic building and a signature building in our cultural landscape. Aye.

Adams: Thank you for the kind words, thanks for the support on the city council, in addition to those that I've already thanked, I'd like to thank Deana and Kevin and Peter Parisot, and Kimberly Schneider before him, her, him, who had this job, Kia Selley who also worked on this. It's a really tough project, there's a reason why 17, 18 years has elapsed without a decision around veteran's memorial coliseum. There's a reason part of that was funding. And to come up with as a creative, it doesn't impact the general fund approach to getting this restored and renovated, in these tough times it's doubly remarkable. Thank you very much for your good work. Aye. [gavel pounded] please call the vote for 1241.

Parsons: We received an email from jim van dyke yesterday asking to refer it to your office because they're working on some changes.

Adams: Oh, it's a nonemergency. It continues on until next week. So unless there's objection 1241 is referred back to my office. [gavel pounded] so done. Can you please call the vote on 1242.

Item 1242.

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

Adams: Aye. [gavel pounded] congratulations. [applause]

At 2:59 p.m., Council adjourned.